

Racial Equity and Housing in Amherst Forum

Fair Housing Historical context

**Whitney Demetrius,
Director of Fair Housing
Engagement**

What does CHAPA do?

Our mission is to encourage the production and preservation of housing that is affordable to low and moderate income families and individuals and to foster diverse and sustainable communities through planning and community development.



- **Advocate for Opportunity**
- **Expand Access to Housing**
- **Develop the Field**

Equity-Access- and Inclusion

HOUSING CHOICE...CAN YOU AFFORD TO LIVE HERE?

Equity- ACCESS- INCLUSION in all areas of life

- Health
- Education
- Jobs
- Healthy foods
- Housing

Inequities are a result of a series of deliberate and intentional realities...

Zoning, restrictive covenants, segregation, Jim Crow laws, redlining, Exclusionary zoning, overt discrimination

Reversing the impacts must be deliberate and intentional- re-examining local preference, affirmative marketing plans, housing as reparations, moratorium, inclusionary Zoning, local fair housing committees, fair housing plans, analysis of impediments, diversifying housing stock to bring more diversity in homes, welcoming communities

Nationwide Seven Days



National Fair Housing Alliance (NFHA)

<https://www.youtube.com/watch?v=lualCTZT2S0>



Fair Housing Act

- ▶ Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act was signed by President Johnson 7 days after the assassination of Dr. Martin Luther King Jr.
- ▶ The FHA of 1968 prohibits discrimination specific to the sale, rental and financing of housing based on race, religion and national origin
- ▶ The Fair Housing Act was passed to expand previous acts to include federal enforcement provisions
- ▶ Gender was added in 1974
- ▶ Protections for persons with disabilities and families with children were added in 1988

Housing Matters

FHA 1968 AS AMENDED IN 1988



Does the fair housing act apply to everyone?

- ▶ The Fair Housing Act applies to all people providing housing in some capacity, i.e. landlords, lenders, property management companies, real estate agents, builders/developers, homeowners' and condominium associations.
- ▶ Exceptions. The act does not cover:
 - ▶ Owner-occupied buildings with no more than **two units** in Massachusetts (federal four units), with restrictions)
 - ▶ Single-family housing sold or rented **without advertisement**
 - ▶ Housing operated by organizations and private clubs that limit occupancy to members (i.e. sorority houses/ golf clubs)
 - ▶ Religions organization (non-commercial property); **only exemption for religious discrimination**
 - ▶ 55+ and 62+ communities (restrictions apply) **only exemption for familial status discrimination**
 - ▶ Property with three apartments or less, one of which is occupied by an elderly or infirm person for whom the presence of children would be a hardship

Protected Classes

Federal Fair Housing Act:

- ▶ Race
- ▶ Color
- ▶ National Origin
- ▶ Religion
- ▶ Sex
- ▶ Handicap/Disability
- ▶ Familial Status

Massachusetts Fair Housing Act (151B)

- ▶ Ancestry
- ▶ Age
- ▶ Marital Status
- ▶ Source of Income (public assistance or subsidy)
- ▶ Sexual Orientation
- ▶ Veteran History/Military Status
- ▶ Genetic Information
- ▶ Transgender/Gender Nonconforming (some cities)

HUD Memo on Sex Discrimination



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

February 11, 2021

charged where reasonable cause exists. Similarly, FHEO shall conduct all other activities involving the application, interpretation, and enforcement of the Fair Housing Act's prohibition on sex discrimination to include discrimination because of sexual orientation and gender identity.

MEMORANDUM FOR: Office of Fair Housing & Equal Opportunity
Fair Housing Assistance Program Agencies
Fair Housing Initiatives Program Grantees

FROM: Jeanine M. Worden, Acting Assistant Secretary for Fair Housing & Equal Opportunity

SUBJECT: Implementation of Executive Order 13988 on the Enforcement of the Fair Housing Act

