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www.mbhp.org

Fair Housing Fact Sheet for Property Owners

1. What is Fair Housing?

Fair housing is a set of principles and laws which mandate equal access and opportunity in housing. Fair housing covers all housing-related activities, from search and application to amenities, management policies, terms and conditions plus termination of tenancy. Fair housing covers persons who are members of a protected class which are designated as groups of persons and their families that historically have experienced discrimination. In Massachusetts, those classes are race, religion, national origin, gender, disability, familial status, marital status, sexual orientation, public assistance (including rental vouchers), and military status.

2. Who must follow fair housing laws?

Property owners, developers, condo associations, and homeowner associations are covered parties under fair housing laws. Their employees, such as property managers, clerical staff, maintenance workers and all others are responsible for performing their duties in a manner consistent with fair housing. Attorneys and real estate agents must act and advise their clients in a compliant manner. Other residents in the building or development can be held responsible under fair housing laws and regulations if their behavior is considered to be discriminatory. Developers, architects and contractors can be held liable under the accessible design and construction fair housing mandates for units built for persons with disabilities and their families.

3. What are fair housing protected classes?

Protected classes are designated groups of people and their families who are covered under state and federal fair housing law. In Massachusetts, the protected classes are race, religion, national origin, gender, disability, familial status, marital status, sexual orientation, receipt of public assistance (including Section 8), genetic information, and military status.

4. What types of housing is covered by fair housing?

To some degree, fair housing laws apply to all types of housing. The private real estate market and all types of government-funded housing must be compliant. Fair housing laws are not restricted to rentals. Condos, co-ops "rent-to-own" and single-family ownership units are covered as well.

5. What types of housing activities are specifically covered under fair housing?

Most housing-related activities are covered to some extent by fair housing laws and regulations. Below are some of the more typical activities but this is not an all-inclusive list.

- Advertising
- Tenant screening
- Determination of eligibility
- Leasing including policies and their implementation such as "no pets", "deposits" or "terms and conditions of tenancy", "housekeeping standards"
- Relations between residents
- Provision of amenities
- Provision of reasonable accommodations and reasonable modifications for persons with disabilities and individuals associated with persons with disabilities
- Eviction and other termination of residency actions

6. Are tenant-screening practices, such as CORI, credit checks and references, acceptable under fair housing?

Yes, you are allowed to do credit checks, CORI and references requests under fair housing as long as you are using the same practices for protected class members as for other applicants.

7. How does fair housing cover familial status?

It is a fair housing violation to deny equal access and opportunity in housing to families with children under the age of 18. For example, a property owner can not deny a family with children under the age of 6 an apartment because it has not been dealed. It is the responsibility of the property owner to delead the unit for these families and comply with fair housing.

8. What is included under the protection from discrimination based on receiving public assistance?

Applicants can not be denied housing because they are receiving public assistance such as rental vouchers (for example Section 8 or MRVP), food stamps, transitional assistance, or veterans benefits, as long as they can demonstrate that they are able to pay the rent.

9. How does fair housing cover military status?

Housing can not be denied to a person because he/she currently serves in the military, is in the National Guard, or is a veteran.

10. What is a reasonable accommodation for persons with disabilities?

Reasonable accommodations are changes or waivers to policies, practices, procedures or services to allow accessibility and equal opportunity for persons with disabilities. Reasonable accommodations can be denied only when they cause an undue administrative and financial burden or if they change the basic nature of the housing. Common examples of reasonable accommodations may be leases in large print, waiving of a "no pets" policy if someone uses an assistive animal, or request for relocation to a ground-floor unit for someone who has recently become disabled.

11. What is a reasonable modification?

A reasonable modification is a physical alteration to a unit or common use area to allow a person with a disability greater accessibility and use of the premises. In Massachusetts, if the property is government funded or there are 10 or more or contiguous units, the owner assumes the cost of the reasonable modification. If the housing does not meet either of these conditions, then the person making the reasonable modification request assumes the cost.

12. Is there financial assistance available for owners who must provide reasonable modifications?

The state-funded Home Modification Loan Program (HMLP) provides low- and no-interest loans to make modifications to the homes of elders, adults with disabilities, and families with children with disabilities. For further information contact MBHP at (617) 425-6637.

13. Where can I get more information on my responsibilities under fair housing?

You can contact the MBHP Fair Housing Manager at (617) 425-6681 for assistance with any questions you may have. He/she can also provide you with appropriate referrals that would be useful.