



WestMetro HOME Consortium Regional Fair Housing Plan

FFYs July 1, 2015 – June 30, 2020

Prepared for the thirteen WestMetro HOME Consortium municipalities:
Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Newton,
Sudbury, Waltham, Watertown, and Wayland



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Acknowledgments

The WestMetro HOME Consortium Regional Fair Housing Plan (RFHP or Fair Housing Plan) was produced for the Newton Consortium d/b/a the WestMetro HOME Consortium. The Consortium consists of 13 municipalities; the City of Newton serves as the Representative Member and is joined by twelve member municipalities: Belmont, Brookline, Concord, Framingham, Lexington, Lincoln, Natick, Needham, Sudbury, Waltham, Watertown, and Wayland. This document was produced with professional technical assistance provided by the Metropolitan Area Planning Council (MAPC).

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The RFHP was also developed with the participation of the Fair Housing Committee of the WestMetro HOME Consortium and municipal staff in each Consortium municipality, whose members include: Virginia Bullock, Aaron Henry, and Eve Tapper.

MAPC Project Team

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Alignment with Livability Principles and the MetroFuture Regional Plan

The FHP advances several Livability Principles that have been identified by the Partnership for Sustainable Communities, which includes the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA). These principles include:

- **Promote equitable, affordable housing.** Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- **Support existing communities.** Target federal funding toward existing communities—through strategies like transit-oriented, mixed-use development and land recycling—to increase community revitalization and the efficiency of public works investments and to safeguard rural landscapes.

The FHP advances the following MetroFuture Regional Plan goals that pertain to fair access to housing opportunity:

- **Goal #15.** There will be less regional segregation as all municipalities increasingly reflect Metro Boston's growing diversity.
- **Goal# 16.** Low-income households will be able to find affordable, adequate, conveniently located housing, in suburbs as well as cities, and they will be able to avoid displacement.
- **Goal #19.** Persons with physical or mental disabilities will be able to find housing that meets their needs in terms of design, services, and affordability.

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Executive Summary

The 2015-2020 WestMetro HOME Consortium Regional Fair Housing Plan (RHFP or Fair Housing Plan) was developed for the Newton Consortium d/b/a the WestMetro HOME Consortium. The City of Newton serves as the Representative Member and is joined by twelve member municipalities: Belmont, Brookline, Concord, Framingham, Lexington, Lincoln, Natick, Needham, Sudbury, Waltham, Watertown, and Wayland. This RFHP builds on recent plans, including the annual analyses of impediments (AIs) that each Consortium municipality completed for 2013-2014, the FY14 City of Newton and WestMetro HOME Consortium Annual Action Plan, the 2011-2015 WestMetro HOME Consolidated Plan, and the 2014 Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth.

The WestMetro HOME Consortium (WMHC), which includes representatives from the thirteen member municipalities, worked in partnership with the Metropolitan Area Planning Council to prepare the 2015 – 2020 FHP. The RFHP was also developed with input provided during a public comment period posted in June 2015.

Affirmatively Furthering Fair Housing

Under the HOME and Community Development Block Grant (CDBG) statutes, the Consolidated Plan's certification to affirmatively further fair housing requires all entitlement communities receiving federal community development and planning funds, such as those in the WestMetro HOME Consortium, to undertake fair housing planning and to assess and address impediments to fair housing choice. A jurisdiction is affirmatively furthering fair housing when it 1) has a current Analysis of Impediments to Fair Housing Choice, 2) is implementing the recommendations that follow from that analysis, and 3) is documenting its efforts to improve fair housing choice. Brookline, Framingham, Newton, and Waltham are HUD Entitlement Communities; the remaining nine WMHC communities – Belmont, Concord, Lexington, Lincoln, Natick, Needham, Sudbury, Watertown, and Wayland – are not direct HUD entitlement communities; however, since joining the WMHC, they have received HOME funding. HUD suggests that entitlement communities conduct fair housing planning at least once every three to five years.

An Analysis of Impediments to Fair Housing Choice (AIs) is a document required by HUD for fair housing planning at the local and state level. It is designed to meet the requirements of the Housing and Community Development Act and the U.S. Department of Housing and Urban Development (HUD) regulations. On July 18, 2013, HUD also issued an Affirmatively Furthering Fair Housing (AFFH) proposed rule. The proposed rule encourages local government, states, and public housing authorities to work together on a Regional Assessment of Fair Housing, facilitates regional analyses of impediments to fair housing that cover regions "that need not be contiguous and may even cross state boundaries" and mandates meaningful public participation in the process to develop the regional assessment. The 2015 – 2020 FHP is produced to meet the requirements of federal acts and regulations and the proposed AFFH rule.

The *Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth* adopted in 2014 identified funding priorities for the Commonwealth's allocation of housing and community development programs as follows: develop housing for extremely low-income individuals, families, seniors, people with disabilities, and people with special needs; invest in distressed at-risk neighborhoods; preserve existing affordable housing; encourage the production of family housing in neighborhoods and communities, including that at least 65% of units in a project are set-aside as two-bedrooms or larger and 10% are set-aside as three-bedrooms, unless deemed infeasible. Other funding considerations include: geographic balance of the distribution of funds; location and transportation access; efficiency of the use of public subsidies; and community development impact. Additionally, the AI outlines the importance of investing in and preserving resources to improve opportunities for a range of households in distressed areas while also investing and developing policies and increasing access to non-impacted areas of opportunity. In non-impacted areas, the State AI encourages the support of investment in affordable rental family housing with strategic housing and community development reinvestment in distressed areas.

The overall goals of the 2015 – 2020 FHP are: to provide an understanding of fair housing obligation and the needs of protected classes; to identify impediments to fair housing choice through an analysis of public and private sector policies and activities; and to provide a framework to public and private sector partners that enables them to take the lead in affirmatively furthering fair housing by initiating dialogue and institutionalizing fair housing best practices and policies. Through research and analysis of the characteristics of the region, fair housing complaints reported, and public and private sector impediments to fair housing, this Fair Housing Plan proposes a five-year action plan that will sustain current efforts to further fair housing in the Consortium municipalities.

The Structure of this Report

- Section 1 provides an overview of fair housing laws and regulations and the concept of affirmatively furthering fair housing.
- Section 2 provides an overview of the diversity of the WestMetro HOME Consortium region. It compiles information on the fair housing related characteristics and demographics of the households and people in the Consortium communities in comparison to the Greater Boston region and the state.
- Section 3 evaluates the nature of fair housing complaints filed in the WestMetro HOME Consortium communities, and findings of judgments related to fair housing or other civil rights laws.
- Section 4 provides an analysis of public and private sector determinants of fair housing, examining the policies, practices, and activities of public and private sector entities.

- Section 5 reviews WMHC administration, expenditures, and priorities for allocating investment. It also summarizes the current programs, policies, and activities undertaken by the Consortium.
- Section 6 identifies impediments to fair housing that emerged from the analysis of public and private determinants of fair housing.
- Section 7 provides the WestMetro HOME Consortium Fair Housing Action Plan for July 1, 2015 – June 30, 2020, which outlines Consortium-wide fair housing goals, priorities, and strategies and identifies the public and private sector parties that have a role in advancing each action. This section also identifies strategies each municipality will advance, which align with the Consortium-wide action plan.

Methodology

The FHP was produced to be consistent with the HUD Fair Housing Planning Guide and guidance on the proposed rule to Affirmatively Further Fair Housing. The analysis utilizes data from the U.S. Census, American Community Survey, the Department of Housing and Urban Development, and data collected from each member municipality. The Massachusetts Commission Against Discrimination (MCAD) and the Boston Region Fair Housing and Equal Opportunity (FHEO) office also provided fair housing data. The FHP also references regional analysis and data from the Fair Housing and Equity Assessment (FHEA) for Metropolitan Boston, which was produced under the Metro Boston Sustainable Communities grant.

Findings: Impediments to Fair Housing

Based upon an analysis of fair housing complaints lodged against parties in the thirteen WMHC municipalities and public and private sector impediments to fair housing, five categories of activity are needed to increase fair access to housing opportunity.

Category: Public and Private Sector Education and Outreach

Findings: Many municipalities do not have a designated Fair Housing Committee or Fair Housing Officer. This contributes to a lack of local knowledge about fair housing rights and responsibilities by parties in the public and private sectors. Increasing municipal knowledge about fair housing law, rights, and responsibilities; increasing the capacity of the Consortium to support collaboration between municipal staff, local boards, councils, committees, and commissions in meeting their obligations to AFFH; and supporting the establishment of a Fair Housing Committee in each municipality (or a Committee charged with the responsibility of monitoring and promoting efforts to AFFH) are priority actions for the Consortium.

Category: Private Sector Compliance

Findings: Complaint data provided by the Massachusetts Commission Against Discrimination indicates that the bases most frequently cited by parties filing fair housing complaints are, in order of prevalence: disability, familial status, race, color, source of income, and national

origin. The top issues cited in cases filed with the FHEO pertain to: a failure to make reasonable accommodations; discrimination in terms/conditions/privileges relating to rental; and discriminatory advertising statements and notices. In addition, reported hate crimes indicate that 35% of crimes filed were submitted by the affected party and were committed against victims identifying as Black. A program to educate property owners, realtors, and brokers is needed to build knowledge about fair housing law and responsibilities.

Category: Oversight, Monitoring, and Reporting

Findings: A majority of Consortium municipalities do not have an established protocol for intake, assessment, and referral of fair housing complaints. Individuals who have experienced discrimination do not always know about the right to file a complaint. The lack of local and regional capacity for building knowledge about fair housing rights may create barriers in protected classes' access to the fair housing complaint process. Insufficient reporting also impacts the ability of WMHC municipalities' ability to understand and address the breadth of fair housing issues faced by protected classes. There is also no local or regional entity tasked with overseeing fair housing compliance in the WMHC communities. This lack of capacity impacts the ability of the Consortium to understand issues experienced by people in protected classes on a regional level and to develop a coordinated approach to affirmatively furthering fair housing.

Increasing awareness of and access to municipal fair housing contacts and creating a Consortium-endorsed standard procedure for logging and referring fair housing complaints to ensure consistent documentation of fair housing complaints and other instances of discrimination faced by individuals in protected classes is a priority action for the Consortium.

Category: Local Policies and Practices

Findings: Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some existing policies – and the lack of certain policies – serve to limit and/or restrict the integration and development of housing of different types in municipalities. In addition, few municipalities have adopted Language Assistance Plans (LAPs) and ADA Compliance and Transition and Section 504 Self-Evaluation Plans.

There is an opportunity to undertake planning to reduce barriers to fair housing opportunity for people with disabilities, people who are foreign born and whose first language is not English, and other protected classes through the adoption of LAPs, visibility standards, and ADA Compliance and Transition and Section 504 plans. There is also an opportunity to adopt policy changes that will facilitate fair access to housing opportunity by addressing topics like: inclusion of multifamily housing in existing residential areas; permitting accessory dwelling units by right; facilitating the inclusion of housing in areas with access to other important community assets like jobs and transit; intentional strategies to preserve and grow affordable housing stock; and others.

Fair Housing Goals, Objectives, and Strategies for FFYs July 1, 2015 – June 30, 2019

The Fair Housing Action Plan outlines Consortium-wide goals, objectives, and strategies. Municipal strategies to advance the Consortium-wide goals are also identified. Below is a summary of the major goals and objectives of the Plan. Strategies that advance each category of action are outlined in detail in Section 7.

Category: Public and Private Sector Education and Outreach

Consortium Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of informational resources.

Consortium Objectives:

- A. Secure additional resources to expand fair housing outreach and educational activities.
- B. Deliver resources and 1-2 fair housing trainings or workshops each year to the public sector including elected and appointed officials and municipal staff in each WMHC municipality.
- C. Deliver resources and one (1) training each year to the private sector including renters, buyers, small property owners, and realtors.

Category: Private Sector Compliance

Consortium Goal #2: Identify and address discriminatory actions in the Consortium's private real estate market

Consortium Objective:

- D. Educate landlords, brokers, buyers, banks, and financial institutions to decrease discrimination experienced by protected classes – with a particular focus on addressing issues cited in fair housing cases reported in the last five years.

Category: Oversight, Monitoring, and Reporting

Consortium Goal #3: Increase the capacity of the Consortium to affirmatively further fair housing in the thirteen municipalities

Consortium Objectives:

- A. Designate a standing WMHC Fair Housing Committee (FHC) that meets quarterly and will be the body responsible for advising the Consortium on the implementation of the Regional Fair Housing Plan and monitoring changing fair housing conditions.
- B. Build knowledge of fair housing issues by increasing access to mechanisms for reporting and filing fair housing complaints.
- C. Encourage reporting of discrimination by individuals in protected classes.