On January 20, 2021, President Biden issued [Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#). The Executive Order addresses the Supreme Court's recent decision in *Bostock v Clayton County*, which held that the prohibitions against sex discrimination in the workplace contained in Title VII of the Civil Rights Act of 1964 extend to and include discrimination on the basis of sexual orientation and gender identity. Relying on this landmark decision, the Executive Order directs every federal agency to assess all agency actions taken under federal statutes that prohibit sex discrimination and to fully enforce those statutes to combat discrimination based on sexual orientation and gender identity. HUD's Office of General Counsel has concluded that the Fair Housing Act's sex discrimination provisions are comparable to those of Title VII and that they likewise prohibit discrimination because of sexual orientation and gender identity. Therefore, I am directing HUD's Office of Fair Housing and Equal Opportunity (FHEO) to take the actions outlined in this memo to administer and fully enforce the Fair Housing Act to prohibit discrimination because of sexual orientation and gender identity.



What is prohibited?

- ▶ Refusal to rent or sell housing
- ▶ Refusal to negotiate for housing
- ▶ To make housing unavailable
- ▶ Offering different terms, conditions or privileges for sale or rental of a dwelling
- ▶ Provide different housing services or facilities
- ▶ Falsely deny that housing is available for inspection, sale or rental
- ▶ For profit, persuade owners to sell or rent (blockbusting)
- ▶ Deny anyone access to or membership in a facility or service related to the sale or rental of housing
- ▶ Discrimination in marketing/advertising housing
- ▶ Steering

Affirmatively Furthering Fair Housing

Rescinding AFFH one vocal piece of the national discourse versus local level progress being made

"You know, the suburbs, people fight all of their lives to get into the suburbs and have a beautiful home. There will be no more affordable housing forced in to the suburbs," he said. "It's been going on for years. I've seen conflict for years. It's been hell for suburbia. We rescinded the rule three days ago so enjoy your life, ladies and gentlemen, enjoy your life."

**Memorandum on Redressing Our Nation's and
the Federal Government's History of
Discriminatory Housing Practices and Policies
January 26, 2021**



Biden Administration issued an Executive Order to the new HUD Secretary acknowledging the historical patterns of segregation and discrimination and to take all steps necessary to conform current HUD policy to the requirements of the Fair Housing Act.

Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies

January 26, 2021

“The Federal Government has a critical role to play in overcoming and redressing this history of discrimination and in protecting against other forms of discrimination by applying and enforcing Federal civil rights and fair housing laws”

- to review previous Administration efforts to undercut AFFH and Disparate Impact liability
- Examine effects of 2020 rule “HUDs implementation of the Fair Housing Acts Disparate Impact Standard
- Examine the effect of amending the 2014 Discriminatory Effects Standard
- HUD Secretary must examine effects of “Preserving Community and Neighborhood Choice” rule Aug 2020





A Proclamation on National Fair Housing Month, 2021

APRIL 11, 2021 • PRESIDENTIAL ACTIONS

Exactly 1 week after the assassination of Dr. Martin Luther King, Jr., struck at the soul of our Nation, President Lyndon B. Johnson signed a landmark piece of legislation — an enduring testament to the ideals of Dr. King that enshrined a portion of his legacy in the lives and laws of the American people. Fifty-three years later, the Fair Housing Act still serves as a powerful statement about who we are as a people: the values of equality, equity, and dignity that we strive to uphold, and the places where we still have work to do to fulfill our full promise as a Nation.

The **purpose** of the Fair Housing Act was to put an end to inequities in our housing system and eliminate racial segregation in American neighborhoods — and guarantee that all people in America have the right to obtain the housing of their choice, free from discrimination. The law prohibits discrimination in the sale, rental, and financing of housing, and requires Federal, State, and local governments to proactively dismantle the discriminatory structures that held back people of color and other underserved populations from equitable access to the neighborhoods of their choice.



2021–2022 Fair Housing CHAPA Legislative Agenda

PROHIBITING EXCLUSIONARY ZONING (*HD.1990 & SD.2200*)

Sponsors: Rep. Barber and Sen. Chang-Diaz

Prohibits restrictive land use, zoning, and permitting decisions that perpetuate segregation. prohibits discrimination against affordable housing developments or housing that is suitable for families with children

AFFIRMATIVELY FURTHERING FAIR HOUSING (*HD.3733 & SD.1990*)

Sponsors: Reps. Dave Rogers & Santiago and Sen. Boncore

Creates a statewide duty to affirmatively further fair housing and create inclusive communities and creates a commission to establish how communities must meet its duty to further fair housing

FAIR HOUSING DISPARATE IMPACT STANDARD (*HD.3669 & SD.1765*)

Sponsors: Rep. Dave Rogers and Sen. Boncore

Creates a statewide disparate impact standard to protect people against housing discrimination.

