

RACE AND SOURCE OF INCOME HOUSING DISCRIMINATION IN THE WESTMETRO HOME
CONSORTIUM RENTAL MARKET

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EXECUTIVE SUMMARY

Introduction

Access to fair and equal housing is fundamental to one's safety, stability, and overall well-being. Housing impacts every facet of one's life including access to education, healthcare, and economic opportunities. Every person deserves to have the same access to housing and should have the freedom to choose where they want to live. Despite legal protections, housing discrimination based on race and source of income remains a barrier to housing choice.

Purpose

This project aims to address barriers to fair housing within the 13 Consortium communities, including Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Newton, Sudbury, Waltham, Watertown, and Wayland, by conducting housing discrimination tests to reveal instances of discrimination and by identifying actionable and measurable solutions that will decrease discrimination. The *2020 WestMetro HOME Consortium Analysis of Impediments of Fair Housing* identified and committed to fair housing testing as one way to investigate and address discriminatory practices. Specifically, this project investigates levels of discrimination within the communities against renters based on their race or source of income. The goal of this project is to affirmatively further fair housing in these communities and to promote fair housing practices and policies.

INTRODUCTION

History of Housing Discrimination and Federal Laws Relating to Fair Housing

“Discrimination in the housing industry based on race and color has existed since America was born, and for centuries, it was legally protected and enforced.”¹ In the early 1600s, as colonial settlements and slavery began to take shape in America, so did housing discrimination.² Enslaved persons were often viewed by white settlers as inferior and thus underserving of rights to own land or property.³ During this time, property ownership was reserved almost exclusively for white males.⁴ Even after the Civil War, it remained difficult for Black Americans and people of color to purchase land and own homes. Following Emancipation, slave holding states enacted policies prohibiting Black land acquisitions.⁵ In other states, legally enforced residential segregation forced people of color to live in designated, and often less desirable, areas, thus preventing them from accessing housing and wealth-building opportunities.⁶

During the early 20th Century, a new wave of housing discrimination policies were introduced when the Supreme Court handed down decisions on two cases that upheld restrictive covenants and exclusionary zoning.⁷ “Exclusionary zoning” describes the use of zoning ordinances and building code requirements as a tool to exclude certain types of land uses within a community.⁸ Similarly, “restrictive covenants are provisions in a deed, mortgage, or other fair housing document that regulate the ownership or use of a property.”⁹ Restrictive covenants became increasingly popular as a way to maintain white neighborhoods.¹⁰ Shortly after, in 1934, the Fair Housing Administration was established and soon began to further segregation within the United States.¹¹ Using a policy called “redlining,” the Fair Housing Administration refused to insure mortgages in and around African American neighborhoods while simultaneously insuring mortgages with the requirement that homes be located in white-only neighborhoods.¹² These acts “contribut[ed] to urban decay and the growth of White suburban neighborhoods, while discriminating against Black/African American and other non-White communities.”¹³ From that point up until 1962, Black households in America received only 2% of government-backed mortgages and gained none of the equity appreciation white households did.¹⁴

The Fair Housing Act of 1968 (FHA) was enacted on April 11, 1968,¹⁵ one week after Dr. Martin Luther King Jr.’s assassination. The FHA prohibits discrimination based on a number of protected classes.¹⁶ Dr. King’s advocacy was closely associated with fair housing and President Lyndon Johnson urged for the Acts passing as a tribute to Dr. King’s legacy.¹⁷

The Fair Housing Act “prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowner’s insurance companies whose discriminatory practices make housing unavailable to persons because of...” their membership of a protected class.¹⁸ A protected class is a category of people who benefit from protection under anti-discrimination laws.¹⁹ The protected classes specified under the Fair Housing Act include race and color, religion, sex, national origin, familial status, and disability.²⁰

Commonwealth of Massachusetts Antidiscrimination Laws

The Massachusetts Antidiscrimination statute enumerates additional protected classes to those contained in the FHA. The Massachusetts Antidiscrimination law, also known as Chapter 151B § 4 (“Chapter

151B”), adds protections based on gender identity, sexual orientation, genetic information, ancestry, age, marital status, and military status.²¹ In addition to the protected classes covered by the FHA, the Massachusetts Antidiscrimination law also protects against discrimination based on receipt of public assistance, also referred to as source of income. This means the Massachusetts Antidiscrimination law protects individuals against discrimination because they receive a Section 8/Housing Choice voucher, SSI or SSDI, Residential Assistance for Families in Transition (RAFT), or Medicare assistance, among other types of public assistance.

Chapter 151B prohibits landlords, real estate agents, or property managers from:

- Refusing to rent to somebody because of their housing voucher,
- Refusing to negotiate with somebody because they have a housing voucher,
- Setting different terms, conditions, or privileges for an individual because they have a housing voucher,
- Refusing to comply with a requirement of the rental assistance program,
- Telling a voucher holder the unit is no longer available in order to avoid renting to them,
- Placing an advertisement for housing that says individuals with housing vouchers cannot apply, or
- Using qualification criteria or procedures that would exclude voucher holders.²²

Housing Discrimination Testing Program Overview

The Housing Discrimination Testing Program (HDTP) is part of the Suffolk University Law School’s (SULS) Center for Housing Justice and Policy, which is centered in SULS’s Clinical Programs. HDTP has over a decade of experience coordinating housing discrimination tests, conducting empirical studies measuring and identifying trends within housing discrimination, representing victims of housing discrimination and educating community members and partners on their rights and responsibility within the housing market.²³ HDTP has conducted over 1,000 housing discrimination tests, trained thousands on fair housing topics and recovered thousands of dollars for victims of discrimination.

CONSORTIUM TESTING MARCH 2023 – JANUARY 2025

Methodology

Housing discrimination testing is an investigative tool used by fair housing agencies to uncover illegal housing discrimination.²⁴ For this project, the HDTP recruited and instructed individual testers to contact roughly 130 different properties advertised as available for rent. The properties were primarily randomly selected within the Consortium communities. HDTP trained the testers who participated in this project on testing procedures, techniques, and fair housing laws. HDTP trained the testers to be objective and unbiased. The testers were not associated with the subjects tested and they had no economic interest in the outcome of these tests.

Outside of a small handful of tests that involved an individual tester, HDTP conducted “matched pair” testing in order to analyze a housing providers behavior. For the purposes of this project, the term housing provider refers to real estate agents, real estate companies, property managers, and property owners – whoever the person that a prospective renter would interact with then enquiring about a rental advertisement. This type of testing enables fair housing advocates and researchers “to evaluate the nature and the extent of housing discrimination by comparing data on the interactions of multiple individuals who are similarly situated but for the protected class status (i.e., race and voucher status) with the same housing provider.”²⁵

For example, a race-based test would typically consist of one white tester paired with a Black, Hispanic, or Asian tester. The test coordinator introduced race in these tests by assigning each tester a “racially identifiable” name as their alias.²⁶ Testers were instructed to provide their name at the very beginning of the test when they first contacted the housing provider. Due to the research-backed nature of the names used during testing, the test coordinator was confident that housing providers were aware of the testers’ race upon hearing their name.²⁷

For voucher-based tests, one tester was assigned a market rate profile, while the other tester was assigned a profile where they would pose as a housing voucher recipient. The tester assigned a voucher was instructed to introduce the fact they had a voucher as soon as possible when interacting with a housing provider. Most commonly, testers would ask the housing provider to confirm the price of the unit because they would be using a housing voucher. If the original unit was no longer available, the tester with the voucher was instructed to ask if the housing provider had anything similar in the area within their budget.

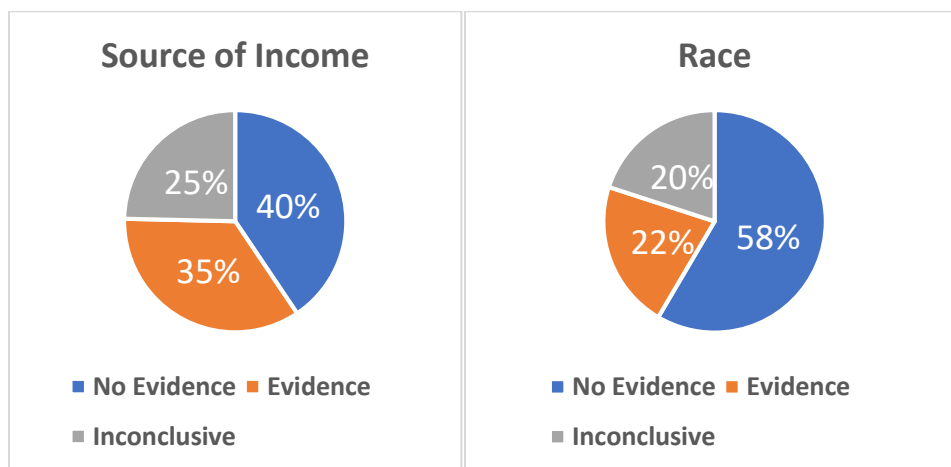
Results and Outcomes

HDTP completed 134 tests for this project. Testing is a valuable tool because of the insights gained into what people experience while searching for housing. It provides a way to compare treatment of housing seekers and reveals the behavior of housing providers toward those housing seekers. Matched paired testing, the testing methodology most frequently used throughout this project, involves using two people who are substantially similarly qualified to rent and who are otherwise very similar to one another (same sex, close in age, etc.), but for the variable being tested (here race or voucher status). Tests are determined to be inconclusive when differential treatment occurs but it is unclear if the treatment was because of the tester's protected class status.

The tables below provide a breakdown of this project's testing outcomes.

Test Outcomes:

Protected Class	Total Number of Tests	Evidence	No Evidence	Inconclusive
Race	65	14	38	13
Source of Income	69	24	28	17



Testing by Location:

	Total Number of Tests Conducted	Number of Source of Income Tests Finding Evidence of Discrimination	Number of Race Based Tests Finding Evidence of Discrimination
Bedford	10	1	1
Belmont	10	2	2
Brookline	10	1	3
Concord	10	1	1
Framingham	10	1	0
Lexington	11	2	0
Natick	11	3	0
Needham	11	1	1
Newton	10	1	1
Sudbury	9	2	1
Waltham	11	2	2
Watertown	10	3	2
Wayland	11	4	0

The fact that no tests conducted in a particular municipality resulted in a finding evidence of discrimination are not suggestive that town is free of discrimination. A randomized empirical study is required to produce generalizable data. These tests confirm the existence of both race and source of income discrimination in the consortium communities, but were not designed in a manner that would produce statistically significant data that can be applied to a broader context.

Type of Housing Provider Tested	How Many Tested (note: some agencies were tested multiple times)
Property Owner	4
Property Management Company	7
Apartment Complex	6
Real Estate Company with 1-20 Licensed Agents	36
Real Estate Company with 21-100 Licensed Agents	10
Real Estate Company with 101-1000 Licensed Agents	6
Real Estate Company with over 1000 Licensed Agents	6

Upon finding evidence of discrimination, HDTP evaluates and refers test evidence to enforcement agencies like the Attorney General's Office, the Massachusetts Commission Against Discrimination, and the U.S. Department of Housing and Urban Development. These agencies then take action based on their available resources and priorities.

Over the course of this project, HDTP forwarded tests that showed evidence of a consistent pattern of discrimination to the MCAD. The first batch of test evidence that HDTP sent for enforcement was comprised of four tests, all of which found evidence of discrimination based on source of income. These instances of discrimination occurred in Brookline, Newton, Waltham, and Watertown and involved multiple licensed real estate agents at a real estate company which employs over 100 agents. The enforcement agency took swift action on this matter and sent written notice to the real estate company notifying it that the agency had concerns regarding their business practices and found its behavior to be

suspicious. The enforcement agency also put the real estate company on notice that they were being monitored for any future irregularities.

At the date of this report, the enforcement agency has also filed another enforcement action based on source of income test evidence that HDTP produced throughout this project. This matter involved a licensed real estate agent, at a real estate company with over 1,000 agents, and was comprised of five tests, all of which found evidence of discrimination. These instances of source of income discrimination occurred in, Natick, Waltham, and Wayland. The enforcement agency is also considering filing enforcement action against an additional real estate company based on source of income test evidence. This matter involved six tests, with four finding evidence of discrimination based on source of income and two finding inconclusive evidence based on source of income. These tests occurred in Belmont, Needham, Waltham, Watertown, and Wayland.

The remaining 53 tests, where evidence of discrimination was found or the results were inconclusive but enforcement action was not taken are now on a watchlist and are actively being monitored by HDTP for as long as possible pending available funding.

Tester Anecdotes

Below are examples of tests where discrimination was and was not found, as well as an example of a test that was deemed inconclusive.

Example 1, Discrimination Based on Source of Income – differences in treatment: The housing provider treated the Control tester and the Protected Class tester differently. The housing provider gave the Control tester a tour of the unit and a copy of the rental application. The housing provider also told the Control tester that the apartment was in a “great location” with lots of shops and restaurants and that the landlord was “really great” and “does not do rent increases.” To the contrary, when the Protected Class tester mentioned she had a voucher and asked if she could tour, the housing provider said she could not tour because the building’s apartments designated for “low income renters” were already full. The tester then explained that with her housing voucher she could afford a market rate apartment and asked if she could apply anyways. The housing provider again told her no she could not apply. When the tester asked why the housing provider did not provide an explanation and said “that is between the owner and City of [X].” The tester also mentioned that she felt the housing provider was quite impatient with her and “ready to terminate the call.” The municipality in this example is not being named because this matter is currently involved in active litigation.

Example 2, Discrimination Based on Source of Income – differences in treatment: The housing provider gave the Control tester a tour of the unit along with a group of other prospective renters. When the Protected Class tester mentioned she had a housing voucher and asked if she could tour, the housing provider told the tester the unit had never been inspected by a housing authority before. The housing provider continued on by saying that the housing authority would have to send over an inspector and the landlord has to comply with the suggested improvements. The housing provider mentioned that sometimes this is too much for the landlord to do. The housing provider also stated she has had a “bad experience” in the past with two different inspectors making different suggestions. The housing provider seemed to deter the tester with the housing voucher from touring and applying for the unit. The Control tester toured the unit, but the Protected Class tester did not.

Example 3, No Discrimination based on Source of Income: The housing provider treated both the Control Tester and the Protected Class tester similarly, even after the Protected Class tester mentioned the housing voucher. During the test, the housing provider gave both testers a tour of the unit, and provided literature on the unit as well as a copy of the rental application. In addition, when the Protected Class tester stated she had a housing voucher and asked if that was ok, the housing provider said “of course it is” and then said that if the tester talks to anybody who says it is not ok, that’s a problem. This type of fair and equal treatment is how all housing providers should treat prospective renters.

Example 4, Discrimination Based on Race – differences in treatment: The housing provider treated the Control tester (a white male) and the Protected Class tester (a Black male) differently by expressing concern only over the Protected Class tester’s ability to qualify for the apartment. When the Control tester asked the Housing Provider if he could tour the apartment, the Housing Provider asked if the Control tester could tell him a little more about himself and then the two set up a tour. The day after they went on a tour together, the Housing Provider also reached out to the Control tester, without being prompted, and offered to send him over the paperwork via email. When the Protected Class tester asked to tour the same apartment, the Housing Provider immediately asked what his income and credit score was. The Protected Class tester answered according to his assigned profile and the Housing Provider then asked if he could have a co-signer on standby. The Housing Provider also mentioned that the landlord would run a credit check and asked if the Protected Class tester had “anything you want me give me [sic] a heads up? So I can smooth it over for you?” The implication of this question seems to be an assumption that the Protected Class tester might have a credit issue he would need to warn the Housing Provider about. No assumptions related to credit or questions regarding income or the need for a cosigner were made towards the Control tester.

Example 5: Discrimination Based on Race – false information: In this test, the housing provider told the Protected Class tester (a Black female) that the apartment she asked about was already rented, but spent the following ten days communicating with the Control tester (a white female) about setting up a time to tour the apartment. During those ten days, the housing provider sent the Control tester a form to fill out with screening questions and offered to show the apartment to her multiple times, despite falsely telling the Protected Class tester the apartment was already rented.

Example 6, Inconclusive outcome based on Race: In this test, both the Control tester and the Protected Class tester were able to connect with the Housing Provider, introduce themselves, and ask about the availability of the apartment. The Housing Provider told both testers she would check to see if the unit was available, but was friendlier and more helpful in her response to the Control tester. Despite this, neither tester received a communication back from the Housing Provider regarding the unit’s availability. Both the Control tester and Protected Class tester reached out one more time, but did not receive any response. The test was deemed inconclusive is because it is not clear why the Housing Provider initially treated the Control tester with a higher level of customer service and then eventually ghosted both the Control and Protected Class testers.

This project also shed light on a hurdle that prospective renters, particularly renters with housing vouchers, often face. In some communities, especially those farther outside of Boston, there is a lack of available apartments that fall within the pre-set voucher payment standards. As a result, this lack of inventory makes it much more difficult, and sometimes virtually impossible, for voucher holders to move to these communities. Voucher payment standards are set by local public housing authorities and aim to reflect the Fair Market Rents (FMRs) for different unit sizes.²⁸ While Fair Market Rents are published by the Department of Housing and Urban Development (HUD) each year, housing authorities often have broad discretion when determining amounts in their jurisdiction.²⁹ For example, throughout this project, two communities, Sudbury and Wayland, had a consistent lack of available apartments. It was incredibly

difficult to find one, two, or even three-bedroom units within the voucher payment standards to test within those communities. At the time of publication, only seven Housing Choice Vouchers (HCV) were active in the Sudbury zip code 01776, while only five were active in the Wayland zip code 01778.³⁰ It is important to ensure that Massachusetts residents have a say in where they can live. Nobody should be unable to move to a particular community simply because they receive assistance by means of a housing voucher.

These results emphasize that housing discrimination based on race and source of income isn't limited to large cities – this discrimination is occurring everywhere.

RECOMMENDATIONS

For decades, federal, state, and local governments across the United States have systematically excluded people based on race and other protected classes. In order to undo the harm that's been done, definitive action must be taken. While laws that prohibit discrimination are crucial, they do not reverse the damage these racist policies and laws have done. We must take action in order to rewrite the injustices of the past and guarantee that everyone has access to safe and affordable housing.

Best Practices for Fair Housing Enforcement

1. Provide funding for fair housing initiatives

Under the current administration, funding for fair housing programs is at risk, and without it, HDTP and similar organizations will be unable or severely limited in the ability to investigate housing discrimination, therefore making it difficult to hold those who violate fair housing laws accountable. Now more than ever it is imperative for state and local governments to provide funding for fair housing programs in order to promote equal access to safe and affordable housing for all individuals, regardless of background or identity. Funding fair housing initiatives ensures resources are available to educate real estate professionals and the public, that fair housing laws are enforced, and that assistance is offered to those who have faced discrimination.

An effective way to combat housing discrimination is by conducting regular discrimination testing within communities. “Over the last two years, fair housing complaints have risen by 14.96% nationally” with 33,007 complaints being filed in 2022 alone.³¹ Nationally, the most common forms of discrimination are related to disability, making up roughly 53.26% of complaints, and race, making up 17.63%. Luckily, fair housing testing has a successful track record in decreasing rates of discrimination. For example, the city of Alexandria, VA annually conducts discrimination testing, with almost 2,000 fair housing tests completed since the program's inception in 1990.³² Over the last 23+ years, “the Program has recorded a dramatic decline in the identified discrimination practices...”³³ Ultimately, investing in fair housing programs and testing promotes social equity, enhances economic mobility, and helps create more inclusive communities where all residents have the opportunity to thrive.

2. Encourage real estate companies to hire DEI positions and participate in DEI trainings

When it comes to promoting fairness and equality in housing, it starts from within. “To combat bias in real estate, it is crucial to promote diversity, equity and inclusion within the industry. Brokerages should actively work toward diversifying their workforce and leadership positions, ensuring that individuals from all backgrounds have equal opportunities for success.”³⁴ Offering and promoting participation in different trainings and education programs is one key way real estate professionals can work to tackle these biases, thus providing more fair and equitable services to clients.³⁵ Realtors “pledge to protect the individual right of real estate ownership and widen the opportunity to enjoy it” and one way to accomplish this is by increasing diversity among real estate professionals and understanding past, present, and future barriers to fair housing.³⁶

A 2020 diversity and inclusion study, conducted by a company that collects employee feedback in the real estate industry, found that two-thirds of employees feel that employees are treated equally, while only 68% agree that job opportunities are promoted to all employees.³⁷ Furthermore, the study found that 80% of employees feel their company is committed to diversity and 82% agree their supervisor created an inclusive workplace.³⁸ While these numbers reflect the work the real estate industry has done in the past to promote diversity, equity, and inclusion, there is still room for improvement.