- D. Advise municipalities on developing local action plans for educating municipal staff and constituents on fair housing rights and responsibilities and architectural accessibility standards.

Category: Local Policies and Practices

Consortium Goal #4: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing

Consortium Objectives:

- A. Facilitate adoption of local zoning policies and practices that advance a safe, diverse, affordable, accessible, and integrated housing stock.
- B. Facilitate adoption of ADA/Section 504 Self Evaluation and Compliance and Transition Plans, and Language Assistance Plans in each municipality.

Section 1: Fair Housing Law and Obligations to Affirmatively Further Fair Housing

Fair housing choice is the right to equal access to all types of housing. It exists when *all* current and prospective residents of a community have the ability to freely choose among options that will afford them access to safe, sanitary and affordable housing in neighborhoods where they can thrive. Fair housing choice is impeded by discrimination (where people are not allowed to live where they choose) and by issues of affordability (where people cannot afford housing of their choice). Fair housing choice includes the ability to access housing in locations that provide access to other opportunities, including good schools, jobs, safe neighborhoods, and amenities that improve public health.¹

1.1 Fair Housing Law

Fair housing choice is related to civil rights principles and legal protections contained in the U.S. Constitution and the Massachusetts Constitution. A variety of federal and state rules, regulations, and executive orders inform public and private sector parties of their obligations to affirmatively further fair housing (AFFH) and of the rights of protected classes. Please see Appendix II for brief descriptions of these rules, regulations, and executive orders.

Two laws in particular prohibit housing discrimination on a variety of bases (protected classes): Title VIII of the 1968 Civil Rights Act, the Fair Housing Act, was adopted in 1968 and amended in 1988 and outlines seven protected classes; Massachusetts General Law (MGL) 151B, the Commonwealth's fair housing law, was passed in 1946 and outlaws discrimination in housing based on all of the classes protected by federal law and eight additional protected classes. Table 1 summarizes protected classes based on federal and state laws.

Table 1: Protected Classes under Federal and State Laws

Federal Law (Fair Housing Act and other federal civil rights laws)	State Law (Massachusetts General Laws (MGL) Chapter 151B)
<ul style="list-style-type: none">• Race• Color• National Origin• Religion• Sex• Familial Status• Disability	All federal bases plus: <ul style="list-style-type: none">• Ancestry• Age• Marital Status• Source of Income• Sexual Orientation• Gender Identity• Veteran History/ Military Status• Genetic Information

¹ Massachusetts Department of Housing and Community Development, "Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth," (January 2014).

The federal Fair Housing Act applies to all kinds of housing – whether it is federally funded or not. It applies to both intentional acts of discrimination as well as policies and practices that have a disparate impact on members of a protected class. Title VIII outlines a specific obligation for agencies of the federal government that administer programs involving housing and community development to act in a manner affirmatively to further the policies of “the Fair Housing Act”, otherwise referred to as “affirmatively further fair housing.” The Department of Housing and Urban Development’s (HUD) Fair Housing Planning Guide and established case law also make it clear that fair housing planning also pertains to private sector actions, omissions, and decisions that restrict housing choice. MGL Chapter 151B as indicated in Table 1 provides for broader coverage of other bases.

Fair Housing Law Enforcement

Fair housing law is also further defined through regulatory rulemaking. An example of this is a major case from the Greater Boston region that verified the duty of government in AFFH was the decision by the federal First Circuit Court of Appeals in *NAACP, Boston Chapter v. Secretary of Housing and Urban Development* — one of the most crucial and influential statements about the meaning of the duty to AFFH. In this case, the First Circuit Court upheld a district court’s findings that in the use of federal CDBG funds, the City of Boston and HUD violated Title VIII. The court stated that the City failed to take into account “minority housing needs” by: disregarding conditions of race discrimination in housing; disregarding residential racial segregation; and failing to address a shortage of low-income housing in disproportionately affected Black/African American households as well as a shortage of low-income housing that could serve Black/African American households in White neighborhoods. The First Circuit court reached the conclusion that the duty to further fair housing means that HUD must not permit its grantees to engage in acts of discrimination including the perpetuation of residential segregation; must take into account the civil rights effect of funding decisions; and federal housing funds must be deployed in a manner that fulfills the goals of open, integrated residential housing patterns and that prevents the increase of segregation of racial groups whose lack of opportunities the Fair Housing Act was designed to combat.²

Discriminatory Effects Final Rule

The Discriminatory Effects Final Rule was released in February 2013 and it implements the Fair Housing Act’s Discriminatory Effects Standard. It codified HUD’s longstanding administrative and legal practice on how to measure disparate impact. The rule states that “[a] practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns...” on a protected class basis. According to the rule, municipalities have the obligation to analyze and modify rules, policies, and practices that have potential discriminatory effects/disparate impact. In terms of state and federally funded residential development projects, both funding entities and developers are charged with ensuring that marketing and resident selection policies do not create a disparate

² Metropolitan Area Planning Council, “Fair Housing and Equity Assessment for Metropolitan Boston,” (March 2014).

impact by excluding, denying, or delaying participation of groups of persons protected under fair housing laws.

Affirmatively Furthering Fair Housing Proposed Rule

A core principle of the Fair Housing Act is the responsibility of government-funded entities to act in ways that reverse segregation and its impacts. In July 2013, HUD released an Affirmatively Furthering Fair Housing Proposed Rule that clarified that affirmatively furthering fair housing

“means taking proactive steps beyond simply combating discrimination to foster more inclusive communities...More specifically, it means taking steps proactively to address significant disparities in access to community assets, to overcome segregated living patterns and support and promote integrated communities, to end racially and ethnically concentrated areas of poverty, and to foster and maintain compliance with civil rights and fair housing laws.”³

The rule is intended to provide direction, guidance, and procedures for HUD program participants to promote fair housing choice. It encourages regional approaches to fair housing planning, replaces the AI with an Assessment of Fair Housing (AFH), mentions the provision of a uniform national dataset that can be used to produce the assessment, and emphasizes public participation in the development of the AFH and the incorporation of fair housing planning into existing planning processes. The proposed rule also links AFFH obligations with the disparate impact analysis outlined in the Discriminatory Effects Final Rule by asking that analysis of a policy or practice before adoption include a consideration of whether there is a policy or practice that not only does not discriminate but increases opportunities for protected class members.

As noted previously, fair housing law is primarily refined through enforcement; numerous case law examples including the case of *NAACP, Boston Chapter vs. Secretary of Housing and Urban Development* have contributed towards the defining of three types of discriminatory actions addressed through fair housing law.

Table 2 summarizes the three types of discriminatory actions recognized in fair housing law. Please see Appendix II for a fuller description of other relevant rules, regulations, and executive orders that pertain to fair housing choice.

Table 2: Types of discriminatory actions recognized under fair housing law

Disparate treatment	Treating or behaving differently toward someone who is a member of a protected class because he/she is a member of that protected class
Disparate impact	A policy or procedure that may be neutral on its face but has a different, adverse impact on persons of a protected class

³ Department of Housing and Urban Development, “Affirmatively Furthering Fair Housing Proposed Rule,” (July 2013).

Perpetuation of segregation	A policy or procedure that maintains patterns of residential separation based on protected class is considered discriminatory
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1.2 Obligation of Housing Programs to Affirmatively Further Fair Housing

The Fair Housing Act requires that HUD and all executive departments and agencies “affirmatively further the Fair Housing Act.”⁴ HUD requires states and localities to certify that they will affirmatively further fair housing as a condition of their receipt of housing and community development funds. Additionally, HUD regulations indicate that pursuant to the Civil Rights Act of 1964, public housing agencies in receipt of federal funds must act affirmatively to overcome limited participation by members of the race, color, and national origin protected classes. Regulations regarding the HOME program (funded by HUD) also make funding conditional on recipients affirmatively furthering fair housing.⁵ Grantees of HUD’s Community Development Block Grant (CDBG) are required by the Housing and Community Development Act of 1974 to affirmatively further fair housing by promoting housing opportunity and accessibility for the classes of persons protected under the Fair Housing Act.

HUD provides examples of potential methods for affirmatively furthering fair housing, such as: establishing fair housing enforcement organizations in needed areas; developing counseling programs promoting housing choice voucher use outside minority and low-income concentrated areas; providing outreach to housing providers outside minority and low-income concentrated areas; marketing available housing to persons less likely to apply for housing in a particular area; encouraging banks and other lending institutions to operate in underserved areas and for underserved populations, and making credit and loan amount determinations that are inclusive of protected classes.⁶

Liability may arise when there is a failure to affirmatively further fair housing as required. Such a failure may include perpetuating racial segregation patterns and adopting other policies and activities that have a disparate impact on a protected class.⁷ In *Gautreaux v. Chicago Housing Authority*, the federal District Court of the Northern District of Illinois held that the Chicago Housing Authority and HUD violated the equal protection clause and Title VI of the 1964 Civil Rights Act by locating most of its public housing in African American neighborhoods, and by steering African American applicants away from public housing in Caucasian neighborhoods.⁸ More recently, in *Thompson v. HUD*, a federal judge in Baltimore ruled that HUD had failed to regionalize public housing outside poor urban areas and to assist individuals with vouchers in finding residences outside the city that were near employment opportunities and public transportation.⁹

⁴ 42 U.S.C. § 3608(d).

⁵ 24 C.F.R. part 92.

⁶ Promoting Fair Housing. Source: <http://www.hud.gov/offices/fheo/promotingfh.cfm>.

⁷ See *NAACP v. HUD*, 817 F.2d 149 (1st Cir. 1987) (finding that HUD failed to take affirmative steps to address segregated housing in Boston as required by the Fair Housing Act); see *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33 (D. Mass. 2002) (adopting Section 8 selection preferences for local residents that yield a discriminatory effect may violate the “affirmatively further fair housing” provision of the Fair Housing Act).

⁸ 265 F. Supp. 582 (N.D. Ill. 1969).

⁹ MJG-95-309 (D. Md. 2005).

In Massachusetts, the duty to affirmatively further fair housing has also been enforced. In *NAACP v. Secretary of Housing and Urban Development*, a class action against HUD, the First Circuit Court found in 1987 that HUD failed to ensure that federal funds for the city of Boston were used in a non-discriminatory manner. In *Langlois v. Abington Housing Authority*, the court found that the local housing authority's failure to consider the discriminatory effect of its application procedures and local selection preferences on minorities violated its duty to affirmatively further fair housing.¹⁰

Furthermore, the Massachusetts Department of Housing and Community Development (DHCD), through its regulations on affirmative action governing local housing agencies,¹¹ incorporates by reference regulations governing affirmative fair marketing and tenant selection.¹² Such marketing and tenant selection regulations require local housing agencies to “engage in and promote fair housing and tenant selection practices so as to prevent discrimination and segregation and to remedy the effects of past discrimination.”¹³ DHCD also requires local housing agencies to develop and implement a written fair marketing plan. In the event the fair marketing plan is not followed, local housing agencies are required to take corrective measures.¹⁴

1.3 Public and Private Sector Roles

The three types of discriminatory actions noted above are influenced by the policies, practices, and actions of parties in the public and private sectors. Public and private sector entities that have a role in furthering fair housing include:

- Municipal boards, committees, and commissions: planning, zoning, housing;
- Community-based organizations; civil rights groups, advocacy groups for people with disabilities, immigrants, low-income people, families, faith based networks;
- Service providers: independent living centers, area shelters, community action program (CAP) agencies, housing service providers, community development corporations (CDCs);
- Private sector: chambers of commerce, realtors associations, property owners, developers;

¹⁰ See *Thomas v. Butzen*, 2005 WL 2387676 (N.D. Ill.).

¹¹ 760 C.M.R. 47.08.

¹² 760 C.M.R. 33.06.

