



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

PHN 2021-05

To: All Local Housing Authorities
From: Ben Stone, Director, Division of Public Housing
Date: April 21, 2021
Re: **Data for Fair Housing in Tenant Selection**

Overview

This notice reminds Local Housing Authorities (LHAs) of their responsibilities, in accordance with DHCD regulations 760 CMR 5, regarding fair housing for tenant selection in state aided-public housing. DHCD is also providing LHAs with a [Fair Housing Census Data Tool](#) to assist LHAs in correctly implementing fair housing law in accordance with DHCD regulations.

Fair Housing Regulations and Tenant Selection

Long-standing DHCD regulations require LHAs to take into account fair housing in tenant selection. LHAs must:

- 1) Identify the percentage of their existing tenant population that is made up of Minorities definition of Minority under [760 CMR 5.03](#). Per the DHCD Eligibility and Selection Criteria regulation at [760 CMR 5.03](#), Minority is defined as:
 - a) Asian – with origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent;
 - b) Black or African American - with origins in any of the black racial groups of Africa;
 - c) Hispanic/Latino - of Mexican, Puerto Rican, Cuban, Central or South American origin;
 - d) American Indian or Alaska Native- with origins in any of the original peoples of North and South America, and who maintains tribal affiliation or community attachment; or
 - e) Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- 2) Compare the aggregate percentage of its existing tenant population that is made up of Minorities with the percentage Minority in their municipality and Metropolitan Statistical Area (MSA), whichever is greater, to establish whether the LHA is meeting its Affirmative Action Goal under 760 CMR 5.10(3). DHCD is providing a census data tool with Minority population percentages for each LHA's municipality and MSA to assist LHAs in identifying their goals for the demographic composition of their tenant population.

Note: LHAs have separate goals for elderly/handicapped c.667 and family c.200 & 705 housing.

3) In accordance with DHCD regulation [760 CMR 5.10\(3\)](#), LHAs whose resident population do not meet this Affirmative Action Goal should establish a plan and affirmative action preference in tenant selection in order to make a good faith effort to bring their tenant population towards the goal. CHAMP includes functionality to pull a list with a “minority filter” to aid in this effort.

How to use the Fair Housing Census Data Tool

LHAs may find the data tool at this link: <https://hed-lhacensus.azurewebsites.net/> and at the [Resources for Local Housing Authorities and Board Members](#) page on mass.gov.

In the data tool, select your LHA from the dropdown menu. For each LHA’s municipality and MSA the tool will display the percent of the total population that is Minority, the percent of the population under age 55 that is Minority, and the percent of the population age 55 or older that is Minority. The tool will also display the name of the LHA’s municipality and MSA as recorded in the census data.

LHAs should compare their c.200 and c.705 population with the “under age 55” target and the c.667 population with the “age 55 or older” target population in the data tool.

The tool relies on data from the most recent 5-year sample of the American Community Survey (2014 – 2019) published in 2020 by the U.S. Census Bureau. Minority population percentages at the municipality-level are based on Census “county subdivisions”, which represent cities and towns. Minority population percentages at the MSA-level are based on data from a broader Census geography comprised of a central county or counties.

DHCD will update this data tool periodically when the U.S Census Bureau publishes new data.

Next Steps

DHCD plans to include fair housing in tenant selection criteria in Performance Management Review (PMR) starting as a planning year with the June 30, 2022 fiscal year end cohort. In the coming months, DHCD will release guidance and templates on Fair Housing Marketing Plans, Language Access Plans, and Reasonable Accommodation Policies along with more detailed information on how DHCD will evaluate fair housing in tenant selection in PMR. The guidance on Fair Housing Market Plans will include more details on implementing [760 CMR 4.07: LHA Fair Housing Marketing Plan](#).

If you have questions related to the data tool and census data, please contact Emily Moss (emily.moss@mass.gov). Please hold policy questions until DHCD publishes the more detailed guidance referenced above.