3. Hold real estate professionals accountable for violating fair housing laws

It should come as no surprise that one of the ways to enforce fair housing practices is to reprimand those who violate fair housing laws. As seen through the results of this project, as well as HDTP’s 2020 empirical study, there is no shortage of discriminatory conduct across the Commonwealth.³⁹ What there is a shortage of, however, is consequences for those who violate the Fair Housing Act. The National Fair Housing Alliance (NFHA) highlights that not only are those who violate fair housing laws engaging in unethical behavior, but they are also deliberately violating the laws in which they are required to be familiar with.⁴⁰ There needs to be significant consequences for those who violate fair housing laws, including license suspensions and revocations, along with significant financial penalties.

In 2016 on Long Island, New York, through systemic testing and investigating, it was discovered that NPS Property Corporations (NPS) was telling prospective African American tenants and prospective white tenants different information regarding the availability of housing.⁴¹ “This investigation also revealed that NPS was alleged to be discriminating against prospective tenants who use housing vouchers designed for those who have disabilities...”⁴² A settlement in this case was finally reached in April 2024 when NPS Property Corporation agreed to pay \$105,000 to end the lawsuit over alleged racial and disability discrimination.⁴³ Also in New York, in 2019 the New York Attorney General opened an investigation into several real estate companies where it uncovered agents “showing preferential treatment to white homebuyers, disparaging neighborhoods of color, and directing homebuyers of color to homes in neighborhoods where residents predominantly belonged to communities of color.”⁴⁴ The lawsuit was eventually settled in 2022 and the real estate companies agreed to pay \$115,000 to remedy their discriminatory practices and participate in regular fair housing trainings.⁴⁵ Attorney General Letitia James stated, “These settlements should send a clear message: if you discriminate and deny New Yorkers their basic right to housing, we will take action.”⁴⁶

In Massachusetts, numerous agencies have also been advocating for legislators and politicians to support bills aimed at ending discrimination and penalizing those who violate fair housing laws. For example, *An Act to End Housing Discrimination in the Commonwealth* (HD.2049), legislation filed again this year, directly addresses this topic.⁴⁷ This legislation, among other suggestions, calls for referring final judicial and administrative findings against licensed real estate brokers to the Board of Registration of Real Estate Brokers and Salespersons and requires the Board to temporarily suspend the broker's license.⁴⁸ This legislation also proposes that, for a second act of discrimination, the real estate broker's license shall be suspended for 180 days, rather than the 90 days under the existing statute.⁴⁹

Best Practices for Expanding Community Education and Outreach

1. Provide regular trainings for real estate agents and community members to ensure everybody knows their rights and responsibilities

Education is a key piece when it comes to affirmatively furthering fair housing and preventing discrimination within a community. Fair housing education is a two-step process. The first step in the process is educating community members, including current and future renters so they are aware of their rights under the law and if those rights are being violated.⁵⁰ The second part of the process is educating landlords and real estate professionals in order to ensure they “understand their obligations so they can stay in compliance with fair housing laws.”⁵¹ Educational campaigns for both the general public and real estate professionals can involve outreach techniques such as public service announcements, workshops, seminars, pamphlets, and multi-media advertisements.⁵² These educational campaigns can be particularly helpful for those who are new to renting, new to being landlords, and those who receive extra protections under the law.⁵³

Numerous cities and municipalities throughout the country have created educational campaigns and materials to ensure this two-step approach is successfully implemented. For example, the Greater New Orleans Fair Housing Action Center created a Fair Housing University which offers an array of trainings which can also be customized to particular group of agency needs.⁵⁴ Some of these trainings include: Fair Housing 101 for Small Landlords, Fair Housing 101 for the Management Team, Fair Housing 101 for Service Providers, as well as a customizable Affirmatively Furthering Fair Housing training.⁵⁵

In addition, Montgomery County, Maryland created a broad outreach campaign to support community members, along with landlords, lenders, property managers, and other real estate professionals.⁵⁶ Specifically, the county developed a Fair Housing Coordinating Group, as well as a high school fair housing curriculum.⁵⁷ The Fair Housing Coordinating Group consists of employees from six different local agencies in order to “facilitate and promote the County's efforts in preventing discrimination in housing.”⁵⁸ Moreover, the fair housing curriculum is implemented into all 10th grade social studies classrooms throughout the 23 Montgomery County high schools.⁵⁹ The county also discusses fair housing with 5th graders as part of a Human Rights camp.⁶⁰

2. Encourage municipalities to create a designated Fair Housing Advisory Committee/Commission

At the root, Fair Housing Committees and Commissions work to collaborate with the community to ensure all residents have fair and equal access to housing. This type of “civic engagement helps to increase awareness of fair housing at the local level, assist the municipality in defining needs, and insure issues and complaints are addressed.”⁶¹ It also helps community members become more involved in municipal government and gives them the opportunity to advocate for causes they feel passionate about.⁶² For example, both the City of Somerville and Newton have created committees/commissions to support local fair housing efforts.⁶³ Smaller municipalities, such as Melrose and Ashfield, which are more citizen led, allow them to bring to the table firsthand knowledge about what is going on in the community.⁶⁴

3. Encourage community participation and mobilize community members to feel comfortable bringing issues to light, and filing complaints

Providing opportunities for the public, especially those who are part of, or work with, marginalized groups, is crucial in fostering an effective fair housing plan.⁶⁵ In addition to individual community members, municipalities should also look to engage with community partners such as fair housing and tenant advocacy groups, neighborhood associations, real estate associations, social justice organizations, local businesses, and social service organizations, to name a few.⁶⁶ While it does not happen overnight, it is important to build trust and take time to develop meaningful relationships within the community.

One way to create and maintain relationships with individual community members can be seen by looking at the City of Winston-Salem’s Community Assistant Liaisons program.⁶⁷ The City began working on a plan to assess fair housing within the community and tasked liaisons with the responsibility of being their “eyes” within the community.⁶⁸ “City liaisons provide information on city services and programs, maintain relationships with non-profits, county and state agencies, and direct residents to those resources when appropriate.”⁶⁹ The liaisons also “organize and coordinate special events and community meetings on behalf of council members to engage residents and seek feedback on community issues.”⁷⁰ There are also options for non-city officials to canvass throughout the community. In Hamilton, Ohio, the local government realized that some residents, mostly among the Hispanic population, distrusted the government and therefore sent out non-city employees to gain feedback on their experiences.⁷¹

4. Engage with social service organizations in the area to bridge gaps between services

In addition to building relationships with fair housing non-profits and elected officials, it is also important to remember to develop relationships with individuals and non-governmental organizations committed to furthering fair housing goals. This might look like fostering and maintaining relationships with “fair housing advocates, real estate professionals, landlords, employers, health care providers, universities and other schools, transit agencies, [fair housing organizations], and other organizations that represented protected classes and hard-to-reach populations.”⁷² Engaging with multiple local leaders and organizations will help ensure that multiple perspectives are heard and the fair housing process serves those who actually live in the community. In addition, collaboration with community groups helps promote continuity and

accountability throughout the fair housing process and sets up the residents, organizations, and government for success.

An example of this collaboration can be seen through the creation of the Chelsea HUB in Chelsea, MA.⁷³ “The Hub is a police-led initiative made up of designated staff from the community and government agencies that meet weekly to address specific situations regarding clients facing elevated levels of risk, and develop immediate, coordinated, and integrated responses through the mobilization of resources.”⁷⁴ The HUB model derives from a city in the Canadian province of Saskatchewan, and while the Chelsea HUB was the first HUB in the United States, there are also now HUBs in Springfield, Worcester, Jamaica Plain, East Boston, Lawrence, and Medford.⁷⁵ Some of the risk factors the HUB address are mental health, housing, poverty, public health and safety, family violence, substance abuse, and basic needs.⁷⁶ It is no secret that housing instability is usually only one of the issues individuals are navigating, and the HUB model recognizes that, and works together to give community members the holistic support necessary to succeed

Best Practices for Local Ordinances to Address Housing Discrimination and Inequity

1. Encourage effective housing policies, promote inclusionary zoning programs, offer density bonuses to developers, utilize linkage fees, and advocate for compliance with the MBTA Communities Act.

- a. Comply with MBTA Communities Act

Complying with the MBTA Communities Act is an important step for towns to promote fair housing and expand housing opportunities for all residents. The Act requires “177 communities served by or located near the Massachusetts Bay Transportation Authority (MBTA) to zone for more multifamily housing.”⁷⁷ In communities with MBTA service, the multifamily homes must be located less than half a mile from either a subway or commuter rail station, a ferry station, or a bus station.⁷⁸ To comply, each town’s zoning plan must allow for a minimum number of multi-family housing units which is based on the community’s current housing stock. This number can range from less than 100 for smaller towns to over 10,000 for larger municipalities.⁷⁹

Some towns, such as Lexington, have proactively complied, already receiving numerous applications for new developments which would generate 960 housing units.⁸⁰ However, other towns, like Milton and Holden, have stated they have no intention to comply with the Act.⁸¹ Both towns are currently facing penalties due to their noncompliance as their deadlines to comply have passed.⁸² While the deadline for compliance for other cities is not until the end of 2025, some cities have yet to pass zoning laws intended to comply with the program.⁸³ Currently, there are 31 cities who are considered non-compliant with the Act.⁸⁴

On January 8, 2025, the Massachusetts Supreme Judicial Court released a ruling on the MBTA Communities Act stating “the Attorney General has the power to bring a suit for declaratory and injunctive relief to enforce § 3A” but that they are not “presently enforceable” because the “guidelines were not promulgated in accordance with the APA”

also known at the Administrative Procedures Act.⁸⁵ Six days after the ruling was released, the Executive Office of Housing and Livable Communities (EOHLC), previously known as DHCD, published emergency regulations that were effective for 90 days.⁸⁶ While the emergency regulations do not substantively change the laws zoning requirements, it does provide communities with additional time to comply with the law. Communities that are not currently in compliance will have until February 13 to submit an action plan outlining how they will meet the legal requirements of the law, and will then have until July 14 to achieve compliance.