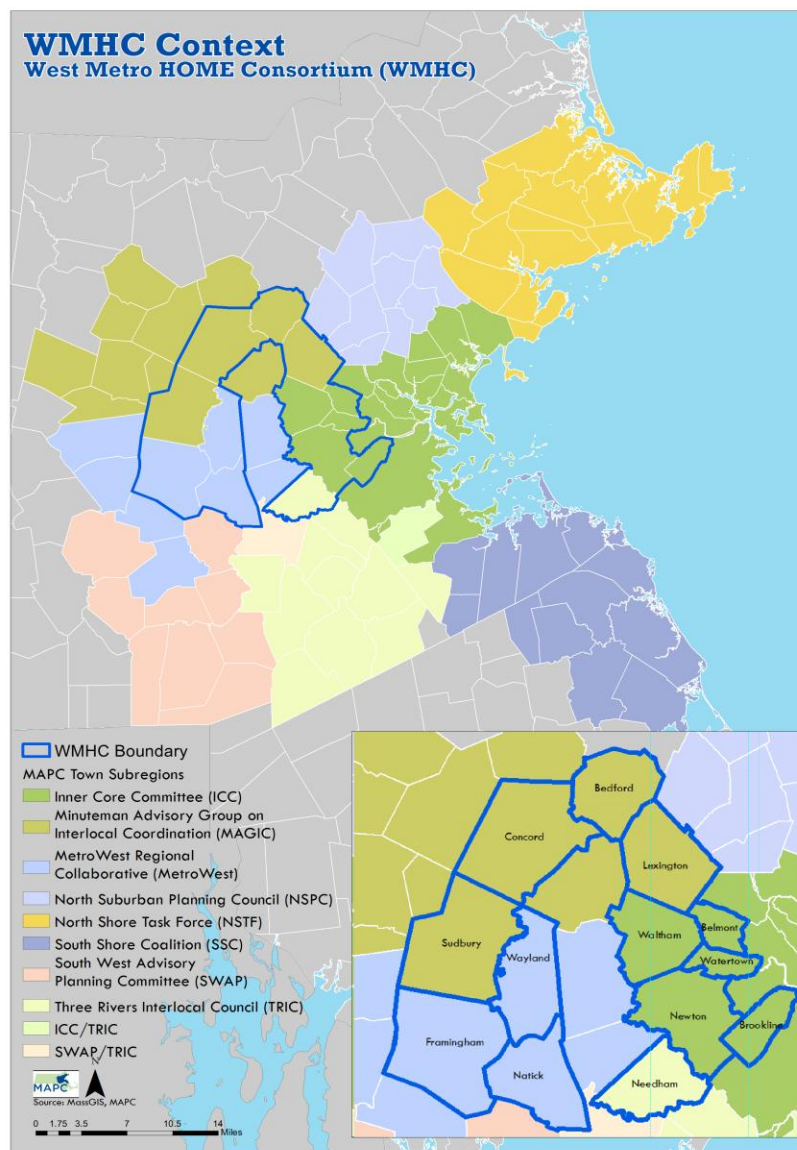
¹³ *Id.*

¹⁴ 760 C.M.R. 4.08.

Section 2: The Diversity and Assets of the WestMetro HOME Consortium Region

This section provides an overview of demographic characteristics, household characteristics, economic and housing conditions, and regional assets that are related to fair housing choice in the thirteen Consortium municipalities. Data on communities in the WMHC region is compared with figures for the MAPC region, subregions of MAPC, and/or Massachusetts. Figures for the MAPC region refer to the 101 cities and towns in Metropolitan Boston that are in the MAPC service area. Please see Appendix III for supplemental tables and maps that visualize the data provided in this section. The following map illustrates the Consortium municipalities in the context of the MAPC region.

Figure 1: WestMetro HOME Consortium and MAPC Region



MAPC Community Types and WMHC Classification

MAPC classifies all of its 101 member municipalities into community types. This classification provides a structure for understanding how regional trends will affect the region's diverse communities over the coming decades. The criteria used to define Community Types include land use and housing patterns, recent growth trends, and projected development patterns. The four different community types are described below.

Inner Core: These are high density cities as well as more residential “streetcar suburbs.” These communities are essentially “built out” with little vacant developable land. Virtually all recent development has occurred through infill and reuse of previously developed land. Multifamily housing is a significant component of the housing stock, as is rental and subsidized housing.¹⁵

Regional Urban Centers: The group includes urban centers outside of the Inner Core. These communities are characterized by an urban-scale downtown core with multiple blocks of multi-story, mixed-use buildings, moderately dense residential neighborhoods surrounding this core, and (in some cases) lower density single-family residential development beyond. Some of these communities are “built out,” while others still have vacant developable land around the periphery of the community. Rental housing and multifamily structures comprise a significant component of the housing stock.

Maturing Suburbs: These municipalities are moderate-density residential communities with a dwindling supply of vacant developable land. Less than 25 percent of their land area is still developable. Less than 20 percent of their land area is devoted to commercial and industrial uses, although some of these towns comprise significant job centers. More than half of their housing units are owner-occupied single-family homes.

Developing Suburbs: These are less-developed towns with large expanses of vacant developable land. Most have recently experience high rates of growth, primarily through large lot single-family homes. Some towns have a locally-significant stock of rental units and units in modestly-sized multifamily structures. Many of these towns have a well-defined, mixed-use town center. Others have town center with historical and civic significance but no commercial or neighborhood function. The extent of economic development varies but is generally quite limited.

Below is a chart of how each of the 13 WMHC municipalities are classified.

Table 3: WMHC Municipalities by Community Type

	Community Type
Bedford	Maturing Suburb
Belmont	Inner Core

¹⁵ Newton is considered an Inner Core community, however its housing stock is different in comparison to a majority of Inner Core communities – 60 percent of Newton's housing stock is single-family, and 70 percent is owner-occupied.

	Community Type
Brookline	Inner Core
Concord	Maturing Suburb
Framingham	Regional Urban Center
Lexington	Maturing Suburb
Natick	Maturing Suburb
Needham	Maturing Suburb
Newton	Inner Core
Sudbury	Maturing Suburb
Waltham	Inner Core
Watertown	Inner Core
Wayland	Maturing Suburb

MetroFuture Household Projections

Projected household growth by age for the WMHC subregion is depicted in the below table. These projections provide insight into how many actual units will be needed in these communities and what age groups these units will need to accommodate.

- Overall in the WMHC communities, there is an expected 9.43 percent growth in households from 2010-2030.
- Households age 60 and over are projected to see the most significant increase from 2010 through 2030 at around 41 percent. Households age 45-59 (-16.02 percent) are expected to decline and there will be only a small percentage of growth in households age 30-44 (3.59 percent)¹⁶.

Table 4: WMHC Municipalities Population Projections by Age Cohort, 2010-2030

	2010	2020	2030	Change (2010- 2030)	% Change
Households	187954	196400	205671	17717	9.43%
Age 15-29	19666	19564	19711	45	0.23%
Age 30-44	47502	46706	49208	1706	3.59%
Age 45-59	58912	54380	49473	-9439	-16.02%
Age 60 and over	61874	75750	87279	25405	41.06%

Higher growth in households age 60 and over is a trend that the region is experiencing overall as many communities are grappling with the aging of the baby boomer generation. The region is also seeing a trend towards smaller household sizes as people in general are having less children. Below in Table 5 we see that for 11 of the 13 WMHC municipalities, the projected household size is expected to be smaller in 2030 when compared with 2010.

¹⁶ MetroFuture Projections: Status Quo Scenario.

Table 5: WMHC Municipalities Household Size projections, 2010-2030

	Average Household Size (2010)	Projected Household Size (2030)
Bedford	2.55	2.33
Belmont	2.51	2.46
Brookline	2.29	2.35
Concord	2.56	2.13
Framingham	2.42	2.37
Lexington	2.65	2.44
Natick	2.42	2.26
Needham	2.67	2.49
Newton	2.52	2.39
Sudbury	3.07	2.54
Waltham	2.23	2.24
Watertown	2.18	2.14
Wayland	2.67	2.38

2.1 Demographics

Population by Age

Age is a protected class under MGL Chapter 151B. The Consortium municipalities have a population-by-age profile similar to that of the MAPC region and Massachusetts (Census 2010). Highlights:

- The 35-64 age segment is the largest percentage of the population in Massachusetts (41 percent) and in the region (40 percent); the next largest age segment is the under 18 school age population — 22 percent of the state's population and 21 percent of the region's population.
- The percentage of 35-64 year olds in WMHC municipalities ranges from 35.6 percent in Brookline to 47.5 percent in Sudbury.
- Eight of the WMHC municipalities have a larger school age population under the age of 18 than the state. The WMHC municipality with the most significant under 18 school age population is Sudbury at 32 percent.
- The 65+ population is a larger percentage of the total population in nine of the Consortium municipalities when compared with the state.
- The town of Brookline has the largest population of young professionals ages 25-34 in comparison to the other Consortium municipalities and the region and the state.

Population by Race

Race and color are protected classes under the Fair Housing Act and MGL Chapter 151B. In terms of population diversity by race (Census 2010),

- Approximately 20 percent of the population in Massachusetts and 24 percent of the region's population identifies as Latino, Asian, Black, or another race.
- Nine of the thirteen WMHC municipalities have white populations that range from 82 percent to 90.8 percent. This is a higher percentage when compared to the region and the state (76-80 percent). Needham and Sudbury have the highest percentage of white population at 90.8 percent.
- Although all of the WMHC municipalities are made up of a majority white population, there is a wide range of diversity in race and color. Framingham has the most diversity with 28.1 percent of the municipal population identifying as Latino, Asian, Black or another race.
- There are large Asian populations in Lexington (20 percent) and Brookline (16 percent). This compares to a state average of 5.3 percent and a regional average of 7.6 percent

Foreign Born Population

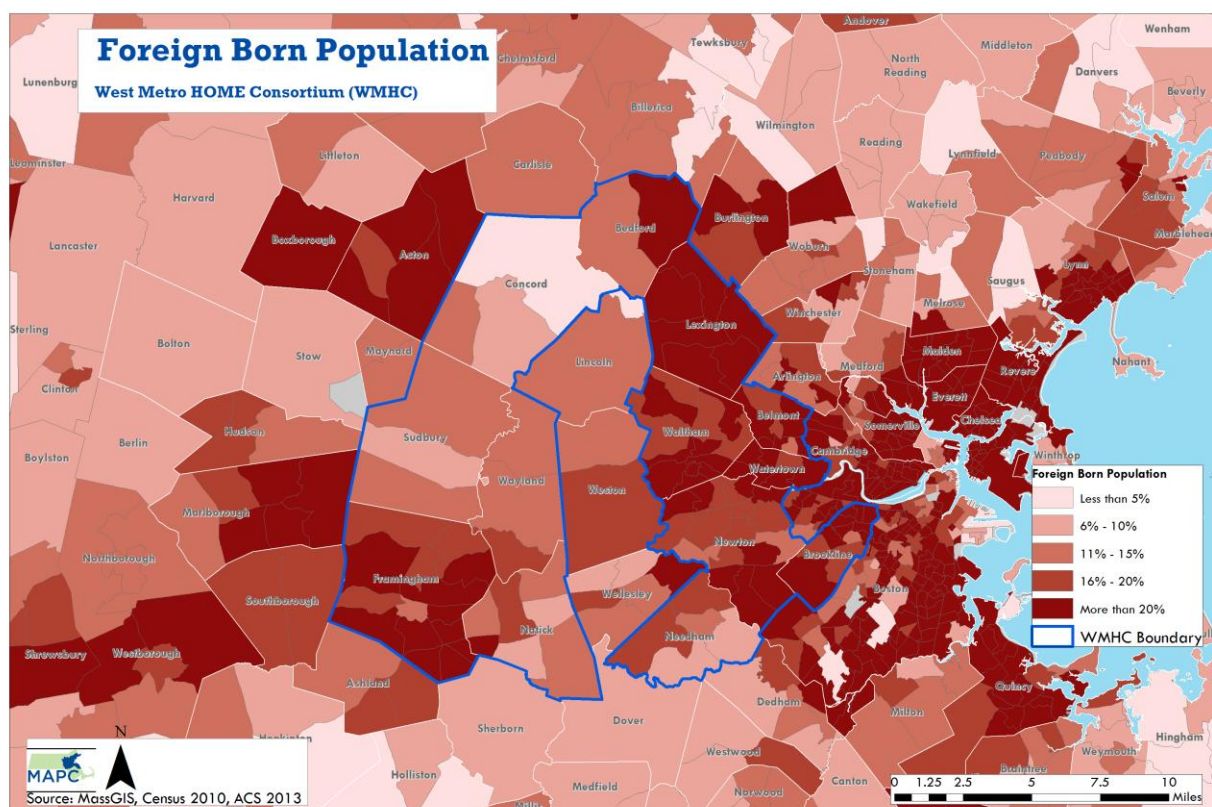
National origin is a protected class under the Fair Housing Act and MGL Chapter 151B. The American Community Survey tracked data on populations by citizenship status and whether they are born in the U.S. or in another country (ACS 2009-2013 Five-Year Average). Foreign born residents account for 15 percent of the state's population; 62 percent have arrived since 1990.¹⁷ Findings:

- Approximately 15 percent of the population in Massachusetts and 19.5 percent of the region's population is foreign born.
- Among the thirteen WMHC municipalities, eight have a foreign born population that is a higher percentage when compared with the state. Framingham has the highest percentage of foreign born population at 26.6 percent. Of the 18,440 foreign born persons in Framingham, only about one third are naturalized.
- Concord has the lowest foreign born population at 9 percent.
- More than half of the foreign born population in the Consortium municipalities are naturalized citizens.

