



*Building Communities,
Changing Lives*

FAIR HOUSING AND THE CTI FAIR HOUSING PROGRAM

AN ORIENTATION FOR ADVOCATES ON IDENTIFYING NEED
AND REFERRING CLIENTS TO THE FAIR HOUSING PROGRAM



HUD FAIR HOUSING GRANT RECIPIENT

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TRAINING GOALS

- Understand who is protected and how those protections are enforced
- Understand what the CTI Fair Housing Program is, what it does, and who it helps
- Understand that case managers and service providers are fair housing advocates, how to advocate effectively, and how to use the Fair Housing Program



IDENTIFYING DISCRIMINATORY CONDUCT

Listen to the story and ask open ended questions

- Example (1)
 - Tenant: My landlord wants to raise the rent and it doesn't seem fair.
 - Advocate: Usually, if a lease has expired, a landlord can raise the rent. Is the rent going up for other tenants?
 - Tenant: I don't know. I'm irritated; she said I should be able pay more because I look old enough to get social security.
- Example (2)
 - Tenant: Are there any resources to help me move? I have got to get away from my neighbor; he just won't leave me alone
- Example (3)
 - Advocate receives sixty day notice of non-renewal because of tenant outbursts



HOUSING DISCRIMINATION – A PERVASIVE PROBLEM

- Who can commit housing discrimination: Anyone providing housing services
 - Landlords, owners, property managers, condo boards, HOAs
 - Realtors, lenders, service providers, local governments, zoning boards
- When can it happen: Anytime
 - Apartment searching and leasing
 - During the tenancy, and termination
- How does it happen: Overt, subtle, and pretext
 - Refusal to rent, terms and conditions
 - Threats, coercion, retaliation



THE WIDE REACHING EFFECTS OF HOUSING DISCRIMINATION

- Housing affects all parts of life
 - Family
 - Community
 - Neighborhood
- Housing affects our health
 - Access to healthcare
 - Healthy environments
 - Stability and safety
- Housing affects access to resources
 - schools
 - Jobs
 - Transportation
 - Community resources (parks, recreation, goods and services)
- Housing access has generational effects



THE FIRST CIVIL RIGHTS LAW IN THE U.S.

Equal Rights Under the Law - 42 U.S.C. §1981 (derived from the Civil Rights Act of 1866).

“All persons within the jurisdiction of the United States shall have the same right[s]...and [access] to the full and equal benefit of all laws... as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.”



CIVIL RIGHTS AND FAIR HOUSING

- Since 1866, Congress has passed many civil rights acts including:
 - The Civil Rights Act of 1964
 - The Fair Housing Act, 1968 (amended 1988)
 - The Rehabilitation Act of 1973
 - The Americans with Disabilities Act, 1990
- Collectively, civil rights laws demonstrate slow and incremental steps toward a continuing pursuit against discrimination



THE FAIR HOUSING ACT – HOW IT WORKS

Prohibits discrimination in housing when:

- The person belongs to a “protected class”
- The person has suffered a housing related harm or unequal treatment
- The harm suffered is connected to membership in a protected class



PROTECTED CLASSES UNDER STATE AND FEDERAL FAIR HOUSING LAWS

- Race
- Color
- National Origin
- Religion
- Sex
- Family Status
- Disability
- Sexual Orientation
- Gender Identity/Expression
- Marital Status
- Age
- Housing Subsidy
- Public Assistance
- Veteran/Military Status
- Ancestry
- Genetic Information

DISCRIMINATORY CONDUCT

Housing Discrimination can happen anytime

- Anytime during a tenancy
 - Application
 - Lease execution
 - During the lease
 - Renewal
 - Termination or eviction
- Anytime during sale and ownership of property
 - Property search
 - Sale
 - Lending
 - During ownership



WHO MUST COMPLY

Anyone providing housing services must comply with the FHA

- Landlords
- Property managers
- Maintenance
- Condominium boards
- Home owner associations
- Service providers
- Local governments
- Realtors
- Mortgage lenders



DISCRIMINATORY CONDUCT

Discriminatory conduct can happen in many different ways

- Refusal to rent or sell
- Otherwise make unavailable
 - False information on availability
 - Steering
- Different terms or conditions
- Discriminatory Statements (oral or written)
- Threatening, intimidating, or coercing
- Retaliation
- Denial of reasonable accommodations and modifications



ENFORCEMENT OPTIONS

- File a complaint with the state or federal government
 - The Federal Department of Housing and Urban Development
 - The Massachusetts Commission Against Discrimination
 - The Massachusetts Office of the Attorney General
- File a civil action (go to court)
 - Federal district court
 - State court
 - Housing Court
 - District Court
 - Superior Court



PROMOTING FAIR HOUSING IS A CIVIC RESPONSIBILITY

Fair Housing is Increased for Everyone When:

- Tenants enforce their rights
- Housing providers know the law and best practices
- Housing service providers intervene



THE FAIR HOUSING PROGRAM AT CTI

- Funded by a HUD grant
- To promote and increase fair housing opportunities
- To protect CTI clients and all renters from discrimination
- Key functions
 - Tenant complaints
 - Fair housing trainings
 - Promote awareness through media engagement
 - Provide online resource library for fair housing
- The Fair Housing Program does NOT provide legal advice