On January 25, 2025, the Consortium community of Needham submitted an action plan for interim compliance to the EOHLC, which consists of advancing the MBTA base compliance plan.⁸⁷ Proposed zoning amendments include amending the zoning bylaws to advance the MBTA base compliance plan with a public hearing on the matter scheduled for February 13, 2025.⁸⁸ The final town meeting is anticipated for early May of 2025, with a compliant MBTA Communities Act zoning submittal to immediately be sent to the EOHLC.⁸⁹

b. Inclusionary Zoning

Inclusionary zoning policies attempt to ameliorate the negative consequences of years of discriminatory housing policies (including exclusionary zoning) that have led to a wealth and opportunity gap between white people and people of color.⁹⁰ For example, such policies create dedicated affordable housing units by requiring or encouraging developers to include a specified percentage of below-market-rate units in a larger development.⁹¹ Typically these policies require 10-30% of the units be reserved for lower income residents.⁹² A 2019 report, *Inclusionary Housing in the United States*, authored by Ruoniu Wang and Sowmya Balachandran, found that over 100,000 affordable units are produced by the creation of 258 inclusionary housing programs and that communities with inclusionary housing programs have a lower poverty rate than neighborhoods without inclusionary housing.⁹³ On average, each inclusionary housing program created 426 below-market rate units, with 23 programs creating more than 1,000 below-market units.⁹⁴

Other studies have also documented the number of affordable housing units produced by inclusionary housing programs across the country. Montgomery County, Maryland has been considered one of “the most productive – and long-standing – program[s]” in the country with more than 13,000 affordable housing units produced between 1974 and 2011.⁹⁵ Other examples include an inclusionary housing program in Chicago which produced more than 200 affordable units per year between 2003 and 2009 as well as Burlington, Vermont where “half of all new residential construction was attributed to the city’s inclusionary housing program.”⁹⁶

There are many elements necessary to consider when looking to create an effective inclusionary housing program. The report *Advancing Racial Equity in Inclusionary Housing Programs: A Guide for Policy and Practice* discusses a handful of factors to take into consideration when developing an inclusionary housing program including:

1. Choose income targets for affordable units that match those of renter households of color,
2. Require or encourage the constructions of unit sizes that match the household sizes of renter households of color,
3. Adopt building design standards to avoid stigmatizing residents of affordable units,
4. Consider the use of city subsidies to advance racial equity goals,
5. Base the decisions about compliance alternatives on the needs and preferences of households of color,
6. Establish high-bar marketing requirements to ensure renters of color have access,
7. Support preference policies that advance racial equity,
8. Use a lottery for application selection,
9. Set limits on resident screening criteria,
10. Require rental property owners to accept Section 8 Housing Choice Vouchers,
11. Collect and analyze data on the race and ethnicity of those served by affordable units,
12. Base the decisions about which resale formula to use on feedback from people of color and equity-oriented organizations,
13. Require lasting affordability for affordable units, and
14. Partner with a Community Land Trust for stewardship of affordable units.⁹⁷

The Lincoln Institute of Land and Policy also released a report in 2015 that analyzed methods that built support for inclusionary housing while also developing an effective program.⁹⁸ The report highlights ways to garner support for an inclusionary housing program such as “(1) studying and understanding the housing need and the full spectrum of available tools; (2) educating and engaging the public; (3) researching the market economics; and (4) engaging with the real estate community.”⁹⁹ In addition, the report identified other factors to take into consideration when designing an inclusionary housing program including:

1. Program structure,
2. Program beneficiaries,
3. Targeted geographical areas,
4. Set-aside requirements,
5. In-Lieu fees,
6. Offsite development options,
7. Developer incentives,
8. Design standards, and
9. Affordability preservation.¹⁰⁰

Every community is different when it comes to their political, economic, and rental climates, so no two inclusionary housing programs will be alike; however, the above-mentioned factors can help jurisdictions develop a program that will be most beneficial in their area.¹⁰¹

c. Density Bonus

Density bonuses incentivize developers to build more affordable housing by allowing additional units, floor area, or building height beyond standard zoning limits in exchange for including affordable units. These bonuses typically offer 10-20% increase over baseline density.¹⁰² Density bonus programs are most effective in areas with strong housing markets that wish to create more affordable housing options.¹⁰³ Housing markets with high rents and land values tend to benefit the most from a program that offers different levels of bonus programs.¹⁰⁴

For example, in Montgomery County, Maryland, 12.5% of all new residential units must be affordable, but if the developer chooses to take advantage of the County's density bonus program, that percentage rises to 15%.¹⁰⁵

Local jurisdictions can adopt different approaches to density bonus programs. Examples include:

- Austin, Texas uses a two-tiered system offering greater bonuses near transit corridors.¹⁰⁶
- Miami, Florida uses a sliding scale that adjusts incentives based on the share and affordability level of units provided.¹⁰⁷
- San Diego, California provides a notable success story. Its 2018 amendments to the density bonus program, coupled with the 2016 Affordable Homes Bonus Program, significantly boosted housing production. By 2022, 44% of eligible projects utilized the density bonus program, creating over 6,000 new homes, including 463 deed-restricted affordable units in mixed-income projects, primarily without public subsidies.¹⁰⁸

The Housing Innovations Program (HIP), based in Seattle, Washington, created a density bonus tool profile to help jurisdictions develop effective density bonus programs.¹⁰⁹ The tool profile discusses the following elements communities should analyze when looking to design a program.¹¹⁰

1. Identifying program area boundaries
2. Defining program targets and goals
3. Determining the bonuses to be granted (ex. density, height, floor area ratio)
4. As-of-right vs. Discretionary bonuses
5. Off-site alternatives
6. Retention of affordability
7. Stakeholder input including developers, housing organizations, economist, etc.
8. Implementation
9. Monitoring¹¹¹

d. Linkage Fees

Linkage fees link market-rate development with affordable housing production.

- Residential Linkage Fees: Charged per unit or based on square footage of new homes
- Commercial Linkage Fees: Charged to office or retail developers, with funds allocated to affordable housing.¹¹²

For example:

- The City of Boston has one of the oldest commercial linkage fee programs, charging \$8 per square foot of commercial development, generating \$45 million from 1986 to 2000 to support approximately 5,000 affordable units.¹¹³
- Mountain View, California charges new residential development \$10 a square foot.
- Santa Monica, California charges approximately \$28 a square foot.
- Berkeley, California charges \$28,000 for each new market-rate home.¹¹⁴

These programs provide critical funding for affordable housing while balancing market-rate development needs. Currently, the following communities in Massachusetts have sought linkage fees through special legislation: Boston, Cambridge, Chelsea, Concord, Everett, Gloucester, Somerville, and Watertown.¹¹⁵

2. Add AFFH language to zoning codes and require Accessibility Checklists

Communities can strengthen fair housing practices by including language in their zoning codes to affirmatively further fair housing (AFFH). AFFH “refers to taking intentional steps, using federal housing funding, to ensure that people in protected groups have housing that meet the goals of the Fair Housing Act.”¹¹⁶ During his first term, President Trump paused, and eventually eliminated, the AFFH rule, so it is fair to assume the Administration will focus on rolling back protections again in his second term.¹¹⁷ Cities, towns, and states may want to consider codifying AFFH requirements themselves so this important framework is not lost.

The City of Boston has sought to protect the AFFH rule by strengthening their fair housing laws and adding requirements in their zoning codes to affirmatively further fair housing.¹¹⁸ The City of Boston was the first major city in the United States to include this type of language in their zoning code, which “require proposed development projects and/or Planned Development Areas (PDAs) undergoing Article 80 review to consider impacts on area residents historically discriminated against so that steps can be taken to reduce those impacts, provide new housing opportunities, and address past histories of exclusion.”¹¹⁹

Boston’s approach also requires the use of an Accessibility Checklist, ensuring that projects account for the needs of people with disabilities through displacement analysis and historical exclusion data.¹²⁰ The goal is to plan for accessibility before the project, rather than at the completion of the project.¹²¹

The Accessibility Checklist requires developers to disclose information such as:

- Basic project information,
- Building Classification and Description,
- Accessibility of Existing Infrastructure,
- Existing and Proposed Surrounding Site Conditions,

- Building Entrances, Vertical Connections, Accessible Routes, and Common Areas,
- Affordable Housing Units (if applicable),
- Accessible Parking,
- Community Impact,
- And a list of any and all documents, drawings, photos, and diagrams being submitted with the checklist.¹²²

3. Eliminate restrictive land use to allow for multifamily homes

One of the most effective ways to promote fair housing and increase affordability, thus decreasing levels of discrimination and segregation, is through eliminating restrictive zoning. “Zoning and land-use regulations, intentionally or unintentionally, help wealthier Americans “protect” the value of their homes by preventing new housing development and pricing out minority—usually black—and low-income families.”¹²³ Restrictive zoning covenants contribute “to socioeconomic divisions, worsen the housing affordability crisis, and artificially inflate housing prices” while also having a detrimental effect on the environment and public health.¹²⁴ Roughly 75 percent of land in American cities is limited in use because zoning laws in the area only permit the construction of single-family residences.¹²⁵ This type of restrictive land use suppresses housing supply, thus driving up housing costs and widening the racial and economic disparities within communities.¹²⁶

In addition to simply eliminating single family zoning, communities can implement “bundle zoning reforms” which involves reforming height restrictions, lot size requirements, minimum floor area requirements, and office site parking requirements.¹²⁷ These types of reforms helped Minneapolis double its housing stock between 2015 and 2020 “with over 90% of new units being in large buildings with at least 10 units.”¹²⁸

4. Support the construction and use of Accessory Dwelling Units (ADUs)

Massachusetts recently passed legislation, The Affordable Homes Act, scheduled to go into effect on February 2, 2025, to help battle the Commonwealth’s growing housing crisis.¹²⁹ Overall, Governor Maura Healey and advocates have stated they hope this Act will create more than 65,000 new homes statewide over the next five years.¹³⁰ With that effort in mind, this legislation includes an amendment of the current zoning act to allow ADUs of up to 900 square feet to be built in districts with single family zoning.¹³¹ ADUs are a “secondary residential living space located on the same lot of a single-family home.”¹³² To qualify as an ADU, the property must “Maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; Be either no larger than half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and Meet local municipal restrictions, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental.”¹³³

ADUs offer a variety of benefits for property owners, renters, and the Commonwealth of Massachusetts including:

- Providing rental income for property owners,

- Providing long-term housing options for seniors by allowing them to downsize while staying close to family,
- Adding more affordable rental units to the housing market,
- Making it more affordable to residents to stay in communities they love,
- Increasing overall housing supply throughout the Commonwealth, and
- Making use of existing land and structures, thus being more sustainable and economical.¹³⁴

The use of ADUs has gained popularity throughout the country, with California leading the way. The City of Los Angeles offers an ADU program where homeowners and developers can select an ADU from 20 preapproved models that range from studios less than 400 feet to three-bedroom homes of up to 1200 feet.¹³⁵ In addition, a research center part of UCLA called CityLAB created a guidebook for homeowners looking to build an ADU.¹³⁶ The guidebook provides step-by-step instructions on how to build, how to submit an application, and how to find designers, lenders, and contractors.¹³⁷ These initiatives have been largely successful with the construction of ADUs jumping from “9,000 in 2018 to 12,392 in 2020.”¹³⁸ Seattle, Washington also highlights the success of ADUs with the City now building more ADUs than single family homes.¹³⁹ In 2022, Seattle permitted 988 ADUs to be built (437 attached accessory dwelling units and 551 detached units) with 650 of those being constructed.¹⁴⁰ This was an increase from 2021 where 771 units were permitted and 2020 where 490 were permitted.¹⁴¹ A member of the Seattle Planning Commission stated this increase in ADU construction is “just indicative of how much demand there is.”¹⁴² Overall, the construction of these units allows people access to some of the most exclusive neighborhoods in Seattle, while also opening up suburban areas to housing growth.¹⁴³

