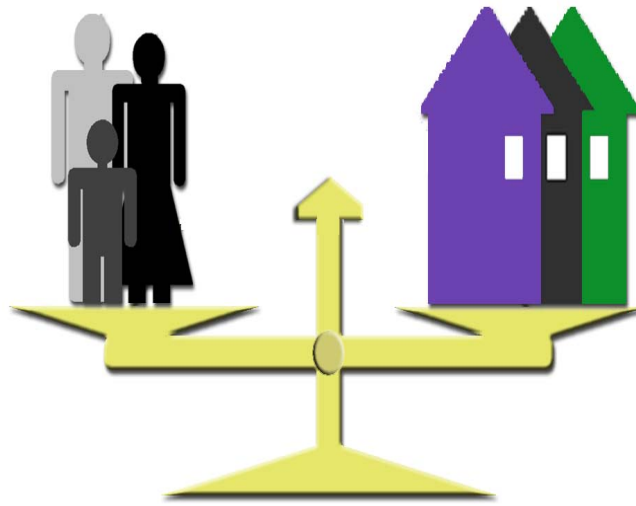


FAIR HOUSING LAW BASICS



Somerville Fair Housing Commission
50 Evergreen Avenue
Somerville, MA 02145
(617) 625-6600 x2564

City of Somerville
Mayor Joseph A. Curtatone



FAIR HOUSING

This document provides basic information about fair housing law, but is only a summary. To learn more, call the Somerville Fair Housing Commission at **617-625-6600 x2564** or check out *The Tenant's Helper: A Handbook for Renters* on the City Housing Division website.

Fair housing means that people cannot be treated differently in their search for housing or during their tenancy simply because of their:

- race
- color
- religion
- national origin
- age (as long as you are 18 or older)
- sexual orientation
- families with children or expecting a child
- marital status
- source of income (e.g. public assistance or receipt of Section 8).
- disability
- sex
- veterans status

People who experience discrimination because of the above characteristics are called “protected classes”.

EXAMPLES OF DISCRIMINATION

It is illegal for owners, real estate brokers and lenders to set different terms or conditions for protected classes. For example, it is illegal to:

- require a household with children to live on the first floor only, not an upper floor
- require a household with children to pay a higher security deposit because of a belief that children are likely to damage the unit
- falsely represent the availability of units (say units aren't available or fail to show units in the price and size range asked about)
- ***advertise (or verbally describe) a unit as 'no Section 8', "no children", "not dealed" or "adults only"***
- refuse to show a unit or to reject an application simply because a person has Section 8 or because the owner does not like Section 8 requirements (i.e. doesn't want to do paperwork, says unit will not pass inspection)
- refuse to show or rent a unit to households with children because it contains lead paint

EXEMPTIONS

While some owner occupied properties may be exempt from some provisions of fair housing law under limited circumstances, there is **NO exemption ever** for

- **discriminatory advertising or statements**, either verbal or in writing, treating a protected class differently (e.g. "no children") or suggesting that you prefer a certain type of tenant (e.g. "ideal for single professional")
- **discrimination based on source of income** (e.g. Section 8)
- **discrimination against families due to the presence of lead paint**

ACCEPTABLE TYPES OF SCREENING

Owners are not automatically required to rent or sell units to members of protected classes. *Rather, the law says owners must treat members all tenants and applicants in the same way, regardless of protected class.* If owners require all applicants to provide income details, credit reports and prior landlord references, they can choose tenants based on this information.

A person can be asked questions that will show whether they meet the eligibility requirements for the unit (that is, the requirements all applicants must meet). For example:

- asked questions that demonstrate that the applicant will be able to pay the rent, including whether they have a Section 8 subsidy
- asked to show that they have a positive credit history,
- asked for prior landlord references, and
- in the case of housing that is specifically reserved for persons with disabilities, asked to verify your disability.

IF YOU THINK YOU ARE BEING DISCRIMINATED AGAINST

If your fair housing rights are being violated, you may be able to file a discrimination complaint. The Fair Housing Commission can provide advice and assistance or help mediate.

To file a complaint, you will need:

- the date the discrimination occurred,
- the names, addresses and telephone numbers (if known) of the person or persons who discriminated (e.g. the owner, broker or manager), and
- any other paperwork that supports your allegation

Under state law, complaints must be filed no later than 300 days after the last act of discrimination occurred (for acts occurring prior to 11/5/2002 the deadline is six months).

Complaints covered by federal law must be filed no later than 1 year. However, **it is good to call a fair housing agency as soon as you experience discrimination.** For example, if you believe an owner is refusing to rent a unit because of your race or source of income, calling an agency that can investigate quickly might help you to get the unit.

A successful complainant can be awarded:

- the unit in question, if it is still available, or a similar unit in the building
- actual monetary damages, moving expenses, storage expenses and other costs
- emotional distress damages
- attorney's fees, if you retained a private attorney.

CITY PROGRAMS TO HELP OWNERS COMPLY WITH FAIR HOUSING LAWS

The City of Somerville offer to owners with low and moderate income tenants loans of up to \$25,000 per unit for **housing rehabilitation** and **lead paint abatement**. Many loans are forgivable (do not have to be paid back) after five years. For information, call the City of Somerville Housing Department at 617-625-6600.

IF YOU HAVE QUESTIONS

Fair Housing Commission staff are available to confidentially answer questions owners, realtors, tenants and buyers may have. They can be reached at 617-625-6600 x2564.

OTHER RESOURCES

The Somerville Fair Housing Commission focuses on discrimination in Somerville. There are two other agencies in Greater Boston that can answer fair housing questions and investigate complaints.

The Fair Housing Center of Greater Boston

59 Temple Place, Boston MA 02111

617-399-4091

www.bostonfairhousing.com

Massachusetts Commission Against Discrimination

1 Ashburton Place - Room 601, Boston, MA 02108

617-727-3990

www.state.ma.us/mcad

U.S. Department of Housing and Urban Development (HUD)

Fair Housing Hub – Boston

1-800-827-5005; TTY 617-565-5453

www.hud.gov/offices/fheo/FHLaws/index.cfm