The following map shows the distribution of foreign born populations in the Consortium in comparison to the MAPC region.

¹⁷ 2013, Commonwealth of Massachusetts Analysis of Impediments to Fair Housing.

Figure 2: Foreign Born Population, ACS 2009-2013 Five-Year Averages



Languages Spoken at Home

The Census tracks data on top languages spoken at home, which is an additional measure of diversity by ethnicity and national origin. Data on households that primarily speak another language at home or whose members do not speak English well (linguistically isolated households) indicates the following (Census 2010):

- Among households speaking a language other than English at home, approximately 24 percent of Massachusetts households and 25 percent of MAPC region households are identified as linguistically isolated; Asian and Spanish languages are the most common languages spoken in households speaking a primary language other than English at home.
- The town of Framingham has the largest percentage of households that are identified as linguistically isolated.
- In Framingham, 35 percent of all households identified as speaking a language other than English at home.
- In Bedford, Belmont, Framingham, Newton, Waltham, and Watertown more than 11 percent of the community speaks a language classified as Other European.

People with Disabilities

Disability is a protected class under the Americans with Disabilities Act and MGL Chapter 151B. About 10 percent of the region's residents over the age of 5, and not living in institutions, reported having one or more disability in 2010. Of those working age (18-64) adults with disabilities, nearly 75,000 report a disabling condition that makes independent living difficult. Nearly 40,000 seniors (65 or over) report a similar condition. Many individuals have more than one disability, and the Census Bureau also tallies total reported disabilities. Among working age residents (18-64), those reporting a disability were about half as likely as non-disabled residents of the same age to be in the labor force and more than twice as likely to be unemployed. As of the 2010 census, about 30,000 Metropolitan Boston region people with disabilities resided in institutional or quasi-institutional settings such as community residences and halfway houses. Findings (ACS 2009-2013):

- Among WMHC communities, Framingham has the largest percentage of people who have reported a disability (10.6 percent).
- Framingham also has the highest number of people with a reported disability at 7,195 people. Newton has the second highest number at 6,289 and Waltham has the third highest number at 5,400.

Veterans

Veterans are also a protected class under MGL Chapter 151B. Findings (ACS 2009-2013):

- Within WMHC, Newton has the highest number of veterans at 3,222 and Sudbury has the lowest number of veterans at 779.
- The town with the highest percentage of veterans is Bedford at 10.7 percent and the lowest percentage is Brookline at 3.3 percent

Same Sex Couples

Sexual orientation is also a protected class under MGL Chapter 151B. Findings (ACS 2009-2013):

- Newton has the highest number of reported same sex couple households at 253 followed by Brookline at 251 and Framingham at 196.

2.2 Housing Stock

The Census collects data on total housing units in each municipality. Findings:

- Brookline, Framingham, Newton, and Waltham collectively contribute the majority of the housing stock in the Consortium; Newton had 32,648 housing units and Framingham has 27,529 housing units as of Census 2010.
- A majority of housing units in the thirteen municipalities are owner-occupied. Among the thirteen municipalities, owner-occupied housing is the majority in each

community with the exception of Brookline and Waltham. Framingham and Watertown also have a higher percentage of renter occupied households when compared with the state.

Subsidized Housing Inventory

MGL Chapter 40B is a state statute that enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25 percent of the units have long-term affordability restrictions. The MGL Chapter 40B Subsidized Housing Inventory (SHI) is used to measure a community's stock of low- or moderate-income housing for the purposes of MGL Chapter 40B. Housing units on the SHI include housing units for the elderly, disabled, veterans, and families. Some units are also located in group homes. Findings:

- There are 16,359 subsidized housing units in the thirteen WMHC municipalities.
- According to the SHI listing as of December 2014, five of the thirteen WMHC municipalities have met the MGL Chapter 40B SHI minimum of 10 percent of year-round housing units. These communities include Bedford (16.9 percent), Concord (10.4 percent), Framingham (10.5 percent), Lexington (11.1 percent), and Natick (10.3 percent).
- In terms of actual numbers of subsidized housing units, Framingham has the largest number of SHI units (2,870) among Consortium municipalities.
- While Needham's current SHI is 7.6 percent, a Local Initiative Program (LIP) Chapter 40B application filed with the state in April 2014 for 390 rental units on Second Avenue will bring the Town's SHI above 10% within the next year.

HOME Program Affordable Housing Income Limits

The following sections on housing problems, household characteristics, and affordability reference HUD-defined income limits for affordable housing. For reference, HUD has a methodology for setting the affordable housing income limits for municipalities participating in the HOME program. HUD calculates the HOME affordable housing income limits using the same methodology used to calculate income limits for the Section 8 program. These limits are based on HUD estimates of median family income, with adjustments based on family size. HUD defines affordable housing as housing that is affordable to those meeting certain income thresholds that are a percentage of the area median income (AMI) in the metropolitan area. The HUD affordable housing income thresholds are:

- Between 81 and below 120 percent (moderate)
- between 50 and 80 percent (low-income)
- between 30 percent and 50 percent (very low-income)
- at or below 30 percent (extremely low-income)

Reported Housing Problems

The right to decent and safe housing is an element of fair access to housing opportunity. Units that lack complete kitchen, bathroom, or electricity, that are over-crowded (contain

more than one person per room), or that house families with a cost burden greater than 30 percent (CHAS) are classified as those with housing problems. Housing problems impact racial and ethnic groups differently. Findings show that within the Metropolitan Boston region:

- Among extremely low -income renters and homeowners, all racial and ethnic categories experience housing problems at roughly the same high rate: 65-71 percent for renters and 78-85 percent for owners.
- Significant variation among homeowners appears at the very low-income level, with Blacks/African Americans and Hispanics/Latinos experiencing a substantially higher incidence of problems than white non-Hispanics/Latinos (83 and 90 percent versus 53 percent respectively).
- Among very-low-income renters, Asians experience the greatest disparity compared to Whites relative to housing problems.

All racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, but people of color – both renters and homeowners – continue to report problems at a substantially higher rate than their White counterparts at all income levels.¹⁸

2.3 Household Characteristics

The Census collects data on a number of household characteristics including: households by type (family and non-family) and tenure (renter- or owner-occupied), household size, household income, median household income in a geographic area, cost burdened households, (households spending more than 30 percent of annual income on housing), and affordability (fair market rents and average rents). Source of income and familial status are protected classes under MGL Chapter 151B.

Households by Type and Tenure

Fair access to housing opportunity includes the ability to access both rental and homeownership opportunities. The American Community Survey (2009-2013) collects data on whether housing units are owner-occupied, renter-occupied, or vacant. Findings:

- In the MAPC region and Massachusetts, owner-occupied housing makes up the majority of occupied housing stock (62 percent of housing units in the state and 58 percent of the region's housing).
- Brookline, Framingham, Waltham, and Watertown all have a very balanced mix of housing units by tenure. Sudbury has the smallest percentage of renter occupied units at 7.69 percent.
- In the MAPC region and Massachusetts, there are more family households than non-family households. This is true for each of the WMHC communities as well. The

¹⁸ 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

percentage of households consisting of families in the WMHC region is 63 percent in comparison to the region at 60 percent and the state at 63 percent.

- The average household size of a household in WHMC communities ranges from 2.23 in Watertown to 3.06 in Sudbury. Average household sizes are larger in owner occupied households than renter occupied households.
- Amongst family households with children, 82 percent of families in the WMHC have married parents present. This compares with 71 percent in the MAPC region and 68 percent in the state for married family households with children.

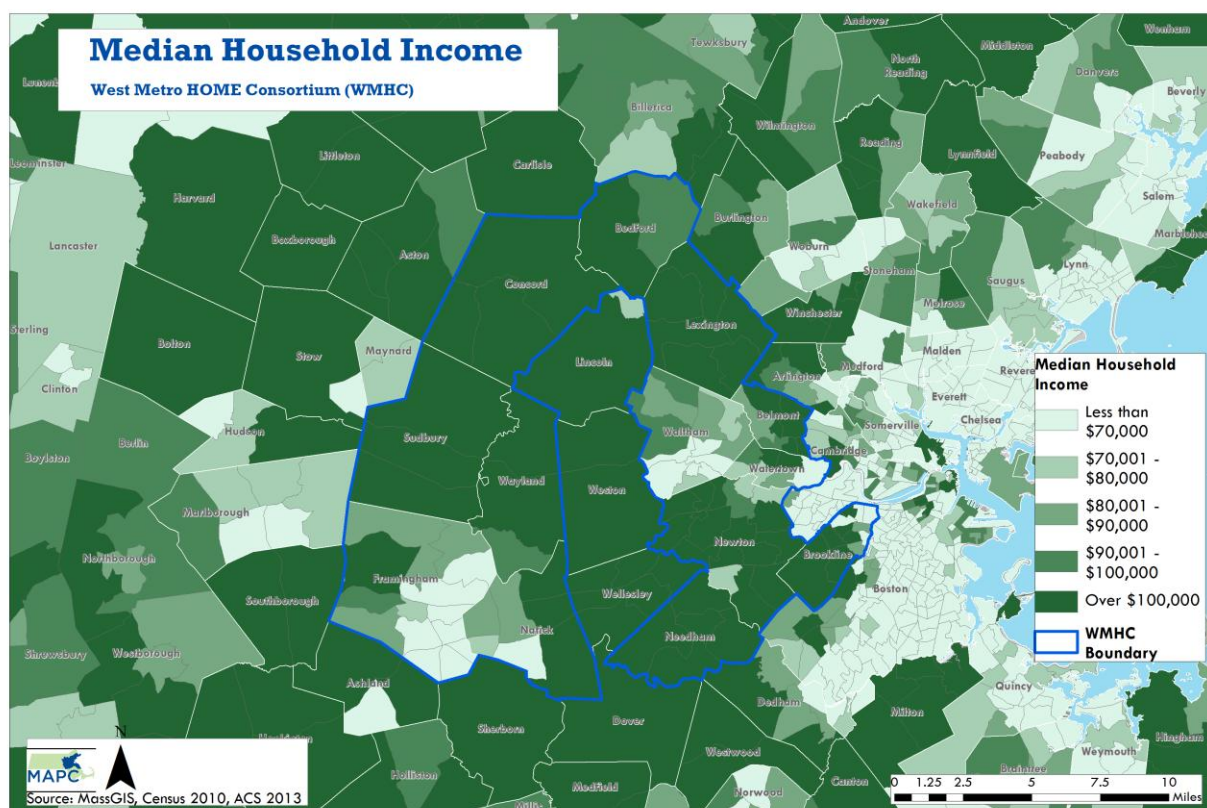
2.4 Household Income

The Census compiles a range of data on household income, average rents, and fair market rents for metropolitan areas. This includes data on median household income in census block groups, housing units by tenure and income, the income of households as a percent of Area Median Income (AMI), and households spending 30 percent or more of their income on housing. Together, this data provides a picture of differences in household income within and between communities in the region. Findings:

- The median household income in Massachusetts is \$66,866. The median household income of municipalities in the WMHC ranges from \$67,915 in Framingham to \$170,924 in Sudbury. Every community in the Consortium has a median household income that is higher than the state average (ACS 2009-2013).
- The median income of owner-occupied households in the WMHC region ranges from \$96,192 in Waltham to \$174,434 in Sudbury. The median household income for renter-occupied households in the WMHC region tells a different story. It ranges from \$19,700 in Wayland ¹⁹to \$75,530 in Watertown. Five of the thirteen communities have a renter-occupied median household income less than \$50,000 (ACS 2009-2013).
- An analysis of household incomes in comparison to the area median income (AMI) reveals a more nuanced perspective. Twelve of the thirteen WMHC municipalities have a lower percentage of households at <50 percent AMI than the state. Twelve of the thirteen municipalities also had higher percentages of households making >80 percent AMI than the state average (ACS 2007-2011).
- In Concord, elderly households make up 66 percent of all low-income households. Amongst low-income households in Wayland, Lexington, and Needham, elderly households comprise 63 percent (CHAS 2007-2011).
- Framingham has the highest percentage of low-income households at 41 percent followed by Waltham at 38 percent. This compares with the MAPC region at 37 percent and the state at 40 percent (CHAS 2007-2011).

¹⁹ Wayland had 200 units on the SHI as of December 2014; 153 of these were rental units. The ACS 2009-2013 estimated number of renter-occupied households in Wayland was 542.