CTI FAIR HOUSING COMPLAINTS PROGRAM

- Who can get help from CTI?
 - Any renter, prospective renter, or purchaser
 - They do NOT have to receive CTI services or subsidies
 - They are not landlords, housing providers, or service providers
 - (This program can provide assistance in other ways, just not through this process)
- What issues does the Fair Housing Program help with?
 - Any housing issue arising out of protected class status
 - The Fair Housing Program cannot assist with non-discriminatory tenant issues like late fees or sanitary conditions (unless these harms are applied based on protected class status), but will make an appropriate referral
 - Err on inclusion when referring to the Fair Housing Program



CTI FAIR HOUSING COMPLAINTS PROCESS

- Intake – complaint received
 - Is there a fair housing issue?
 - Is there a tenant rights issue?
 - Is there another issue?
- Available services
 - Information and resources
 - Brief service
 - Informal resolution
- Referrals
 - To legal aid services
 - To HUD or MCAD
 - To testing programs
 - To other social services
- Tracking
 - Track discriminatory conduct
 - Identify egregious offenders

CTI FAIR HOUSING PROGRAM TRAININGS AND OUTREACH

- Fair Housing Trainings
 - For everyone in housing
 - Tenants
 - Landlords
 - Management companies
 - Service providers
 - Subject matter topics including
 - General overview on discrimination
 - Disability discrimination and reasonable accommodations
 - Discrimination by protected class
 - Discrimination in leasing/evictions
- Fair Housing Outreach
 - Landlord and landlord organizations
 - Tenant and tenant organizations
 - Social service providers and support groups

CASE REPRESENTATIVES AND FAIR HOUSING

- Enforcing housing rights is difficult
 - Requires knowledge, confidence, support, and resources
- Case managers are uniquely positioned to identify discriminatory conduct
 - You have the knowledge and experience
 - You are an expert in providing services
 - You have the facts
 - You have the network
- Embrace the role of a fair housing advocate
 - It happens, look for it, identify it
 - Tell the client, tell the landlord, report discrimination
 - CTI can help stop it



IDENTIFYING DISCRIMINATORY CONDUCT

Identifying discriminatory conduct is fact intensive

- Know the timeline
 - Was there an event that precipitated adverse landlord conduct?
 - Is there a history in the landlord/tenant relationship?
 - A suspect timeline should raise a red flag
- What does the landlord say
 - Does the landlord mention something about a protected class?
 - Is there a laundry list of problems/excuses/reasons?
 - Does the reason for an adverse landlord action change?



CASE MANAGER ADVOCACY

- Is it discrimination?
 - You do not need to know with certainty
 - Modest concerns should go to the Fair Housing Program
- How do I document discrimination?
 - Use your client case notes
 - Describe conversations; details are important (landlord and tenant)
 - Record the date, complete notes contemporaneously
 - Follow-up conversations in writing (email is great)
- Raise awareness
 - Talk about concerns and resources with the landlord
 - Talk about rights and resources with the tenant
- Help make the referral: complete online assistance requests



CTI FAIR HOUSING PROGRAM

- Getting Help from the Fair Housing Program
 - By Phone
 - Office: (978)-654-5736
 - My work cell: (978)221-8921 (use freely)
 - By email
 - fairhousing@commteam.org
 - aginsberg@commteam.org
 - Online request for assistance
 - <https://www.commteam.org/program/housing-supports/>
 - <https://www.cognitofrms.com/CommunityTeamwork1/FairHousingRequestForAssistance>
- CTI FHP Complaint Services
 - Housing discrimination: information/resources, technical assistance, referral
 - Tenants rights: information/resources, referral
 - Out of region: referral to local help

RESOURCES - LEGAL

- Legal aid organizations by region
 - <https://mlac.org/wp-content/uploads/2022/04/MLAC-Legal-Aid-Org-Map-and-Contact-New-Logo.pdf>
- Legal aid and subject matter legal aid organizations
 - <https://mlac.org/help/#lawyer>
- Massachusetts court information
 - Housing Court: <https://www.mass.gov/orgs/housing-court>
 - District Court: <https://www.mass.gov/orgs/district-court>
 - Court Service Centers: <https://www.mass.gov/info-details/learn-about-court-service-centers>
- Filing a Fair Housing Complaint
 - HUD: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint
 - MCAD: <https://www.mass.gov/file-a-complaint-of-discrimination>

RESOURCES – SELF HELP

- MassLegalHelp
 - <https://www.masslegalhelp.org/legal-tactics>
- MADE – complete eviction forms online
 - <https://interviews.gbls.org/run/eviction/#/1>
- Made Up to Code – complete housing code forms online
 - <https://madeuptocode.org/>
- Restraining Orders – complete forms online
 - https://apps.suffoklitlab.org/run/housing_tro/#/1
- Bazelon Guide on Fair Housing for People with Disabilities
 - https://seureservercdn.net/198.71.233.111/d25.2ac.myftpupload.com/wp-content/uploads/2018/05/Fair-Housing-Guide_2018-Update.pdf

HOUSING ASSISTANCE PROGRAMS

- Community Action Agencies by region
 - <https://www.masscap.org/agencies/>
- RAFT
 - <https://www.mass.gov/service-details/residential-assistance-for-families-in-transition-raft-program>
- Housing Consumer Education Centers
 - <https://www.masshousinginfo.org/>

THANK YOU!



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