5. Support eliminating renter-paid broker fees

At the beginning of 2025, Governor Healey stated that she will be proposing eliminating renter-paid broker fees as part of her 2026 budget proposal.¹⁴⁴ Broker fees are fees paid to the real estate professional for listing and showing the property to prospective renters and are usually equal to one month’s rent.¹⁴⁵ With the median rent of a one-bedroom apartment at \$2,500 a month, tenants are expected to pay nearly \$10,000 in start-up costs.¹⁴⁶ These start-up costs include first and last months rent, security deposit, and a broker fee.¹⁴⁷ When asked about this proposal, Governor Healey stated, “We’re proud to be proposing this change that will save renters thousands of dollars – making it possible for more young people, seniors and families to stay in Massachusetts, help businesses attract the best talent, and put more money back in people’s pockets for groceries, health care, and other needs.”¹⁴⁸

6. Offer down payment assistance programs

Municipalities can also promote fair housing and opportunity through providing municipal down payment assistance programs, particularly for first time home buyers. The gap between Black home ownership, and those of other race and ethnicities, is larger now than it was in 2011 with a gap of 29%.¹⁴⁹ In 2021, “the homeownership rate for White Americans in 2021 was 72.7%, but the rate for Black Americans was 44%.”¹⁵⁰ In addition, “the homeownership rate for Asian Americans was 62.8% and for Hispanic Americans it was 50.6%.”¹⁵¹ Over the last decade, Black homeownership rates have only gone up roughly 0.4%.¹⁵²

Through creating and offering more down payment assistance programs, particularly in high cost metro areas, municipalities can help increase rates of Black homeownership.¹⁵³ “Studies show down payment assistance has an important role in closing the racial wealth gap, particularly in high-cost areas, where racial wealth gaps put many Black potential homebuyers at a

disadvantage.”¹⁵⁴ When developing a down payment assistance program, the National Fair Housing Association recommends:

- Targeting eligibility towards first-generation homebuyers,
- Analyzing and screening potential administrators in order to assure they are capable of dispersing funds to social and economically disadvantaged individuals and,
- Providing a minimum of \$20,000 be provided to in assistance to eligible families.¹⁵⁵

To further explore the possibilities and benefits of offering a down payment assistance program, the Joint Center for Housing Studies of Harvard University analyzed the effect \$25,000 in down payment assistance could have on homeownership rates for Black and Hispanic renters.¹⁵⁶ The article refers to a variety of factors that contribute to the homeownership gap, including lower incomes, impaired credit, lower wealth, and lack of knowledge surrounding the homebuying process, and highlights how down payment assistance might play an essential role in helping millions of families achieve home ownership.¹⁵⁷ The study found “that in every state but Hawaii as of September 2022, \$25,000 in down payment assistance would be enough to cover a 3.5 percent down payment on a moderately priced home, which [they] define as one priced at 80 percent of the typical home price in the state.”¹⁵⁸ In turn, this “assistance could potentially help up to 1.1 million Black and Hispanic renters aged 25-54 who have incomes high enough to afford a moderately priced home in their state under a standard qualifying debt-to-income ratio of 31 percent.”¹⁵⁹

Currently, the Commonwealth of Massachusetts offers six statewide and regional down payment assistance programs.¹⁶⁰ Moreover, only 29 of 351 cities in the Commonwealth offer additional municipal down payment assistance programs.¹⁶¹ At the moment, according to Massachusetts Housing Partnership, the only Consortium city to offer a down payment assistance program is the City of Newton.¹⁶²

7. Support the creation of and provide resources for a Community Land Trust

A community land trust (CLT) is a nonprofit corporation “that holds land on behalf of a place based community, while serving as the long-term steward for affordable housing, community gardens, civil buildings, commercial spaces and other community assets on behalf of a community.”¹⁶³ In a CLT, the land is owned by the trust and is governed by a non-profit board and its members, both of which are comprised of people who live and/or work in the defined geographic area.¹⁶⁴ With residents playing an active role in the governance and decision-making process, this allows them to have influence over land and address local challenges with local solutions.¹⁶⁵ Because of this, CLTs have become a pivotal part of keeping home prices affordable and allowing low-income residents to build equity as homeowners.¹⁶⁶ This model creates sustainable levels of affordability “because the CLT retains ownership of the underlying land” and the “housing remains permanently affordable, even as the original beneficiaries sell and move on.”¹⁶⁷ The housing is also kept outside of the general housing market, allowing the CLT resale formula to keep the resale price of homes in the community low.¹⁶⁸ Overall, this allows CLTs to minimize racial wealth gaps, enhance stability, prevent gentrification, and offer affordable housing.¹⁶⁹

An example of CLT in Massachusetts is the Boston Neighbor Community Land Trust (BNCLT).¹⁷⁰ This Boston Land Trust predominantly focuses on the neighborhoods of Mattapan, Dorchester, and Roxbury and “works to combat displacement and racial injustice by creating permanently affordable, community-controlled housing.”¹⁷¹ As part of its model, BNCLT will either keep properties for active tenants or will sell the property to a buyer at an affordable rate, allowing people the chance to gain wealth and equity through homeownership.¹⁷² In addition, BNCLT works to “protect affordability; prevent foreclosure; and take properties off the speculative market” while also working with outside community partners and realtors to set members up for success.¹⁷³

While municipal governments themselves do not start CLTs, they do, however, play a vital role in getting the trusts set up and on a path towards success.¹⁷⁴ Municipalities can help its residents by:

- Introducing them to the idea of starting a CLT,
- Convening with stakeholders to support the formation of a CLT,
- Participate in the planning process by including elected officials and municipal staff,
- Hire consultants and other experts to assist in the technical aspects,
- Provide start up funding and staff, and
- Ensure a project timeline to help achieve success.¹⁷⁵

The impact a municipal government can have on CLT doesn’t end there. To sustain a CLT, a municipality should consider adopting the following policies:

- “Establish a publicly accessible inventory of surplus properties,
- Prioritize lasting affordability in the disposition of publicly-owned land, and
- Discount land prices when selling to entities that ensure that housing on the land remains affordable in perpetuity.”¹⁷⁶

8. Encourage eligible property owners and households to participate in the SNO Mass program

EOHLC recently developed a program aimed at offering families with vouchers more choice over where they decide to live in hopes of helping families gain access to more “high opportunity” areas.¹⁷⁷ The Program is called Supporting Neighborhood Opportunity in Massachusetts (SNO Mass).¹⁷⁸ Before its inception, 52% of the households in EOHLC’s voucher program lived in just 21 of the 251 municipalities across Massachusetts.¹⁷⁹ Moreover, only 8 percent of EOHLC HCV households with children were living in neighborhoods indexed as “High Opportunity” or “Very High Opportunity” by the Child Opportunity Index.¹⁸⁰ Under this program, eligible families have the ability to move to these designated “Opportunity Areas” as a benefit not only to themselves, but also to property owners.

To be eligible to participate in the SNO Mass program households must have an EOHLC Housing Choice Voucher, have at least one child under the age of 18 in the household, not currently live in a SNO Mass Opportunity Area, and be in good standing with the Regional Administering Agency.¹⁸¹ This program is beneficial for tenants as it provided a dedicated Mobility Specialist who can help find an apartment, negotiate with property owners, and connect families with local resources.¹⁸² In addition, the program provides households with access to an online tool to help search for apartments as well as financial assistance with security deposits

moving costs, and other associated feed.¹⁸³ Property owners who participate in the SNO Mass program also receive benefits for participating such as:

- Having access to a ready pool of prospective tenants, to help fill units efficiently,
- Benefiting from a reliable rental revenue stream, as the Housing Choice Voucher will absorb any loss in renters' incomes due to job loss or hourly work reduction.
- Monthly subsidy payments made through direct deposit,
- Receiving \$500 when renting to a SNO Mass participant and an additional \$500 when renewing the lease or renting the unit to another SNO Mass tenant;
- Potentially receiving a higher rent subsidy than what other local housing authorities offer (depending on the area);
- Maintaining control over property management decisions, as well as applicant screenings and suitability, as long as the same criteria is used for all applicants and is in accordance with Fair Housing laws;
- Having a single point of contact at the agency to help ensure a smooth, expedited lease-up process and to handle any inquiries after the tenant moves in.¹⁸⁴

As of last year, the SNO Mass program had helped 125 families, including 270 children, move into higher-opportunity neighborhoods creating a healthier and stable environment.¹⁸⁵

9. Incentivize landlords to rent to low income and Section 8 tenants

Out of the 49.5 million rental housing units in the United States, roughly 46% of those properties are between 1- 4 units.¹⁸⁶ Moreover, more than 70% of those 1- 4 rental properties are owned by mom-and-pop landlords.¹⁸⁷ Mom-and-pop landlords are “defined as individual landlords owning 10 or fewer properties” who’s housing stock is also typically more affordable for renters.¹⁸⁸ The Rental Housing Finance Survey highlights the importance of working with mom-and-pop landlords as they make up a huge percentage of the rental market. There are multiple ways to incentive landlords to rent to low-income and Section 8 tenants including financial incentives and rewards.¹⁸⁹

Marin Housing Authority in California created a “Landlord Partnership Program” aimed at expanding “rental opportunities for families holding housing choice vouchers by making landlord participation in the program more attractive and feasible, and by making the entire program more streamlined.”¹⁹⁰ Throughout the first two years of this program, from 2016-2018, Marin Housing Authority was able to increase tenants voucher success by 22%.¹⁹¹ The program was approved for another 2-year extension in 2018.¹⁹² Some benefits include:

- Security deposit assistance: up to \$2,500 per family to be paid to the owner and then returned to the housing authority once the family moves out if there are no damages.
- Loss mitigation: up to \$3,500 per family to be paid to the owner once family vacates and it is determined the family caused damages beyond normal wear and tear.
- Vacancy loss: provides up to one months rent to the landlord or property owner while repairing excessive damage done to the unit.
- Building and Planning Permit Fees: Owners with properties in the County Unincorporated areas that participate in rental assistance programs with 50% of

their units would be allowed to have building permit fees waived on a prorated basis for work done at the rental site for repairs or improvements.