Figure 3: Median Household Income, ACS 2009-2013



2.5 Affordability

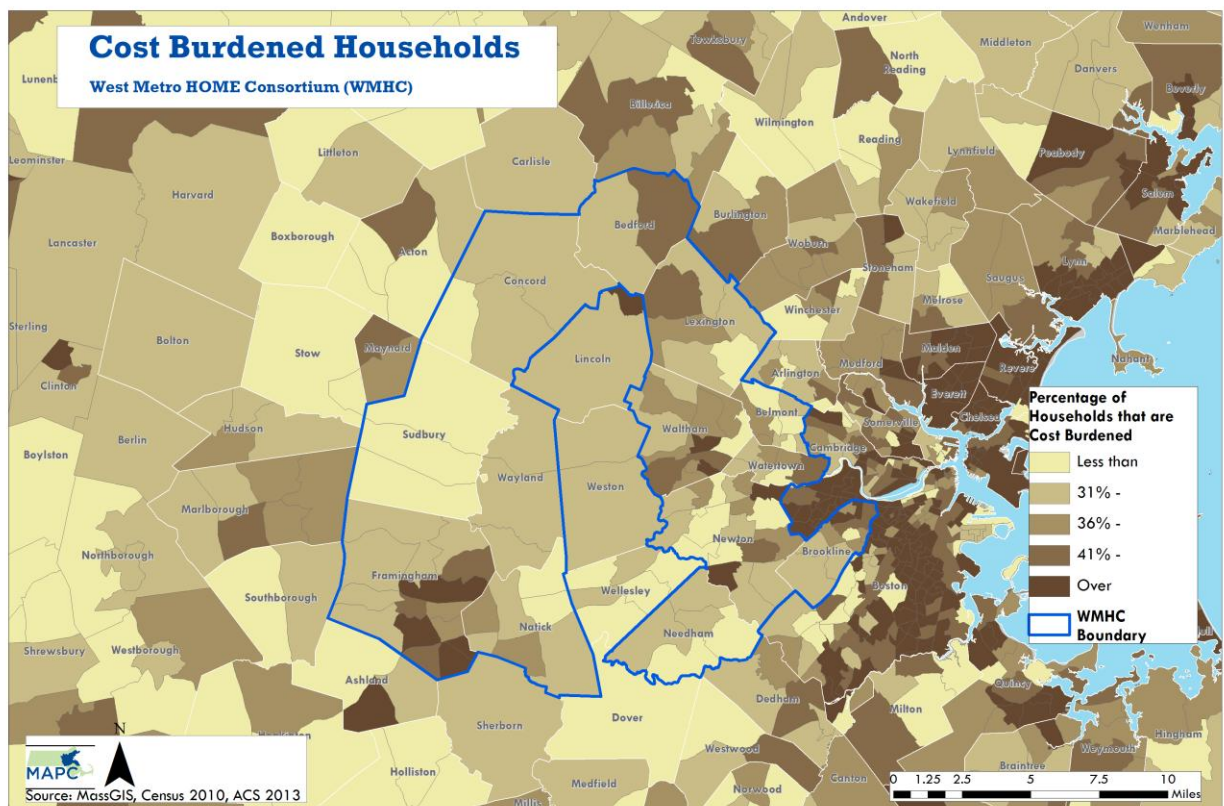
The affordability of housing is an element of fair access to housing opportunity. The Census, American Community Survey (ACS), and the Comprehensive Housing Affordability Strategy (CHAS) provide access to data sets on topics like household spending on housing costs, average rents, and Fair Market Rents (FMR), which are estimated by HUD for metropolitan and nonmetropolitan county areas on an annual basis. These data sets enable an analysis of cost-burdened households and the degree to which occupied housing is affordable to households meeting certain income thresholds identified by HUD.

Cost Burden

The Census (ACS 2013) defines cost burdened households as households spending 30 percent or more of gross annual income on housing costs. Households spending 30 percent to under 50 percent of income are considered moderately cost burdened; and households spending more than 50 percent of income are considered severely cost burdened. When more than 15 percent of the population is cost burdened this is considered to be significant. Findings:

- Twelve of the thirteen municipalities in the WMHC have a cost burdened population over 30 percent. The town of Sudbury is the exception at only 23.1 percent.
- Ten of the thirteen WMHC municipalities have a smaller percentage of severely cost burdened household when compared with the state.
- Brookline has the highest amount of severely cost burdened households (21.7 percent of households). Brookline also has the largest number of severely cost burdened households in the WMHC region at 5,295 households paying 50 percent or more of their income towards housing costs.
- With the exception of Sudbury and Watertown, each of the WMHC communities has a higher percentage of renter households who are cost burdened than owner households.
- The percentage of cost burdened owner households ranges from 23.2 percent in Sudbury to 37.5 percent in Watertown. The percentage of cost burdened renter households ranges from 19.8 percent in Sudbury to 52.5 percent in Bedford (CHAS 2007-2011).
- Elderly households make up a significant percentage of severely cost burdened households in the WMHC communities (CHAS 2007-2011).

Figure 4: Cost Burdened Households, ACS 2013



Fair Market Rents

HUD estimates fair market rents (FMRs) based on figures in the Metropolitan Statistical Area (MSA). FMRs are used to determine payment standard amounts for the Section 8 Housing Choice Voucher program and to determine initial rents or rent ceilings for other HUD-funded programs including the HOME rental assistance program. FMRs are published annually.

Findings:

- Ten of thirteen communities have median contract rents for 2013 that exceed the FMR for a 1 bedroom (\$1,156).
- Only four of the WMHC communities have median contract rents that exceed the FMR for a two bedroom (\$1,444).

Market Rents

In order to understand more about rents of units that are currently on the market, MAPC staff reviewed recent apartment and condo rental listings on Zillow.

- The average low market rent for a 1 bedroom across the WMHC communities is \$1,226. The average high market rent for a 1 bedroom across the WMHC communities is \$2,151.
- The average low market rent for a 2 bedroom across the WMHC communities is \$1,585. The average high market rent for a 2 bedroom across the WMHC communities is \$2,893.
- The average low market rent for a 3 bedroom across the WMHC communities is \$2,215. The average high market rent for a 3 bedroom across the WMHC communities is \$3,940.
- The average low rent for both a 1 bedroom and 2 bedroom units across the WMHC communities is higher than the HUD fair market rents for each respective unit type. The average high rent for both a 1 bedroom and 2 bedroom units far exceeds the HUD fair market rents for each respective unit type²⁰.

Median Sales Price

MAPC Staff also reviewed median sales price data from the Warren Group to get a better idea of the market sales price of homes and condos within the WMHC communities.

- The median sales price for a single-family house within the WMHC municipalities ranges from \$336,000 in Framingham to \$1,485,000 in Brookline.
- The median sales price for a condo within the WMHC municipalities ranges from \$136,000 in Framingham to \$638,750 in Sudbury (Warren Group Town Stats, January-December 2014).

²⁰ There were no 1 bedroom listings on Zillow for Sudbury or Wayland, no 2 bedroom listings for Sudbury, and no 3 bedroom listings for Sudbury, Bedford, or Natick.

Two Consortium municipalities – the Town of Framingham and the City of Waltham – have downpayment assistance programs. Additionally, the Town of Brookline runs a homebuyer assistance program and the Town of Framingham runs a housing rehabilitation program.

Expiring Units

Another important factor to consider when looking at affordable units is how many units may be at risk of expiring. WMHC will need to work with property owners to ensure that these units remain affordable (CEDAC Expiring Use Inventory, December 2013²¹).

- Within the WMHC, there are 1,087 units at risk of expiring through 2018.
- The majority of units at risk of expiring by 2018 are in Framingham (438) followed by Brookline at 375 units. Figures for other municipalities with units set to expire by 2018, according to the database, are Bedford - 96 units; Lexington - 32 units, Newton - 75 units; and Watertown - 71 units
- Belmont, Concord, Natick, Needham, Sudbury, and Waltham have no units at risk of expiring. Wayland has no projects listed on the CEDAC Expiring Use Inventory.

Participation in Rental Assistance Programs

The Department of Housing and Community Development (DHCD) administers two rental assistance programs for low-income residents: the Massachusetts Rental Voucher Program (MRVP) and the Alternative Housing Voucher Program (AHVP). The AHVP is only for Massachusetts residents under the age of 60 who have disabilities. The MRVP offers two types of vouchers: "mobile" tenant-based vouchers that allow tenants to choose their own apartments, and project-based vouchers at specific subsidized housing developments.

In the WMHC region, there are two regional agencies that administer these vouchers: the Metropolitan Boston Housing Partnership (MBHP) and the South Middlesex Opportunity Council (SMOC). Bedford, Belmont, Brookline, Lexington, Newton, Waltham, and Watertown participate in MBHP and Concord, Framingham, Natick, Needham, Sudbury, and Wayland participate in SMOC.

Based on data provided by the Department of Housing and Community Development, as of March 2015, 228 residents are using vouchers from the MRVP and AHVP programs. Framingham and Brookline have the largest number of MRVP voucher holders (78 and 34, respectively); Lexington has 24 MRVP voucher holders; and Concord, Needham, Sudbury, and Wayland all have zero MRVP voucher holders. Belmont, Framingham, Natick, and

²¹ The CEDAC expiring use database does not purport to show all the affordable housing in a community and will indicate lower numbers of affordable housing than the Chapter 40B Supported Housing Inventory. Several significant housing programs are not included in the CEDAC database. See page 46 of the Appendices for more information.

Waltham are the only municipalities that have AHVP voucher holders (1, 2, 1, and 4, respectively).

2.6 Employment and Transportation Assets

Fair access to housing opportunity includes the ability to access housing in areas that provide access to other opportunities essential to a high quality of life including good schools, jobs, and public transit. The WMHC is a part of the MAPC region, which is home to numerous job centers including the City of Boston. The Consortium municipalities also benefit from a robust network of subway, commuter rail, and bus service provided by the Massachusetts Bay Transportation Authority. This section describes the employment and transportation assets of the region.

Economic Assets in the WMHC Region

All of the WMHC towns benefit from proximity to the many assets of the Boston region, including numerous colleges and universities, a highly educated workforce, and research and development activities that help to spin off successful businesses throughout the region. The Boston region also has many strong financial institutions and the venture capital needed to drive our economy forward. The WMHC communities also benefit from their proximity to Route 128 and 495 and some of the communities are particularly attractive to businesses looking for a strategic and easily accessible location.

- The town of Bedford has a considerable economic base, with more than 5.76 million square feet (sf) of non-residential floor area in the town (the equivalent of 4 ½ Burlington Malls), in a town of only 14,000 people. Local but highly important assets include proximity to the military base and related research and development institutions based around Hanscom Airfield, access to healthy economic markets around the Route 128 corridor, and relatively easy commuting from nearby desirable locations. Bedford is home to a regional high tech cluster centered on Routes 3 and 128. There are also a number of businesses located at the Wiggins/Depot area.²²
- The town of Belmont is a primarily residential town with residential uses comprising 80 percent of the developed area. Belmont's five primary industry sectors include: retail trade; information; real estate and rental leasing; arts, entertainment, and recreation; and accommodating and food services. The town has a few commercial areas but Belmont Center is home to the majority of retail and office space.²³
- The town of Brookline has approximately 1300 businesses in its commercial districts. The majority of businesses are located in Coolidge Corner and Brookline Village. Washington Square, St Mary's Station, JFK Crossing, and the Chestnut Hill/Putterham areas also have some commercial uses. 7 percent of property in Brookline is zoned commercial and 17 percent of real estate tax revenues come from business property. The majority of businesses in Brookline are service businesses but Brookline also has many small businesses and sole proprietorships.²⁴

²² Bedford Comprehensive Plan: The Bedford We Want: Shaping Our Future, December 2013

²³ Town of Belmont Comp Plan: 2010-2030.

²⁴ Brookline Comprehensive Plan 2005-2015.

