



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Gregory Bialecki, Secretary, EOHEd

HomeBASE Program

Notice 2011-05

TO: HOMEBASE ADMINISTERING AGENCIES AND DHCD HOMEBASE STAFF
FROM: OFFICE OF THE CHIEF COUNSEL
RE: **INFORMATION SHEET ON RECOGNIZING AND RESPONDING TO POTENTIAL LANDLORD DISCRIMINATION AGAINST HOMEBASE PARTICIPANTS**
DATE: SEPTEMBER 23, 2011

It has come to our attention that some landlords are expressing desire not to rent to, or are seeking to impose additional rental conditions on, HomeBASE rental assistance participants. The following information is intended to assist HomeBASE Administering Agency staff and DHCD HomeBASE staff in responding to landlords or property managers and in helping HomeBASE rental assistance participants to understand their rights. Please note, however, that this does not constitute an exhaustive discussion of relevant law or substitute for legal advice for landlords, participants, etc.

Discrimination against HomeBASE Participants Violates State Law

Due to their participation in the HomeBASE program, HomeBASE participants are recipients of public assistance/housing subsidies and are therefore protected under the Massachusetts anti-discrimination law, Massachusetts General Laws Chapter 151B ("M.G.L. c. 151B"). Landlords, property managers, or real estate agents who discriminate against individuals because they are HomeBASE participants, including by refusing to rent, by otherwise making the rental unavailable, or by imposing different rental terms, conditions, or privileges, are violating M.G.L. c. 151B. Landlords, property managers, or real estate agents who make or print statements, notices, or advertisements that indicate discrimination with respect to renting to HomeBASE participants are also violating M.G.L. c. 151B.

Additional Talking Points for Responding to Landlords or Property Managers

- **Differential treatment or discrimination on the basis of HomeBASE rental assistance is unlawful, as is discrimination on the basis of other rental assistance under programs, such as Section 8 (Housing Choice), MRVP, and AHVP.**
- **It is discriminatory for landlords or property managers to prefer or to express preferences for persons without rental assistance or for recipients of Section 8 or other types of rental assistance over HomeBASE rental assistance participants.**
- **Landlords or property managers cannot discriminate against HomeBASE participants because of a requirement of the HomeBASE program (e.g., landlords cannot make a unit unavailable to a HomeBASE participant because the HomeBASE program requires a unit inspection).**
- **DHCD will not approve of contracts for rental assistance payments to a landlord who seeks to rent to tenants subsidized by other DHCD administered programs if the landlord discriminates against HomeBASE participants.**

Note: if an Administering Agency staff person finds that discussing these points with a landlord/agent does not change the landlord's position regarding rental to a HomeBASE participant, Administering Agency staff should notify DHCD HomeBASE staff by contacting Brendan Goodwin at (617) 573-1210.

Additional Information to Share with HomeBASE Participants

HomeBASE participants who wish to file a discrimination complaint may file such a complaint with a civil rights enforcement agency. The Massachusetts Commission Against Discrimination ("MCAD") enforces the rights of those who have been discriminated against on the basis of public assistance/housing subsidy, as well as on the basis of race, color, religions creed, national origin, sex, sexual orientation, age, children, ancestry, genetic information, marital status, veteran status (veteran or member of the armed services), and disability. A notice of fair housing rights under M.G.L. c.151B, including notice of the right to file a complaint with MCAD is available at <http://www.mass.gov/mcad/fairhouse.pdf> . The U.S. Department of Housing and Urban Development ("HUD") enforces federal fair housing laws such as the Fair Housing Act, which prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The HUD housing discrimination complaint form is available at http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination .