



What is the Fair Housing Act?

In 1968 President Johnson signed an expansion to the Civil Right Act, prohibiting housing discrimination based on race, religion, nationality, sex, persons with disabilities, and family status. Massachusetts expanded protected classes to include income, sexual orientation, gender identity, age, ancestry, marital status, veteran status, and genetic information.

Landlords, property managers, lenders, and real estate agents have a responsibility to ensure members of a protected class have equal opportunities to various housing options.

The independent Massachusetts Commission Against Discrimination (MCAD) enforces anti-discrimination laws. MCAD investigators review the facts and determine if there is probable cause that unlawful discrimination occurred. MCAD seeks amicable resolutions but reserves the right to issue financial penalties and real estate agents found in violation face license suspensions.

Examples:

- Landlords cannot deny housing or evict a family because a property contains lead paint.
- Real estate agents cannot tell a member of a protected class that a particular unit is unavailable when it is available.
- Lenders cannot refuse to rent or charge higher fees based on protected characteristics.
- Landlords cannot deny renting a unit to a person because they use Section 8 vouchers.
- Property owners must accommodate persons with disabilities and cannot claim a no pet policy to deny a person with a service animal housing.
- Rental agents cannot use phrases or photographs in marketing material that suggests members of a protected class are not welcome.



Prevalence

MCAD received an **average of 347 housing complaints** per year over the last five years.

In FY22 MCAD received 366 housing complaints, an **increase of 103** from the prior year.

The National Fair Housing Alliance reported that **housing organizations filed 31,216 complaints**, representing an **8.5% increase from 2020 to 2021** and the most housing complaints in 25 years.

More than half of the fair housing complaints allege discrimination against persons with disabilities and race-based discrimination complaints accounted for approximately 16% of cases.

BRPC PROGRAM

Community Planning Program
berkshireplanning.org/programs

Best Practices For Municipalities

A municipality can form its own Fair Housing Commission or partner with a non-profit organization to assist residents with the complaint process.

Fair Housing Organizations employ testers to identify and educate real estate companies or individuals violating fair housing laws.

A municipality should distribute educational materials and hold public forums to ensure community members are aware of their rights.

A municipality should identify impediments to fair housing and adopt policies and procedures that promote fair housing.

Best Practices for Landlords and Real Estate Agents

Landlords and real estate agents should talk about the property, not the buyers or sellers.

Landlords and real estate agents should be conscience of the direct and implicit messages marketing material conveys to different audiences.

Real estate agents and landlords need to be consistent and ask every prospective tenant the exact same questions.

Real estate agents and landlords should let the prospect choose if the housing and neighborhood characteristics are right for them.

Real estate agents and landlords are required to know the Fair Housing Law and deny owners who attempt to participate in discriminatory practices.

Best Practices for Tenants

Tenants should understand their right to fair housing and be able to identify discriminatory practices.

Tenants should contact local Fair Housing Organizations if they have a question about the applicability of the Fair Housing Law before making final decisions.

Tenants should remember that they are the ones who choose the type of housing that works for them and not let anybody else attempt to steer them elsewhere.

Resources

[U.S. Department of Housing and Urban Development.](#)

The U.S. Department of Housing and Urban Development's Fair Housing and Equal Opportunity Office provided federal leadership in eliminating housing discrimination.

[Massachusetts Commission Against Discrimination.](#)

MCAD provides training, educational material, and information about recent decisions and upcoming hearings.

[Community Legal Aid.](#)

Community Legal Aid is a free civil legal aid provider for individuals who cannot afford counsel in Berkshire County.

[Massachusetts Fair Housing Center.](#)

The Massachusetts Fair Housing Center provides free legal services and accepts housing discrimination complaints.

[Berkshire Realtors.](#)

Berkshire Realtors provides real estate agents best practices and resources to promote fair housing.

[North Adams Fair Housing Commission.](#)

The North Adams Fair Housing Commission fields complaints on behalf of North Adams citizens.

[Pittsfield Fair Housing Office.](#)

The city of Pittsfield employs a full-time Fair Housing Officer in the Office of Community Development to assist with Fair Housing complaints.