- The town of Concord's business community is divided into eight areas including Town Center/Milldam/Walden Street and Historic Sites, West Concord Center, Concord Depot/Thoreau Street/Sudbury Road, Baker Avenue, Old Road to Nine Acre Corner at Route 2, Nine Acre Corner/Sudbury Road/Route 117, Virginia Road, and Forest Ridge. In Concord, farms are also an important and cherished part of the local economy and as of 2005 comprised 8 percent of Concord's total acreage. Tourism is also a major contributor to the economy with assets such as the Minuteman National Historic Park which hosts over 1,000,000 visitors annually. Within the town, there are 886 acres zoned for commercial, professional, and industrial uses.²⁵
- The town of Framingham is an important employment center in the MetroWest area, accounting for one third of the area's total employment. Top employers in Framingham include Bose Corporation, Metrowest Medical Center, the Framingham School District, and Lifeline Systems. Economic centers in Framingham include downtown, the hospital area, Saxonville, Nobscott, Route 9, Route 126, Union Avenue, and Route 135. Along Route 9, there are many highway-oriented retail and service businesses that serve region-wide markets. Downtown Framingham contains a mix of retail and services that serve the local area market as well as a few businesses and government offices with a regional market. 16 percent of the town's parcels are commercial and 5 percent of the town is zoned for commercial²⁶.
- The town of Lexington is the home of around 20,000 jobs, about a third more jobs than there are job-holding residents. Lexington's retail sales and services are of special significance. They not only provide jobs and fiscal support, but also offer a valued service to residents. About 900 of Lexington's 11,000 acres of land (8 percent) are zoned for business.²⁷
- The town of Natick is a business friendly community that offers outstanding locations, a low tax rate, and the support of the town that provides an enhanced business climate for businesses both large and small to start, grow, and prosper²⁸. Economic strengths include a commuter rail station and several colleges nearby.
- The town of Needham is an attractive area to locate a business because of its strategic location along Route 128. Along with the City of Newton, it is part of the N2 Corridor, an area that is actively attracting companies including TripAdvisor that are in the growth stage. The N2 area is a highly visible geographic area along Route 128. Needham and Newton are home to more than 150 companies in the high tech/innovation sector and that number continues to grow.²⁹
- The city of Newton has a strong retail and office market. Many businesses want to locate in the city because of the strategic location and strong access to public transit. Regional business areas include Needham Street, Chestnut Hill, Wells Avenue, and Riverside. Other major centers are Newton Corner, Newtonville, Newton Centre, and West Newton. Needham Street is a mixed-use area that includes industrial, retail, housing and office uses. The City also has a business park development on Wells Avenue that is a mix of offices and business uses.³⁰

²⁵ Comprehensive Long Range Plan: Concord. A Vision for 2020. March 2005.

²⁶ Town of Framingham Master Plan, August 2008.

²⁷ Lexington Master Plan, 2002

²⁸ <http://www.natickma.gov/173/Economic-Development>

²⁹ <http://www.n2corridor.com/n2-corridor-economic-development-initiative/>

³⁰ Newton Comprehensive Plan, November 2007.

- In the town of Sudbury approximately 90 percent of the land area is zoned residential, and approximately 4 percent is zoned business, industrial or research. Sudbury's limited commercial base is almost entirely located within several business districts along Route 20 with over 70 percent of commercially zoned area in this area.³¹
- The City of Waltham is one of the primary economic engines of metropolitan Boston. With over 60,000 jobs, it is the third largest employment center in the region. Waltham is a highly valued business center and home owners enjoy a significant benefit from a relatively high tax contribution from business properties. Waltham is a regional center in growing industries centered on information technology, communications, education, consulting services, and manufacturing. The city has a number of areas designated for commercial use. The downtown has seen significant redevelopment and has a thriving restaurant scene. The Route 128/95 corridor has a mix of office parks, hotels, and industry.³²
- In the town of Watertown, much of the economic activity is concentrated on Arsenal Street, in Watertown Square, and along a few other commercial corridors. Pleasant Street also has a mix of industrial, wholesale, office, research and development. Coolidge Hill also has some manufacturing uses. Watertown's economy is closely tied to that of Greater Boston and the surrounding towns to the west of Boston and Cambridge. It is part of a suburban commercial corridor that also includes Waltham and Newton. Watertown also benefits from good access to the key economic, medical, and elite educational institutions in Boston and Cambridge.³³
- The town of Wayland is a primarily residential town with a significant amount of open space. While Wayland is located in an area that provides easily accessible shopping, sightseeing, dining and entertainment, the town itself remains a quiet bedroom community in a semi-rural setting with little industrial or commercial base.³⁴

Transportation Assets in the WMHC Region

The Massachusetts Bay Transportation Authority (MBTA) provides the following public Transportation services to Consortium communities.

- MBTA Light Rail Service-Green Line: The Green Line light rail service splits into two lines west of Copley Station and then an additional three lines west of Kenmore station.
 - Brookline is serviced by both the C (12 stops) and D (five stops) branches of the Green line.
 - The city of Newton is also serviced by the C line (one stop) and the D line (seven stops.)
- MBTA Commuter Rail: MBTA Commuter Rail serves many of the communities in the WMHC.

³¹ Sustainable Sudbury-2001 Master Plan

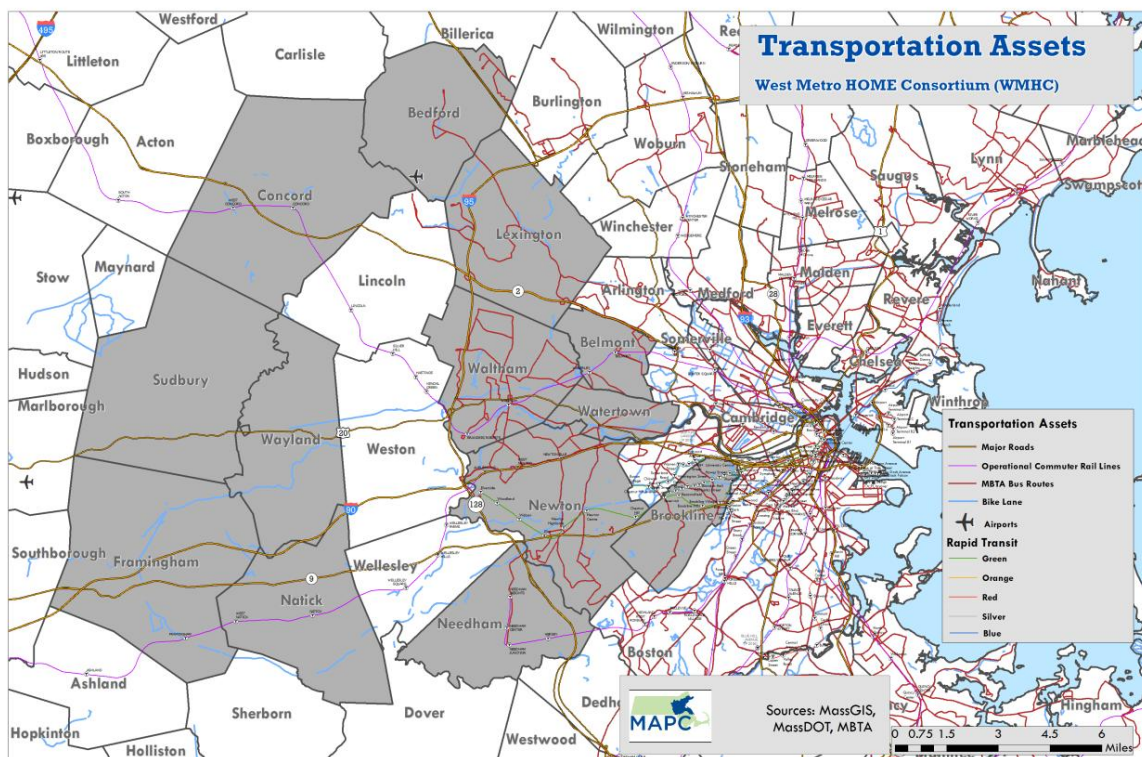
³² City of Waltham Community Development Plan- June 2007

³³ Town of Watertown 2013 Comprehensive Plan, April 2014.

³⁴ http://www.wayland.ma.us/Pages/WaylandMA_WebDocs/about/index

- The Fitchburg line serves Belmont (two stops), Waltham (two stops), and Concord (two stops)
- The Worcester line serves Newton (three stops), Natick (two stops), and Framingham (one stop)
- The Needham line serves Needham (four stops)
- MBTA Bus Service: Many of the WMHC communities are served by MBTA bus routes.
 - Newton, Waltham, Watertown, Belmont, Lexington, and Bedford are all also serviced by MBTA buses although Needham and Bedford only have one bus route within their municipal lines.
- Other Local Services: Several municipalities offer other local bus service in partnership with private companies and transportation management agencies (TMAs).
 - Bedford has a local bus that they run in town for their residents.
 - Brookline is served by private services like Bridj.
 - Concord is a member of Cross Town Connect TMA.
 - Framingham, Natick, Wayland, and Sudbury are members of the MetroWest RTA for bus services and Framingham serves as the MWRTA bus hub/transfer point for all routes. Lexington has Lexpress, an in-town bus service for residents.
 - Lexington, Waltham, Newton, and Needham are all serviced by 128 Business Council TMA.

Figure 5: Transportation Assets in WMHC Communities



Educational Assets

Many of the WMHC have quality school systems that families and individuals that are looking to start families may be attracted to. As noted above, eight of the WMHC municipalities have a larger school age population under the age of 18 than the state. The WMHC municipality with the most significant under 18 school age population is Sudbury at 32 percent. The high quality of the school systems represents an opportunity for many of the WMHC communities.

The Massachusetts Comprehensive Assessment System (MCAS) comprises a series of academic achievement exams administered to all public school students in the Commonwealth that begins in 3rd grade. The English Language Arts exam tests students on reading comprehension. Below we examine 3rd Grade English Language Arts MCAS scores within the WMHC communities. Reading proficiently by this age is an important indicator of a child's educational development. We also examine 10th Grade math scores to understand how education progresses in these school districts and how prepared high school students may be to eventually enter into the STEM field, an important and growing field in the US economy that offers many quality jobs.

- All of the WMHC communities have a higher percentage of 3rd graders who are proficient, above proficient, or advanced than the state percentage (61 percent) with the exception of Framingham (52 percent) and Waltham (50 percent).
- Eleven out of thirteen WMHC communities have a higher percentage of 10th graders who are proficient, above proficient, or advanced than the state percentage (80 percent); Waltham and Watertown have proficiency levels below 80 percent.

Table 5: Percentage of Proficient or Higher MCAS scores by grade and subject (2012 MCAS Report for 3rd Grade, 2013 MCAS Report for 10th Grade)

	3rd Grade Reading	10th Grade Math
Bedford	68%	91%
Belmont	86%	95%
Brookline	77%	91%
Concord	86%	95%
Framingham	52%	84%
Lexington	86%	96%
Natick	82%	93%
Needham	81%	90%
Newton	80%	96%
Sudbury	84%	92%
Waltham	50%	74%
Watertown	67%	77%
Wayland	80%	94%
State Total	61%	80%

The Metco program is a state-funded grant program that promotes diversity and educational opportunity. The program is overseen by the Massachusetts Department of Elementary and Secondary Education. Chapter 76, Section 12A of Massachusetts General Law states that “the school committee of any city or town or any regional school district may adopt a plan for attendance at its schools by any child who resides in another city, town, or regional school district in which racial imbalance exists.” This plan “shall tend to eliminate racial imbalance in the sending district” and, as the law states, “to help alleviate racial isolation in the receiving district”.³⁵ The intent of this program is to expand access to high quality schools beyond just the residents who reside in a particular city or town, helping to mitigate some economic disparities. Ten of the WMHC communities participate in this program. Framingham, Watertown, and Waltham do not currently participate.