- Landlord Liaison Project: access to a 24-hour landlord hotline to assist with immediate issues, Rapid response to landlord concerns through collaborative partnerships with County Departments and other community based non-profit providers, establish a landlord advisory committee, and offer landlord workshops and trainings.¹⁹³

San Diego Housing Commission in California also created a program which provides financial incentive to landlords who rent to community members experiencing homelessness.¹⁹⁴ The Landlord Engagement and Assistance Program (LEAP), which is part of San Diego's Housing First action plan, has created more than 9,300 housing solutions since its inception five and a half years ago.¹⁹⁵ The program offers the following incentives to eligible landlords:

- \$500 for the first unit landlords rent to a homeless household and \$250 for each additional unit,
- Up to two times the contract rent in security deposits and an average of \$100 in utility assistance per household,
- A contingency fund to help landlords cover expenses, such as repairs that exceed security deposits,
- Dedicated San Diego Housing Commission (SDHC) housing specialists to answer landlords' questions.¹⁹⁶

The City of Tulsa, Oklahoma created a rewards program called the Gold Star Landlord Program which "provides incentives and rewards for landlords and property owners who engage in the best rental practices."¹⁹⁷ Some of the rewards available to landlords through this program include:

- Advertising and promotional benefits,
- Prioritized processing of applications to the City of Tulsa's Emergency Rental Assistance Program,
- Support of Tulsa Authority for Economic Opportunity staff,
- Landlord incentives funded by their Affordable Housing Trust,
- Referral of tenants with the Housing Stability Certification from the Housing Solutions' Landlord Tenant Resource Center.¹⁹⁸

CONCLUSION

Housing discrimination remains a pervasive issue in cities and towns throughout the United States, with deep historical roots that continue to negatively impact our communities. The effects of housing discrimination extend well beyond the real estate market and impacts all areas of a person's life. Where one lives either creates a gateway or a barrier to opportunities in education, employment, health care, and social mobility. Restricting where a person can live often limits their opportunities and personal advancement. This project highlights that, despite the Fair Housing Act and the Commonwealth of Massachusetts' Anti-Discrimination statute, discrimination is still occurring in the consortium communities. This project challenges the idea that housing discrimination only occurs in large cities and metropolitan areas, and not in suburban areas. Overall, 35% of the source of income tests and 22% of the race tests revealed evidence of discrimination. At the time of publication, fifteen of the tests have been forwarded to an enforcement agency where action was either taken or is awaiting resolution. To combat housing discrimination, comprehensive initiatives must be taken at local, state, and federal levels and involve reform in both policy and practice. The path toward housing equality will require a collaborative approach from lawmakers, politicians, developers, and community organizations and members. By working together and implementing policies to ensure equal housing access for all, we will move closer towards a future where everybody has access to safe and affordable housing.

REFERENCES

- ¹ *A Brief History of Housing Discrimination Based on Race and Color*, HOME FOR ALL OF US (2023), <https://www.homeforallofus.org/race-and-color/a-brief-history-of-housing-discrimination-based-on-race-and-color/>.
- ² *Pre-20th Century: Land and Housing Policies from Colonialism through Reconstruction*, ENTERPRISE COMMUNITY PARTNERS, <https://www.enterprisecommunity.org/housing-policy-timeline/pre-20th-century> (last visited Jan. 10, 2025).
- ³ *Id.*
- ⁴ *Pre-20th Century: Land and Housing Policies from Colonialism through Reconstruction*, *supra* note 2.
- ⁵ Rachel Bogardus Drew, *A Very Brief History of Housing Policy and Racial Discrimination*, ENTERPRISE CMTY. PARTNERS (DEC. 17, 2020), <https://www.enterprisecommunity.org/connect/blog/very-brief-history-housing-policy-and-racial-discrimination>.
- ⁶ *Id.*
- ⁷ RICHARD ROTHSTEIN, *THE COLOR OF LAW*, 45-47 (2018); *Corrigan v. Buckley*, 271 U.S. 323 (1926); *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).
- ⁸ Elliott Anne Rigsby, *Understanding Exclusionary Zoning and Its Impact on Concentrated Poverty*, THE CENTURY FOUND. (Jun. 23, 2016), <https://tcf.org/content/facts/understanding-exclusionary-zoning-impact-concentrated-poverty/>.
- ⁹ *Understanding Discriminatory Restrictive Covenants*, FREDDIE MAC (Dec. 13, 2024), <https://myhome.freddiemac.com/blog/homebuying/understanding-discriminatory-restrictive-covenants>.
- ¹⁰ ROTHSTEIN, *supra* note 7.
- ¹¹ Terry Gross, *A ‘Forgotten History’ Of How The U.S. Government Segregated America*, NPR (May 3, 2017, 12:47 PM), <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.
- ¹² *Id.*
- ¹³ La-Brina Almeida, *A History of Racist Federal Housing Policies*, MASSACHUSETTS BUDGET & POLICY CTR. (Aug. 6, 2021), <https://massbudget.org/2021/08/06/a-history-of-racist-federal-housing-policies/>.
- ¹⁴ *The role of housing policy in causing our nation’s racial disparities – and the role it must play in solving them*, HABITAT FOR HUMANITY, 5 (Aug. 2020), <https://www.habitat.org/sites/default/files/documents/Racial-Disparities-and-Housing-Policy-.pdf>.
- ¹⁵ *History of Fair Housing*, U.S. DEPT. OF HOUS. AND URBAN DEV., https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history (last visited Feb. 14, 2025).
- ¹⁶ A “protected class” refers to an individual who is “shielded against discrimination under federal, state, or local laws.” Anti-Discrimination laws in the United States, including but not limited to, the Civil Rights Act of 1964 and the American with Disabilities Act, “enumerate certain characteristics that constitute protected classes.” Protected Classes under Anti-Discrimination Laws, LEGALMATCH, <https://www.legalmatch.com/law-library/article/protected-classes-under-anti-discrimination-laws.html> (last visited Jan. 30, 2025).
- ¹⁷ *Id.*
- ¹⁸ The Fair Housing Act, U.S. DEPT. OF JUSTICE CIVIL RIGHTS DIV., <https://www.justice.gov/crt/fair-housing-act-1> (last visited Dec. 4, 2024).
- ¹⁹ BLACK’S LAW DICTIONARY (12th ed. 2024).
- ²⁰ *What is a Protected Class under the Fair Housing Act?*, HOUS. EQUALITY CTR. OF PENNSYLVANIA, <https://www.equalhousing.org/fair-housing-topics/what-is-a-protected-class-under-the-fair-housing-act/> (last visited Feb. 14, 2025).
- ²¹ MASS. GEN. LAWS ch. 151B § 4 (2025).
- ²² *Know Your Rights Source of Income Discrimination Frequently Asked Questions*, <https://www.mass.gov/doc/source-of-income-discrimination-faqs/download> (last visited Dec. 4, 2024).
- ²³ *Housing Discrimination Testing Program*, <https://www.suffolk.edu/law/academics-clinics/clinics-experiential-opportunities/housing-discrimination-testing-program> (last visited Dec. 4, 2024).
- ²⁴ *Testing*, FAIR HOUS. P’SHP (Aug. 15, 2019), <https://fhp.org/take-action/testing/>.
- ²⁵ Jamie Langowski et al., *Qualified Renter Need Not Apply*, THE BOSTON FOUND. (Jul. 2020), *available at* <https://www.tbtf.org/-/media/tbtf/reports-and-covers/2020/housing-voucher-report-20200701.pdf>.

²⁶ Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, NAT'L BUREAU OF ECON. RESEARCH, Appendix Table 1 (Jul. 2003), available at <https://www.nber.org/papers/w9873.pdf>.

²⁷ Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, THE AMERICAN ECON. REVIEW (Sept. 2004), https://cos.gatech.edu/faculties/Diversity_Studies/Bertrand_LakishaJamal.pdf.

²⁸ *Increased voucher payment standards in high-cost areas*, LOCAL HOUS. SOLUTIONS (May 13, 2021), <https://localhousingsolutions.org/housing-policy-library/increased-voucher-payment-standards-in-high-cost-areas/>.

²⁹ *Id.*

³⁰ Executive Office of Housing and Livable Communities, *EOHLC HCV Voucher Holders by ZIP-City-Town* (2024) (on file with author).

³¹ *New NFHA Report Reveals Highest Number of Housing Discrimination Complaints to Date*, NAT'L FAIR HOUS. ALLIANCE (Aug. 8, 2023), <https://nationalfairhousing.org/new-nfha-report-reveals-highest-number-of-housing-discrimination-complaints-to-date/#:~:text=Washington%2C%20D.C.%20%E2%80%94The%20National%20Fair,year%2C%20the%20highest%20on%20record.>

³² *2021 Fair Housing Testing Report*, CITY OF ALEXANDRIA, OFFICE OF HOUS. (Aug. 2021), <https://media.alexandriava.gov/docs-archives/housing/info/2021fairhousingtestingreport.pdf>.

³³ *Id.*

³⁴ Tanisha Salmon, *DEI initiatives elevate the Greater Boston Association of Realtors*, BOSTON AGENT (Nov. 6, 2023), <https://bostonagentmagazine.com/2023/11/06/dei-initiatives-elevate-the-greater-boston-association-of-realtors/>.

³⁵ *Id.*

³⁶ *Diversity, Equity, Inclusions and Fair Housing*, HUDSON GATEWAY ASSOC. OF REALTORS, <https://www.hgar.com/who-we-are/dei/diversity-equity-inclusion-and-fair-housing> (last visited Dec. 5, 2024).

³⁷ Episode 26 of Fair Housing Insiders, FAIR HOUS. INSTITUTE, <https://fairhousinginstitute.com/fair-housing-diversity-equity-inclusion/#h-fair-housing-diversity-equity-and-inclusion-statistics> (last visited Dec. 6, 2024).

³⁸ *Id.*

³⁹ Langowski et al., *supra* note 25.

⁴⁰ Cat Cloud et al., *Fair Housing Solutions: Overcoming Real Estate Sales Discrimination*, NAT'L FAIR HOUS. ALLIANCE (Dec. 2019), available at <https://nationalfairhousing.org/wp-content/uploads/2019/12/Fair-Housing-Solutions-Overcoming-Real-Estate-Sales-Discrimination-2.pdf>.

⁴¹ *Long Island Residents Reach Settlement with Five Suffolk County Apartment Complexes in Wide Ranging Housing Discrimination Case*, COHEN MILSTEIN (Apr. 2, 2024), <https://www.cohenmilstein.com/long-island-residents-reach-settlement-with-five-suffolk-county-apartment-complexes-in-wide-ranging-housing-discrimination-case/>.

