



125 LINCOLN STREET, 5TH FLOOR, BOSTON, MA 02111-2503

Phone: (617) 859-0400 | Toll Free: (800) 272-0990 (MA Only)

[www.mbhp.org](http://www.mbhp.org)

## **Connection between Fair Housing Law and Lead Fact Sheet**

### **1. What is fair housing?**

Fair housing is a set of principles and laws which mandate equal access and opportunity in housing. Fair housing covers all housing-related activities, from search and application to amenities, management policies, terms and conditions plus termination of tenancy. Fair housing covers persons who are members of a protected class which are designated as groups of persons and their families that historically have experienced discrimination. In Massachusetts, those classes are race, religion, national origin, gender, disability, familial status, marital status, sexual orientation, public assistance (including rental vouchers, and military status.

### **2. Who must follow fair housing laws?**

Property owners, developers, condo associations, and homeowner associations are covered parties under fair housing laws. Their employees, such as property managers, clerical staff, maintenance workers and all others are responsible for performing their duties in a manner consistent with fair housing. Attorneys and real estate agents must act and advise their clients in a compliant manner. Other residents in the building or development can be held responsible under fair housing laws and regulations if their behavior is considered to be discriminatory. Developers, architects and contractors can be held liable under the accessible design and construction fair housing mandates for units built for persons with disabilities and their families.

### **3. What is the MA “lead law”?**

Massachusetts’ law mandates that in any residential property built prior to 1978 in which a child under 6 years of age or a pregnant woman resides must be lead safe. If there is lead in such a unit, the property owner must delead in a manner acceptable under this law.

### **4. What is the connection between fair housing and lead laws?**

Under both state and federal fair housing laws, it is illegal to deny someone housing based on familial status. If a property owner denies housing to a family because they have children age 6 or under or due to the pregnancy of a family member because they believe or know that there is lead in the unit and/or the common areas, it would be a considered a fair housing violation. The Massachusetts lead and fair housing laws require that residential properties that are not lead safe be delead to allow equal access and opportunity for such families.

### **5. If the concern is the safety of the children or the pregnant woman, is that still considered fair housing discrimination?**

The fair housing laws do not require that there be an actual intention to discriminate for a violation to be determined. It is the actions, not the intent, good or otherwise, that will be the focus of the fair housing investigation. Concerns regarding the health of the family members

are best resolved through making the unit and common areas lead safe.

**6. Where can I go to learn more about my lead-safe responsibilities?**

The Massachusetts Department of Public Health provides many fact sheets on lead poisoning on their Web site: <http://www.mass.gov/dph/topics/leadpoison.htm>. Or, you can contact Massachusetts Department of Public Health at (617) 624-6000 (voice) or 617-6001 (TTY).

**7. Are there financial resources available to help delead?**

There is financial assistance available through the Get the Lead Out Program administered by MassHousing. The Web site for MassHousing is <https://www.masshousing.com>. The information is located in the homeownership section. The Consumer Hotline for MassHousing is (888) 843-6432 (voice) or (617) 854-1025 (TTY). You also can contact the community development department or housing agency for your city or town. Those numbers can be located in the community services pages of your telephone book.

**8. Who is eligible for deleading financial assistance?**

There are four categories of eligible borrowers in this program:

**Owner-occupants** whose income does not exceed MassHousing home mortgage program income limits.

**Owner-occupants** earning between current MassHousing income limits and up to 150 percent of area median income (AMI) with a lead-poisoned child as determined by the Massachusetts Department of Public Health.

**Investor-owners** who rent their property to income-eligible tenants who do not exceed 150 percent of AMI.

**Nonprofit organizations** that own properties and rent to income-eligible tenants.

**9. Are all residential properties eligible for de-leading funds?**

The Get the Lead Out program will only cover single-family homes and multi-family residential buildings of 2 to 4 units.

**10. Are there resources that provide additional information on fair housing?**

- Housing and Urban Development Fair Housing & Equal Opportunity: [www.hud.gov](http://www.hud.gov)
- Dept. Of Justice: [www.usdoj.gov/crt/housing/fairhousing](http://www.usdoj.gov/crt/housing/fairhousing)
- Boston Fair Housing Commission: [www.cityofboston.gov/bfhc](http://www.cityofboston.gov/bfhc)  
617-635-4408 V 617-635-2541 TTY
- Fair Housing Accessibility FIRST: [www.fairhousingfirst.org](http://www.fairhousingfirst.org)
- MA Commission Against Discrimination: [www.mass.gov/mcad](http://www.mass.gov/mcad)
- MA Attorney General's Office: [www.mass.gov/ago](http://www.mass.gov/ago)

**Does MBHP provide assistance to property owners on fair housing?**

Yes, you can contact the MBHP Fair Housing Manager at (617) 425-6681 for technical assistance.