2.7 Patterns of Segregation in Massachusetts and in the MAPC Region

Residential segregation in Massachusetts has persisted for decades and continues to exist. The Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) Analysis of Impediments to Fair Housing identifies several data points that verify this fact:

- Recent analysis of 2010 Census data by the Brookings Institution highlights the Boston Metropolitan region as having the fifth highest segregation score for Hispanics/Latinos among metropolitan areas in the country; Massachusetts metropolitan areas remain among the most segregated of the nation’s largest metropolitan areas.
- More than three quarters of municipalities have Black/African American and Hispanic/Latino populations that are severely below expected levels based on income.
- While homeownership by Black/African Americans, Hispanics/Latinos, and Asians has risen (35, 77, and 81 percent, respectively), race-associated bias can be seen in the racial and ethnic concentration of homeownership, the high incidence of subprime lending, and the concentration of foreclosures in communities of color.
- Housing Choice Voucher use remains concentrated in high poverty areas and it is more pronounced among Black/African-American and Latino voucher holders. In comparison, 26.8 percent of Hispanic/Latino voucher holders rented in high poverty areas compared to just 6.5 percent of white voucher holders.³⁶

In the Metropolitan Boston region, we find that even though populations of color are growing at a faster rate (and in absolute numbers) outside of Boston, Black/African American and Hispanic/Latino growth is concentrated in only a handful of municipalities. For example, three-quarters of the region’s Black/African American households resided in just nine municipalities in the region; two-thirds of the region’s Latino households also lived in just nine municipalities in the region. The region’s Asian households are somewhat more dispersed.³⁷

³⁵ Metco Program. <http://www.doe.mass.edu/metco/>

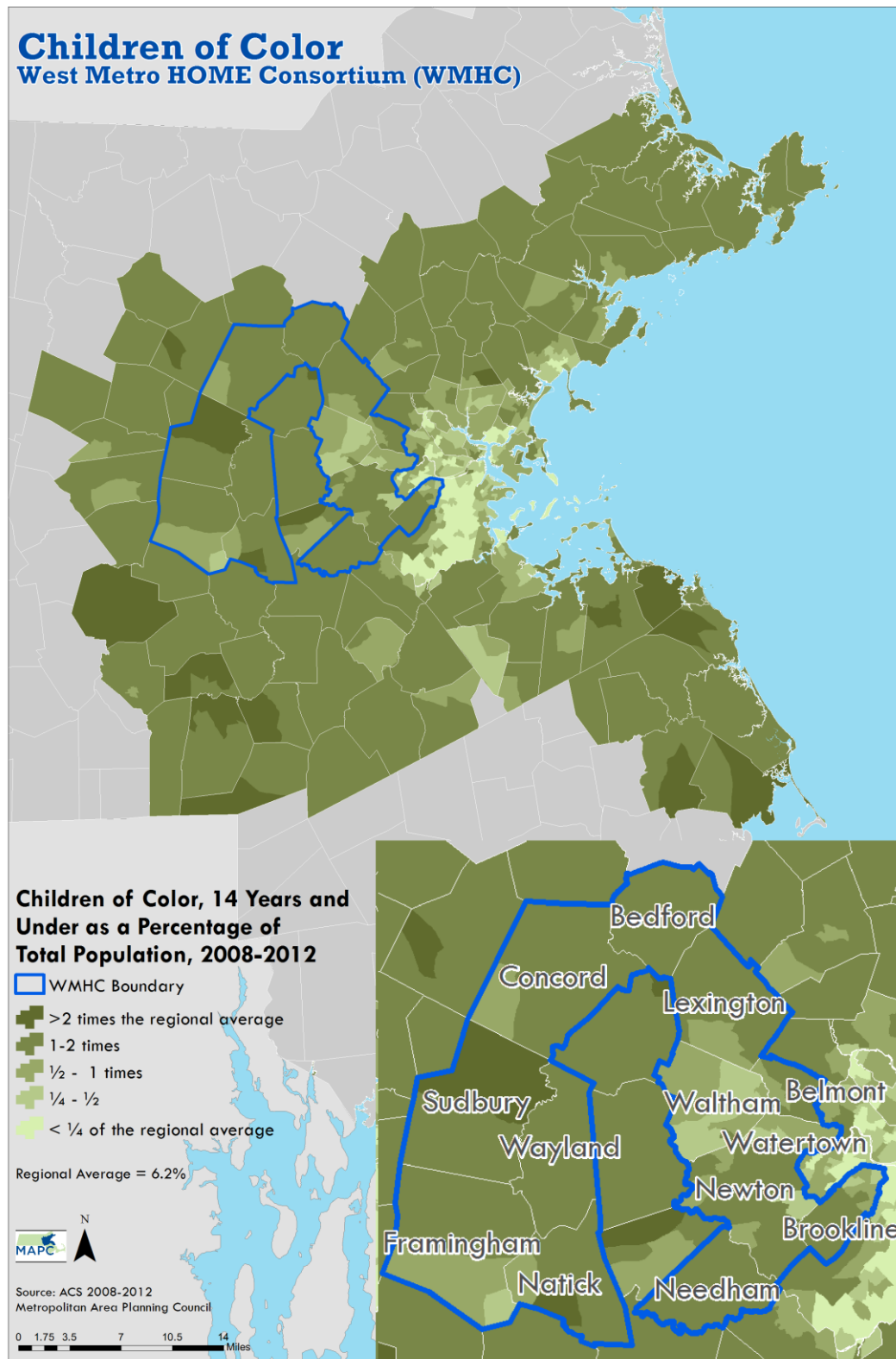
³⁶ 2013. Commonwealth of Massachusetts Analysis of Impediments to Fair Housing,

³⁷ 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

We also find that children are more segregated than adults. If people were equally distributed throughout our region without regard to age or race/ethnicity, about 11 percent of the people in every neighborhood would be white children (under 15) and six percent would be children of color. These are the regional averages. The following map shows where children of color live in the region. The deep blue color shows places where the concentration of children of color is twice what we'd expect. The deep red color means that the actual concentration of children of color is less than one quarter of the regional average. It's not just that there are high concentrations of minority kids in some areas—it's that there are particularly low concentrations of white kids in the same places. The map below shows where children of color actually live; as such, we see very few places that actually have such concentrations.³⁸

³⁸ 2013. State of Equity in Metropolitan Boston Indicators Project.

Figure 6: Children of Color Aged 14 and Under as a Percentage of Total Population, WMHC Municipalities, 2008-2012 5-year estimates.



The dissimilarity index is a tool for measuring municipal-level segregation. The index measures the percentage of the smaller group that would have to move to a different geographic area in order to produce a distribution that mirrors that of the region. A dissimilarity index of 50 indicates high levels of segregation while indices between 40-50 are considered moderate; an index below 40 is usually viewed as representing low levels of segregation.

An analysis of the 2010 dissimilarity index indicates that if Metropolitan Boston³⁹ were completely integrated, White residents would make up an equal share of the population in every neighborhood, matching the MAPC region-wide share of about 75 percent white residents. Similarly, every neighborhood would include about 25 percent racial/ethnic minorities. However, such an equal distribution of whites and minorities does not reflect our current reality. Figures from the dissimilarity index for the MAPC region in 2000 and 2010 reveal the following:

- Whites and Non-Whites: 40 percent of minority residents in the MAPC region would need to move to a new neighborhood in order to achieve complete integration with Whites.
- Whites and Blacks/African Americans: 55 percent of Blacks/African Americans would need to move to a new neighborhood in order to achieve complete integration.
- Whites and Hispanics/Latinos: 49 percent of Latinos would need to move to a new neighborhood in order to achieve complete integration with Whites.

A detailed analysis of the dissimilarity indices for the Boston Metropolitan Statistical Area (MSA) over a three decade period from 1980 to 2010 indicates that there is a high degree of segregation between Whites and Blacks/African Americans (65, down from 76 in 1980), a high degree of segregation between Whites and Hispanics/Latinos (57, up from 55 in 1980), and a moderate level of segregation between Whites and Asians (43, down from 48 in 1980). See Appendix III for the table of trends in segregation dissimilarity indices in the Boston Metropolitan MSA.

Disparities by Race and Income and Racially Concentrated Areas of Poverty

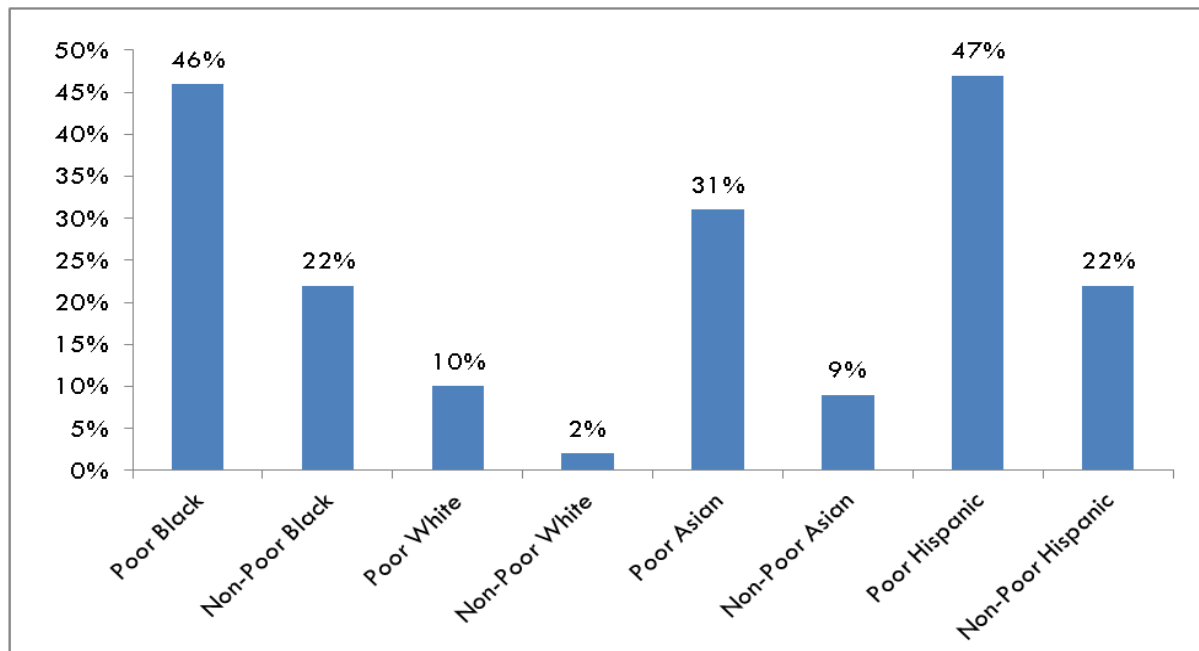
An analysis of the MAPC region's population by race and income (at or below the poverty rate and above the poverty rate) who are living in high poverty areas⁴⁰ confirms the

³⁹ The Regional Fair Housing and Equity Assessment for the Metropolitan Boston region examined data in the Metropolitan Boston region, which includes 164 municipalities.

⁴⁰ High poverty areas in this example are Racially Concentrated Areas of Poverty (RCAPs). According to HUD, the definition of an area as an RCAP involves a racial/ethnic concentration threshold and a poverty test. "RCAP/ECAPs must have a non-white population of 50 percent or more...Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are much lower in many parts of the country, we supplement this with an alternate criterion. Thus, a neighborhood can be an RCAP/ECAP if it has a poverty rate that exceeds 40% or is three times the average tract poverty rate for the metro/micro area,

prevalence of racial disparities. Among households with incomes at or below the poverty rate, 10 percent of poor Whites, but 46 percent of poor Blacks/African Americans and 47 percent of poor Hispanics/Latinos live in high poverty areas. The concentration of Blacks/African Americans and Hispanics/Latinos in high poverty areas persists even among non-poor households: 22 percent of non-poor Blacks/African Americans and Hispanics/Latinos live in high poverty areas compared to just 2 percent of non-poor Whites.⁴¹

Figure 7: MAPC Region Population Living in High Poverty Areas by Race and Income



One of the tools available for assessing the interaction of segregation and poverty is the identification of Racially or Ethnically Concentrated Areas of Poverty (RCAPs), which HUD defines as census tracts that have a non-white population of 50 percent or more and a poverty rate that exceeds 40 percent, or is three times the average tract poverty rate (weighted for population) for the metropolitan area. In Boston, this threshold is 29.1 percent. Findings:

- A total of 72 of the Metropolitan Boston region's 973 census tracts meet the 29.1 percent poverty threshold; 51 of these census tracts are RCAPs because they have a rate of poverty that is 29.1 percent or higher and non-White populations are greater than 50 percent. A majority of RCAPs are located in Boston.
- An examination of the racial/ethnic composition of households living in high poverty areas indicates segregation by race: 28 percent of all Black/African American households and 26 percent of all Hispanic/Latino households living in the region are

whichever threshold is lower. Census tracts with this extreme poverty that satisfy the racial/ethnic concentration threshold are deemed RCAPs/ECAPs."

⁴¹ "Non-poor" households refers to those households earning above the federal poverty guidelines.

living in high poverty areas while just 3 percent of non-Hispanic Whites do. Among households with incomes at or below the poverty rate, 10 percent of Whites, but 46 percent of Blacks/African Americans and 47 percent of Hispanics/Latinos live in high poverty areas.

Affordability Challenges: Low-income Households in the WMHC Region

The ability to access housing affordable to a range of incomes is an element of fair access to housing opportunity. Data on the distribution of low-income households and the availability of housing affordable to cost-burdened households underscores affordability challenges in the WMHC region.

If low-income households were evenly distributed throughout the MAPC region, each municipality would have a number of low-income households proportional to its total number of households – its “fair share” of low-income households. Figure 8 below shows the low-income fair share gap in each municipality in the MAPC region. The map shows disparity in the region in the distribution of low-income households. It compares figures on even distribution of low-income households throughout the region (if each community had its “fair share” of low-income households) against the actual distribution of low-income households. Lexington, Concord, and Sudbury have some of the highest fair share gaps in the region, meaning there should be more low-income households in this communities if these households were evenly distributed in the region.

Figure 9, the Cost Burden Gap map, shows the difference between the number of low-income households earning 50% or less of AMI in each municipality and the actual number of units affordable to those households at their income level. In an equitable region, there would be an adequate affordable housing stock to meet those household’s needs. We see that among WMHC, Waltham and Framingham have some of the highest cost burden gaps, with Brookline, Watertown, Belmont, and Natick having a high gap as well.