⁴² *Id.*

⁴³ Jonathan LaMantia, *Suffolk landlord agrees to pay more than \$105G to settle racial, disability discrimination lawsuit*, NEWSDAY (Apr. 3, 2024), https://www.newsday.com/business/suffolk-landlord-settlement-hkh3yddx#utm_source=newsletter&utm_medium=email&utm_campaign=Morning-Update&lctg=b0a38f8152a08d032cd53d50de4730d702b6864c9497b81519eb0180fb89e0ff&utm_term=sub.

⁴⁴ *Press Release, Attorney General James and Governor Hochul Tackle Discriminatory Practices at Long Island Real Estate Brokerages*, NEW YORK STATE ATTORNEY GEN. (Aug. 30, 2022), <https://ag.ny.gov/press-release/2022/attorney-general-james-and-governor-hochul-tackle-discriminatory-practices-long>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *An Act to End Housing Discrimination in the Commonwealth*, House Bill No. 2049, 194th Sess. (Jan. 15, 2025).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Fair housing education for real estate professionals and consumers*, LOCAL HOUS. SOLUTIONS (May 11, 2021), <https://localhousingsolutions.org/housing-policy-library/fair-housing-education-for-real-estate-professionals-and-consumers/>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Fair Housing University*, LOUISIANA FAIR HOUS. ACTION CENTER, <https://lafairhousing.org/fair-housing-university/> (last visited Dec. 6, 2024).

⁵⁵ *Id.*

⁵⁶ *Fair housing education for real estate professionals and consumers*, *supra* note 50.

⁵⁷ *Fair Housing*, MONTGOMERY COUNTY OFFICE OF HUMAN RIGHTS, <https://www.montgomerycountymd.gov/humanrights/fairhousing.html> (last visited Dec. 6, 2024).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Fair housing education for real estate professionals and consumers*, *supra* note 50.

⁶¹ Kit Un, *Civic Engagement for Fair Housing*, METRO. AREA PLANNING COUNCIL (Feb. 1, 2018, 4:57 PM), <https://www.mapc.org/resource-library/civic-engagement-for-fair-housing/#:~:text=What%20can%20our%20town%20do%20to%20promote%20diversity,month.%20...%204%20Rea ch%20out%20with%20media.%20>

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Lessons from the Ground: Best Practices in Fair Housing Planning*, HUD EXCH., <https://www.hudexchange.info/programs/fair-housing/best-practices-in-fair-housing-planning/collaborating-among-hud-program-participants/> (last visited Feb. 14, 2024). As of Feb. 14, 2025, this information was no longer available on the HUD website. It can be accessed at <https://www.prrac.org/wp-content/uploads/2023/07/PRRAC-HUDtoolkit2.2025smller.pdf> (last visited Feb. 14, 2025).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Community Assistance*, WINSTON-SALEM, <https://www.cityofws.org/646/Community-Assistance> (last visited Dec. 6, 2024).

⁷⁰ *Id.*

⁷¹ *Lessons from the Ground: Best Practices in Fair Housing Planning*, *supra* note 65.

⁷² *Lessons from the Ground: Best Practices in Fair Housing Planning*, *supra* note 65.

⁷³ *HUB*, CHELSEA POLICE DEPARTMENT, https://chelseapolice.com/community_services/hub.php (last visited Dec. 6, 2024).

⁷⁴ *Id.*

⁷⁵ Amanda Abrams, *Connecting the City's Social Services to Help At-Risk Populations*, SHELTER FORCE (Jul. 17, 2019), <https://shelterforce.org/2019/07/17/connecting-the-citys-social-services-to-help-at-risk-populations/>; and *HUB*, CHELSEA POLICE DEPARTMENT, https://chelseapolice.com/community_services/hub.php (last visited Dec. 6, 2024).

⁷⁶ *HUB*, CHELSEA POLICE DEPARTMENT, https://chelseapolice.com/community_services/hub.php (last visited Dec. 6, 2024).

⁷⁷ MASS. GEN. LAWS ch. 161A § 1; and Abby Patkin, *These towns are seeing results from the MBTA Communities Act*, BOSTON.COM (Oct. 15, 2024), <https://www.boston.com/news/real-estate/2024/10/15/these-towns-are-seeing-results-from-the-mbta-communities-act/>.

⁷⁸ MASS. GEN. LAWS ch. 40A § 1 3A.

⁷⁹ Sydney Ko, *Map: Who is – and isn't – complying with the MBTA Communities Act?*, WBUR (Nov. 21, 2024), <https://www.wbur.org/news/2024/05/09/mbta-communities-act-zoning-map>.

⁸⁰ Abby Patkin, *These towns are seeing results from the MBTA Communities Act*, BOSTON.COM (Oct. 15, 2024), <https://www.boston.com/news/real-estate/2024/10/15/these-towns-are-seeing-results-from-the-mbta-communities-act/>.

⁸¹ Ko, *supra* note 79.

⁸² Ko, *supra* note 79.

⁸³ Ko, *supra* note 79.

⁸⁴ Ko, *supra* note 79.

⁸⁵ *Attorney Gen. v. Town of Milton*, No. 13580 (Mass. Jan. 8, 2025).

⁸⁶ *Press Release: Implementation of MBTA Communities Law Continued with Filing of Emergency Regulations*, EXEC. OFFICE OF HOUS. AND LIVABLE COMMUNITIES, (Jan. 14, 2025), <https://www.mass.gov/news/implementation-of-mbta-communities-law-continues-with-filing-of-emergency-regulations>.

⁸⁷ Email from the Town of Needham (Feb. 6, 2025, 11:08 AM EST) (on file with author).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Ana Patricia Muñoz, et al., *The Color of Wealth in Boston*, FED. RESERVE BANK OF BOSTON (Mar. 25, 2015), <https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>.

⁹¹ *Inclusionary zoning*, LOCAL HOUS. SOLUTIONS (May 13, 2021), <https://localhousingsolutions.org/housing-policy-library/inclusionary-zoning/>.

⁹² *How Does Inclusionary Housing Work?*, INCLUSIONARY HOUS. (2019), <https://inclusionaryhousing.org/inclusionary-housing-explained/what-is-inclusionary-housing/inclusionary-housing-work/>.

⁹³ Ruoniu Wang & Sowmya Balachandran, *Inclusionary Housing in the United States*, GROUNDED SOLUTIONS NETWORK (2021), available at https://groundedsolutions.org/wp-content/uploads/2021-01/Inclusionary_Housing_US_v1_0.pdf.

⁹⁴ *Id.*

⁹⁵ *Expanding Housing Opportunities Through Inclusionary Zoning: Lessons from Two Counties*, U.S. DEPT. OF HOUS. AND URBAN DEV. (2012), <https://www.huduser.gov/Publications/pdf/HUD-496.pdf>. As of Feb. 14, 2025, this information was no longer available on the HUD website. It can be accessed at <https://docslib.org/doc/10384817/expanding-housing-opportunities-through-inclusionary-zoning-lessons-from-two-counties> (last visited Feb. 14, 2025).

⁹⁶ Lisa A. Sturtevant, *Separating Fact from Fiction to Design Effective Inclusionary Housing Programs*, CTR. FOR HOUS. POLICY (May 2016), <https://nhc.org/wp-content/uploads/2017/10/Separating-Fact-from-Fiction-to-Design.pdf>.

⁹⁷ Stephanie Reyes & Amy T. Khare, *Advancing Racial Equity in Inclusionary Housing Programs*, GROUNDED SOLUTIONS NETWORK (Feb. 2021), available at https://groundedsolutions.org/wp-content/uploads/2024/06/Advancing-Racial-Equity-in-Inclusionary-Housing-Programs_Technical-Guide.pdf.

⁹⁸ Rick Jacobus, *Inclusionary Housing: Creating and Maintaining Equitable Communities*, LINCOLN INST. OF LAND POLICY (2015), available at https://www.lincolninst.edu/app/uploads/legacy-files/pubfiles/inclusionary-housing-full_0.pdf.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Density Bonus*, INCLUSIONARY HOUS. (2019), <https://inclusionaryhousing.org/designing-a-policy/land-dedication-incentives/density-bonus/>.

¹⁰³ *Density Bonuses*, HOUS. INNOVATIONS PROGRAM, PUGET SOUND REG’L COUNCIL (Aug. 2020), <https://www.psrc.org/media/2027>.

¹⁰⁴ *Id.*

¹⁰⁵ *Density Bonus*, *supra* note 102.

¹⁰⁶ *Density Bonus*, *supra* note 102.

¹⁰⁷ *Density Bonus*, *supra* note 102.

¹⁰⁸ *Density Bonus*, *supra* note 102.

¹⁰⁹ *Density Bonuses*, *supra* note 103.

¹¹⁰ *Density Bonuses*, *supra* note 103.

¹¹¹ *Density Bonuses*, *supra* note 103.

¹¹² *Linkage Fee Programs*, INCLUSIONARY HOUS. (2019), <https://inclusionaryhousing.org/designing-a-policy/program-structure/linkage-fee-programs/>.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Ask DLS: Linkage Fees*, MA DEPT. OF REVENUE DIV. OF LOCAL SERVICES (May 4, 2023), <https://www.mass.gov/info-details/ask-dls-linkage-fees>.

¹¹⁶ Steve Berg, *Why the Affirmatively Furthering Fair Housing Rule Matter*, NAT’L ALLIANCE TO END HOMELESSNESS (Jan. 17, 2024), <https://endhomelessness.org/blog/why-the-affirmatively-furthering-fair-housing-rule-matters/>.

¹¹⁷ Lara Heard & Lillian M. Ortiz, *How Fast Could the Trump Administration Make HUD, Fair Housing Changes?*, SHELTER FORCE (Dec. 23, 2024), <https://shelterforce.org/2024/12/23/how-fast-could-the-trump-administration-make-hud-fair-housing-changes/>.

¹¹⁸ BOSTON, MASS., ZONING CODE ART. 80 (1996); and *Boston to Become First Major City in the Nation to Include Fair Housing Requirements in Zoning Code*, CITY OF BOSTON (Dec. 9, 2020), <https://www.boston.gov/news/boston-become-first-major-city-nation-include-fair-housing-requirements-zoning-code>.

¹¹⁹ *Boston to Become First Major City in the Nation to Include Fair Housing Requirements in Zoning Code*, *supra* note 118.

¹²⁰ *Boston to Become First Major City in the Nation to Include Fair Housing Requirements in Zoning Code*, *supra* note 118.

¹²¹ Article 8 - Accessibility Checklist (Oct. 2019), <https://www.bostonplans.org/getattachment/2b173503-a553-4880-974f-a25270e8ff34>.

