

Interested in creating teacher or veteran housing?

Questions to ask first.



Education ♦ Action ♦ Results

The Anti-Discrimination Law was written to respond to incidences of housing discrimination within the Commonwealth of Massachusetts. Communities should be sure their actions are in keeping with the goals and requirements of this law.

Does your community receive state or federal housing funds?

If yes, deviation from following Fair Housing guidelines *could* cause concern for the governmental agency. This may be the case even if the funds are not used in an affordable housing project that potentially excludes a protected class.

Do you want the units included on the MA Subsidized Housing Inventory (SHI)?

All housing units included on the SHI must use an Affirmative Fair Housing Marketing plan, approved by the MA Department of Housing and Community Development (DHCD) or other Subsidizing Agency, to recruit tenants or buyers. While a “local” preference” *may be* allowed, it cannot be for 100% of the units or exclusive for a group as narrow as teachers. It may need to include municipal workers, for example. DHCD criteria for local preference may differ from that of HUD. Ultimately, preferences are exceptions to equal opportunity housing and should be tailored to have the least discriminatory effect.

But providing housing for teachers isn’t discrimination is it?

Maybe not, but consider this example: A community creates housing and makes it available only to local teachers. If all, or a distinct majority, of the teachers in the district are one race or gender, the town or city could find itself vulnerable to a discrimination case. Discrimination may not be the intent, but could be the result.

Does your community have a housing plan?

Housing plans are data driven to help communities identify local housing needs. If your plan names certain groups of people (e.g., teachers or veterans) as being disadvantaged in finding affordable housing in town in comparison to other groups, then you strengthen your case when supporting housing that could benefit particular groups. However, this does not exempt a community from provisions of the Anti-Discrimination Law.

There are some allowable exceptions.

DHCD has allowed some housing to be exclusive for one group of people (e.g., homeless veterans) if there is a services component integral to the housing. Additionally, the federal Fair Housing Act allows housing that is restricted for people 55 years old and up.

While a community may have more flexibility if not receiving state or federal funds for a project, the Anti-Discrimination and federal Fair Housing Laws still apply to all.

Massachusetts Anti-Discrimination Law Mass General Law Chapter 151B

The Anti-Discrimination/Fair Housing Law declares that it is illegal to discriminate on the basis of:

- Race
- Color
- Religious Creed
- National Origin
- Sex
- Sexual Orientation
- Age
- Children
- Ancestry
- Marital Status
- Veteran/Military Status
- Public Assistance Reciprocity
- Disability (mental or physical)
- Genetics and Gender Identity

It is unlawful for owners, lessees, sublessees, licensed real estate brokers, assignees, managing agents or unit owners to refuse (on the basis of membership in one or more of the above groups) the:

- 1) right to buy
- 2) right to lease
- 3) right to rent
- 4) right of ownership
- 5) right of possession

(This is not an exhaustive list, plus keep in mind that federal laws apply more broadly than state laws.)

For more information, contact your town or city’s legal counsel, or the Massachusetts Department of Housing and Community Development.