HD.1990 SD.2200 PROHIBITING EXCLUSIONARY ZONING

“An Act promoting fair housing by preventing discrimination against affordable housing”

Sponsors: Representative Christine Barber & Senator Sonia Chang-Díaz

Massachusetts has high levels of residential segregation. Restrictive local zoning and permitting decisions have helped create and perpetuate these patterns based on race, socioeconomic status, and familial status. These bills would prohibit municipal and state discriminatory zoning bylaws, ordinances, and land use decisions.

HD.3733 SD.1990

AFFIRMATIVELY FURTHERING FAIR HOUSING

“An Act to affirmatively further fair housing”

Sponsors: Representatives Dave Rogers and Jon Santiago & Senator Joseph Boncore

This legislation creates a statewide duty to affirmatively further fair housing to make sure that the state, cities, towns, local housing authorities, and other public entities do not discriminate in their programs. It also creates a commission to establish how to meet this duty to create diverse, inclusive communities with access to good jobs, schools, health care, transportation, and housing.

HD.3669 SD.1765 FAIR HOUSING DISPARATE IMPACT STANDARD

House: “An Act establishing a fair housing disparate impact standard”

Senate: “An Act prohibiting discriminatory effects in housing & community development”

Sponsors: Representative Dave Rogers & Senator Joseph Boncore

This legislation creates a state fair housing disparate impact standard to protect against housing discrimination. This will allow people to challenge a housing policy or program that has a discriminatory impact on them because of their race, sex, gender identity, disability, family status (have children), or other protected class — even if the policy or program appears on its face to apply to everyone equally. This will protect against policies and practices that — whether intentionally or unintentionally — keep some people from homes they can afford simply because of who they are.

Your zip code should not determine your future...

▶ Social economic and demographic mobility comes by way of housing.

▶ Things to consider:

- Mortgage lending
- local zoning laws
- Segregation
- Redlining
- Blockbusting
- Predatory lending
- Home appraisals

▶ Historical biases baked into the communities we love

▶ Patterns we see is a constructed environment

▶ **As a result wealth creation has been historically limited and unsustainable through restricted home ownership opportunities for people of color.**

Larger context of racial equity

- Pathways for transportation
- Pathways for schools
- Equity in Urban planning
- Gateway to wealth
- Access to adequate health care
- Access to healthy foods
- Environmental justice
- Access to jobs
- Economic growth and development

What Can You Do NOW?

- **Join local housing Coalition**
- **Revitalize local Fair Housing Committees**
- **Contact Your Local Municipal Officials & Decision Makers**

Advocate to be engaged , to offer input and help organizing and getting input from members of the community. Template letter to send to municipal officials.

- **Contact Your State Legislator!**

Advocate for Fair Housing legislation

- **Join CHAPA Committees**

Budget Priorities – Building Blocks Coalition

Housing Stability & Economic Mobility – for Homelessness Prevention

Public Housing Committee

Rental Assistance Committee

Fair Housing Committee

Revitalized Fair Housing Committee

The Fair Housing Committee meets periodically, bringing together diverse stakeholders from across the state to intentionally advance fair housing and serve as a place to share information, work on legislation, coordinate efforts, and educate ourselves.

Fair Housing Month Symposium: Building the Framework for a More Equitable Massachusetts

April 29th from 1:30 PM to 4:30 PM

During the symposium, we'll ground ourselves in why we do this work before we discuss current fair housing efforts on the federal, state, and local levels that we can all mobilize around together.

Panel Discussion

- The Why Before the How
- Fair Housing and Racial Justice at the Federal Level
- Closing the Black Homeownership Gap and Creating Generational Wealth



Questions?

Whitney Demetrius
Municipal Engagement
Associate

wdemetrius@chapa.org

617-631-8562

www.chapa.org