¹²² *Id.*

¹²³ Gretchen Blankinship & Andy Winkler, *Eliminating Land-Use Barriers to Build More Affordable Homes*, BIPARTISAN POLICY CTR. (Sept. 26, 2019), <https://bipartisanpolicy.org/blog/eliminating-land-use-barriers-to-build-more-affordable-homes/>.

¹²⁴ Allison Hanley, *Rethinking Zoning to Increase Affordable Housing*, J. OF HOUS. AND CMTY. DEV. (Dec. 22, 2023), https://www.nahro.org/journal_article/rethinking-zoning-to-increase-affordable-housing/.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Affordable Homes Act, ch. 150 of the Acts of 2024.

¹³⁰ *Press Release: Governor Maura Healey Signs Most Ambitious Legislation to Address Housing Costs in State History*, EXEC. OFFICE OF HOUS. AND LIVABLE COMMUNITIES (Aug. 6, 2024), <https://www.mass.gov/news/governor-maura-healey-signs-most-ambitious-legislation-to-address-housing-costs-in-state-history#:~:text=The%20Healey-Driscoll%20Administration%20estimates%20that%20between%208%2C000%20and,is%20the%20creation%20of%20a%20Seasonal%20Communities%20designation>.

¹³¹ Mass. Gen. Law. C.40A § 1A (2024).

¹³² *Accessory Dwelling Units*, EXEC. OFFICE OF HOUS. AND LIVABLE COMMUNITIES, <https://www.mass.gov/info-details/accessory-dwelling-units#what-is-the-law?> (last visited Jan. 10, 2025).

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Jeff Kruth & Muralo Paranandi, *Accessory dwelling units: a zoning solution to the US housing crisis*, WORLD ECON. FORUM (Jun. 8, 2023), <https://www.weforum.org/stories/2023/06/adu-accessory-dwelling-units-us-housing-crisis/>.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Daniel Beekman, *Seattle is now building more ADUs than single houses*, THE SEATTLE TIMES (Mar. 8, 2023, 6:00 AM), <https://www.seattletimes.com/seattle-news/politics/seattle-is-now-building-more-adus-than-single-houses/>.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Press Release, Governor Healey Announces Proposal to Eliminate Renter-Paid Broker Fees*, EXEC. OFFICE OF HOUS. AND LIVABLE COMMUNITIES (Jan. 13, 2025), <https://www.mass.gov/news/governor-healey-announces-proposal-to-eliminate-renter-paid-broker-fees>.

¹⁴⁵ Nik DeCosta-Klipa, *Could Mass. Make landlords pay most broker's fees? Here's what to know*, WBUR (Jul. 16, 2024), <https://www.wbur.org/news/2024/07/16/massachusetts-brokers-fees-landlord-renter-bill-newsletter>.

¹⁴⁶ Press Release, Governor Healey Announces Proposal to Eliminate Renter-Paid Broker Fees, *supra* note 144.

¹⁴⁷ Press Release, Governor Healey Announces Proposal to Eliminate Renter-Paid Broker Fees, *supra* note 144.

¹⁴⁸ Press Release, Governor Healey Announces Proposal to Eliminate Renter-Paid Broker Fees, *supra* note 144.

¹⁴⁹ Ann Bahney, *The gulf between Black homeowners and White is actually getting bigger, not smaller*, CNN BUS. (Mar. 2, 2023, 12:05 PM), <https://www.cnn.com/2023/03/02/homes/race-and-home-buying-nar/index.html>.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Housing for Black-Led Households*, NAT'L LEAGUE OF CITIES (Feb. 4, 2024), <https://www.nlc.org/article/2024/02/06/housing-for-black-led-households/>.

¹⁵⁴ *How Cities and States Can Increase Black Home Ownership*, URBAN INST. (Feb. 22, 2024), <https://housingmatters.urban.org/articles/how-cities-and-states-can-increase-black-homeownership>.

¹⁵⁵ Nikitra Bailey et al., *First Generation: Criteria for a Targeted Down Payment Assistance Program*, NAT'L FAIR HOUS. ALLIANCE (May 21, 2021), available at <https://nationalfairhousing.org/wp-content/uploads/2021/12/crl-nfha-first-generation-jun21.pdf>.

¹⁵⁶ Daniel Mccue et al., *How Much Can Downpayment Assistance Close Homeownership Gaps for Black and Hispanic Households?*, JOINT CTR. FOR HOUS. STUDIES (Mar. 2023), available at https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_downpayment_assistance_mccue_2023.pdf.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Massachusetts Homepage*, U.S. DEP'T OF HOUS. AND URBAN DEV., <https://www.hud.gov/ma> (last visited Jan. 10, 2025).

¹⁶¹ *Id.*

¹⁶² *Get Down Payment Help*, MASSACHUSETTS HOUS. P'SHIP, <https://www.mhp.net/one-mortgage/homebuyer-resources/get-down-payment-help> (last visited Dec. 5, 2024).

¹⁶³ *What Is a Community Land Trust?*, INTERNATIONAL CTR. FOR CMTY. LAND TRUSTS, <https://www.cltweb.org/resources/what-is-a-community-land-trust/> (last visited Jan. 13, 2025).

¹⁶⁴ *Community Land Trust Pros and Cons: Weighing the Opportunities*, CMTY. WEALTH, <https://www.community-wealth.com/community-land-trust-pros-and-cons-weighing-the-opportunities/> (last visited Jan. 13, 2025).

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Our Mission*, BOSTON NEIGHBORHOOD CLT, <https://www.bnclt.org/our-mission> (last visited Jan. 14, 2025).

¹⁷¹ *Id.*

¹⁷² *How It Works*, BOSTON NEIGHBORHOOD CLT, <https://www.bnclt.org/how-it-works> (last visited Jan. 14, 2025).

¹⁷³ *Id.*

¹⁷⁴ Lauren Lowery et. al., *Community Land Trusts: A Guide for Local Municipalities*, NAT'L LEAGUE OF CITIES (2021), available at https://www.nlc.org/wp-content/uploads/2021/08/Community-Land-Trusts_A-Guide-for-Local-Governments_Report-1.pdf.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Supporting Neighborhood Opportunity in Massachusetts (SNO Mass) Program*, MASS.GOV, <https://www.mass.gov/info-details/supporting-neighborhood-opportunity-in-massachusetts-sno-mass-program#more-information-for-property-owners-> (last visited Dec. 5, 2024).

¹⁷⁸ *Id.*

¹⁷⁹ Gretchen Weismann & Alexandra Curley, *Supporting Neighborhood Opportunity in Massachusetts, A study of housing mobility program outcomes*, MOBILITY WORKS (Jun. 2023), <https://www.mass.gov/doc/sno-mass-report-june-2023/download>.

¹⁸⁰ *Id.*

¹⁸¹ *Supporting Neighborhood Opportunity in Massachusetts*, *supra* note 177.

¹⁸² *Supporting Neighborhood Opportunity in Massachusetts*, *supra* note 177.

¹⁸³ *Supporting Neighborhood Opportunity in Massachusetts*, *supra* note 177.

¹⁸⁴ *Supporting Neighborhood Opportunity in Massachusetts*, *supra* note 177.

¹⁸⁵ Weismann & Curley, *supra* note 179.

¹⁸⁶ Nadia Evangelou, *Mom and Pop Business Owners' Day: Landlords of Small Rental Properties*, NAT'L ASS'N OF REALTORS (Mar. 29, 2023), <https://www.nar.realtor/blogs/economists-outlook/mom-and-pop-business-owners-day-landlords-of-small-rental-properties>.

¹⁸⁷ *Id.*

¹⁸⁸ *Exploring Mom-and-Pop Landlord Rentals*, URBAN INST., <https://www.urban.org/projects/exploring-mom-and-pop-landlord-rentals> (last visited Feb. 11, 2025).

¹⁸⁹ *Incentivizing Landlords to Advance Eviction Prevention*, NAT'L LEAGUE OF CITIES, <https://www.nlc.org/wp-content/uploads/2023/01/INCENTIVIZING-LANDLORDS-TO-ADVANCE-EVICTION-PREVENTION.pdf#:~:text=By%20participating%20in%20the%20program%2C%20landlords%20are%20promoted,completed%20the%20Housing%20Solutions%E2%80%99%20Housing%20Stability%20Certificate%20program> (last visited Dec. 5, 2024).

¹⁹⁰ *Landlord Partnership Program*, MARIN HOUS., <https://www.marinhousing.org/landlord-partnership-program> (last visited Dec. 5, 2024).

¹⁹¹ *Incentivizing Landlords to Advance Eviction Prevention*, *supra* note 189.

¹⁹² *Landlords: Critical Participants in the Housing Choice Voucher Program HUD-Sponsored Research Sheds New Light on HCV Landlords PHAs Encourage Landlord Participation With Incentives*, OFFICE OF POLICY DEV. AND RESEARCH (Winter 2019), available at <https://docs.huduser.gov/archives/portal/sites/default/files/pdf/EM-Newsletter-Winter2019.pdf>. As of Feb. 14, 2025, this information was no longer available on the HUD website, but is on file with the author.

¹⁹³ *Landlord Partnership Program*, *supra* note 190.

¹⁹⁴ *Landlord Engagement and Assistance Program*, SAN DIEGO HOUS. COMM'N, <https://sdhc.org/doing-business-with-us/landlords/landlord-engagement-and-assistance-program-leap/> (last visited Dec. 5, 2024).

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Incentivizing Landlords to Advance Eviction Prevention*, *supra* note 189.

¹⁹⁸ *Gold Star Landlord Program*, TULA AUTHORITY FOR ECONOMIC OPPORTUNITY (2022), available at <https://www.cityoftulsa.org/media/18263/gold-star-landlord-program-policy-march-2022.pdf>.

Fair Housing: Discussion of Initial Responsive Steps

Further testing

At its next quarterly meeting in May, the WestMetro HOME Consortium members will consider a proposal to conduct a further, one-year round of testing using HOME funds. Watertown staff has already told the Consortium members it supports the proposal.

Education

Reaching out to property owners and real estate agents who may not know the law is useful. Even more importantly, highlighting the existence of testing programs, enforcement and ensuing penalties can deter violations. In addition to any educational program developed by the Consortium, the Trust could work with the Human Rights Commission on the following:

- Fair housing event in April
- Flyers & social media promoting this event can also serve as reminders about fair housing law
- Training program for property owners/real estate agents/tenants/public
- Exploring a partnership with local real estate agents to encourage their clients to accept housing vouchers

Encourage property owners and tenants to participate in SNO Mass program

The SNO Mass program helps households with rental vouchers obtain housing in “high opportunity” communities like Watertown. This is a relatively new program that has helped 125 families so far. The program offers benefits to property owners and tenants. This could also involve a partnership with local real estate agents.