WestMetro HOME Consortium Fair Housing Plan, July 1, 2015 – June 30, 2020



Low Income Cost Burden Gap (share of 2010 Housing Units)

Cost Burden Gap:
Disparity between households <50% AMI and units affordable at that level

- No Cost Burden Gap
- <5%
- 5% - 10%
- 10% - 15%
- 15% - 35%
- No Data / Outside Region

Source: MAPC analysis

2.8 Disparities in Access to Opportunity

Data sets like the HUD Opportunity Index and the opportunity mapping methodology developed by Kirwan Institute for the Study of Race and Ethnicity at Ohio State University⁴² serve as tools for examining equitable access to quality of life opportunities – including schools, transportation, and jobs – by race and national origin. Both the HUD and Kirwan methodologies consider both the “stressors” and the “assets” that influence the ability of a person or family to secure amenities that affect quality of life. For example, indices in the HUD Opportunity Index examine neighborhood school proficiency, poverty, labor engagement, housing stability, job accessibility, and neighborhood health access. These methodologies were used to examine disparities in access to opportunities by race in the state and the region.

An analysis of disparities in access to opportunity found the following:

- In 2010, among the lowest income households in the state, fewer than 43 percent of non-Hispanic White households lived in low or very low opportunity communities; in contrast, 71 percent of Asians, 93 percent of Black/African American, and more than 95 percent of Hispanic/Latino households with similar incomes lived in low or very low opportunity communities.
- In 2010, among middle income households in the state, 92 percent of Black/African American and Hispanic/Latino households and 90 percent of the highest income group (earning over \$60,000) lived in one of the ten low or five very low opportunity communities in the state. For Asian households, 34 percent lived in low opportunity communities and 39 percent lived in very low opportunity communities. In contrast, only 34 percent of Whites lived in low opportunity communities and 22 percent of Whites lived in very low opportunity communities.⁴³
- An analysis of the percentage of racial/ethnic populations’ exposure to opportunity in the MAPC region – using the HUD Opportunity Index tool – shows that fewer than 32 percent of the MAPC region’s non-Hispanic White population live in low or very low opportunity census tracts as compared to 47 percent of Asians, 78 percent of Hispanics/Latinos, and 81 percent of Blacks/African Americans.⁴⁴
- While the Boston metropolitan area has a high concentration of jobs in the central city and a well-developed transit system throughout the Inner Core, its communities of color do not fully benefit from their proximity to employment opportunities, as evidenced by the extreme disparity in HUD’s labor engagement index. Data indicates that the availability of jobs and adequacy of transit in racially isolated neighborhoods affects the ability of the residents of those neighborhoods to secure and maintain employment. Similar issues of isolation from jobs affect people with disabilities, who tend to rely more heavily on public transportation. Paths to a Sustainable Region, the Long Range Transportation Plan for the Boston Region Metropolitan Planning Organization, adopted in 2011, recognizes the challenges of equitably serving

⁴² with the participation of fair housing researcher Nancy McArdle of the Civil Rights Project of the University of California – Los Angeles

⁴³ 2013. Commonwealth of Massachusetts Analysis of Impediments to Fair Housing.

⁴⁴ 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

households of color or people with disabilities and notes that transportation equity requires improved transit service along the region's circumferential transportation corridors, and better access (including access by foot) to transit resources in neighborhoods with high concentrations of people of color.⁴⁵

⁴⁵ A 2006 settlement agreement in litigation brought by the Boston Center for Independent Living requires the Massachusetts Bay Transportation Authority to engage in a wide array of activities to improve the public transit system's compliance with the Americans with Disabilities Act and by making major improvements in equipment, facilities and services. Source: Fair Housing and Equity Assessment for Metropolitan Boston, 2014.

Section 3: Evaluation of Fair Housing Enforcement and Jurisdictions' Legal Status

This section provides a review of the entities engaged in fair housing enforcement in the WMHC region and a review of findings of judgments related to fair housing or other civil rights laws.

3.1 Legal Cases Pertaining to Fair Housing in the West Metro HOME Consortium

Conciliation Agreement (CA) and Voluntary Compliance Agreement (VCA) with the United States Department of Housing and Urban Development (HUD) and Supporters of Engine 6, Disability Law Center, Inc., Fair Housing Center of Greater Boston, and the City of Newton

Under Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, the complainants (Supporters of Engine 6, Disability Law Center, Inc., and the Fair Housing Center of Greater Boston) alleged violation of the Fair Housing Act (FHA) by the City of Newton in their treatment of Metro West Collaborative Development's proposal to develop supportive housing for the chronically homeless. Complainants also alleged violations by the City in relation to the Rehabilitation Act and ADA. The City denied allegations and HUD made no findings of any violation of any applicable law by the Respondents (Mayor Setti Warren and the City of Newton). A Conciliation Agreement and Voluntary Compliance Agreement (the Agreement) was signed on May 10, 2015 and approved by HUD on May 12, 2015.

The Agreement is effective for a period of five years. The Agreement was executed to bring administrative closure to the allegations made by the complainants. Through the Agreement, the City acknowledges that they have an "affirmative duty not to discriminate under the FHA, the Rehabilitation Act, and the ADA, and that it is unlawful to retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the FHA, the Rehabilitation Act, and the ADA... [And it is unlawful for the City to engage in] any subsequent retaliation or discrimination."

The Agreement requires the following:

1. The City will create nine (9) to twelve (12) units of permanently supportive housing suitable for chronically homeless persons with disabilities in Newton within the next five years. This will include the City: identifying sites by May 12, 2016; hiring an expert to advise on construction of units by December 31, 2015; utilizing a supportive services entity; addressing its efforts to support housing for the disabled and chronically homeless individuals in the Annual Action Plan and Consolidated Annual Performance Evaluation Report for FY15; and developing an Action Plan with one or more member organizations of the Brookline, Newton, Waltham, and Watertown Homelessness Consortium (Continuum of Care.).

2. Relevant to the West Metro Regional HOME Consortium, the Agreement states that the City must incorporate the Action Plan into the Analysis of Impediments to Fair Housing (or any successor requirement of HUD) and the Strategy for Ending Homelessness in the Consolidated Plan and Annual Action Plan.
3. The City also must post its fair housing ordinance, Section 12-50, on its website and City Hall bulletin board.
4. The Mayor must amplify and speak about the importance of fair housing during National Community Development Week in April 2016.
5. The City's Planning and Development Department must provide a process for developing affordable housing projects in Newton and post this and information on fair housing and the city's obligation to affirmatively further fair housing on its webpage within 60 days.
6. The City's Planning and Development Department shall review all applicable projects for their inclusion of fair housing goals and note whether fair housing and other objectives have been met.
7. The City's Director of Planning shall provide a list of City employees who will receive training on fair housing requirements to the Complainants and HUD within 60 days.
8. The City's FY2016- FY2020 Consolidated Plan must commit to creating 9-12 units of permanently supportive housing suitable for chronically homeless persons with disabilities in Newton.

Voluntary Compliance Agreement (VCA) with the United States Department of Housing and Urban Development (HUD)

HUD conducted a compliance review of the WestMetro HOME Consortium under Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. As a result of the compliance review, the following provisions were agreed to through a Voluntary Compliance Agreement signed September 2013. The VCA requires the following:

1. The WMHC and each member municipality will revise their Analyses of Impediments to Fair Housing Choice (AI) to better address all protected classes under the Fair Housing Act. Racial and ethnic segregation shall be included in addition to other fair housing concerns.
2. The WMHC will also complete an additional AI component that considers regional fair housing concerns. The Consortium has the option to adopt the MAPC Regional AI or to create an additional AI component that more thoroughly meets the needs of member communities.

This Regional Fair Housing Plan intends to provide an understanding of regional fair housing issues and opportunities; the Fair Housing Plan goals and strategies matrices in Section 7

identify municipal and regional actions to affirmatively further fair housing (AFFH) as required by the VCA.

Federal Civil Rights Lawsuit Filed by the South Middlesex Opportunity Council

In 2007, South Middlesex Opportunity Council (SMOC) filed a federal lawsuit against the Town of Framingham. SMOC filed the lawsuit to ensure and affirm the rights of disadvantaged, disabled people to safe, decent affordable housing. SMOC has experienced extreme difficulties and tremendous barriers that officials in the municipality had in place that were blocking the establishment of housing opportunities for disabled people. The federal court issued a ruling in August of 2010. U.S. District Court Judge Douglas P. Woodlock concluded that the Town violated the federal law governing access to housing by disabled people. In the settlement agreement signed off on by Judge Woodlock, the Town of Framingham agreed to follow federal and state laws which protect the rights of the disabled in future permitting matters and to train town officials concerning the rights of the disabled under federal anti-discrimination laws. The Town also agreed to pay SMOC a \$1million dollar settlement.

3.2 Reported Fair Housing Complaints, Reported Hate Crimes, and Testing

A variety of federal, state, and local entities have a role in addressing fair housing discrimination through enforcement, outreach, and training.

- The Federal Fair Housing and Equal Opportunity Office is organized into regions. The Region I office serves Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, and Vermont and is headquartered in Boston. In each region, the FHEO enforces fair housing laws, conducts training, outreach, and compliance monitoring and works with state and local agencies to administer fair housing programs. Charges of discrimination can be filed directly with HUD via an online Housing Discrimination Complaint form. Charges can be referred to Massachusetts Commission Against Discrimination (MCAD) if an initial determination has been made that MCAD has jurisdiction over a particular case. If an initial determination is made that HUD has jurisdiction over a particular case (i.e., it is on any of the bases recognized under federal law: race, color, national origin, religion, sex, familial status, or disability) an investigation by the Region I office will begin and the case will be processed in accordance with established procedures. In addition to fair housing enforcement activity, the FHEO also maintains a listing of substantive and precedential fair housing-related decisions that come in the form of consent decrees and conciliation agreements issued by the Office of Administrative Law Judges and secretarial and administrative law judge orders issued by the Office of Administrative Law Judges.⁴⁶
- The MCAD is the state's chief civil rights agency. The Commission works to eliminate discrimination on a variety of bases and strives to advance the civil rights of people of the Commonwealth through law enforcement, outreach, and training. A charge of discrimination must be filed in person at an MCAD office. Once an initial determination has been made that MCAD has jurisdiction over a particular case, an investigation will begin. At the conclusion of an investigation, MCAD will issue a Determination. If MCAD finds there was Probable Cause in its finding, the case will proceed to Public Hearings and ultimately a decision will be made by MCAD Commissioners that can include any one of a number of remedies.⁴⁷
- The Fair Housing Center of Greater Boston (FHCGB) works to eliminate housing discrimination and promote open communities throughout the region. The FHCGB pursues its mission in Suffolk, Norfolk, Middlesex, Essex, and Plymouth counties throughout offering a menu of fair housing services: testing, case advocacy, training, community outreach, policy advocacy, and research. The FHCGB also works through HUD, MCAD, or the court system to bring about positive resolutions and is the

⁴⁶ Learn more – visit the HUD Fair Housing and Equal Opportunity website:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp

⁴⁷ Learn more – visit the Massachusetts Commission Against Discrimination (MCAD) website:

<http://www.mass.gov/mcad/>

region's sole source of housing discrimination testing. Testing is a controlled method of documenting variations in the treatment of home seekers by housing providers.⁴⁸

3.3 Evaluation of Jurisdictions' Current Fair Housing Legal Status

As part of this analysis, fair housing complaints that have been lodged against private parties located in Consortium municipalities were obtained from the HUD FHEO Region I office and MCAD. The cases from each agency may overlap with each other as cases reported to each agency are sometimes referred depending on which entity is identified as having jurisdiction over the case. Cases filed by FHCGH are also included in the listings below.

Cases Filed with the FHEO Region 1 Office, FFYs 2010 – 2015

Cases filed with the FHEO office are cases that cite discrimination based on federally protected classes. Between FY2010-2015, 1,480 cases were filed with the FHEO office in the state of Massachusetts. Most fair housing complaints reported cited the following bases in order of prevalence: disability, national origin, familial status, race, sex, retaliation, religion, and color. Out of this number, 97 cases were lodged against parties in the WestMetro HOME Consortium region. Note: Any fair housing complaints citing discrimination based on a federally protected class that was filed with MCAD are also counted in the case totals provided above.

Table 6: Fair Housing Complaints Filed in WMHC, FHEO data for FFYs 2010 – 2015

Municipality	Cases	Bases Identified in Filed Cases	Was compensation provided in any of the cases filed?
Bedford	7	Race, Sex, Disability (most frequently cited), Familial Status, Retaliation	Yes
Belmont	2	Race, Color, National Origin, Disability, Familial Status	No
Brookline	21	Race, National Origin, Disability (most frequently cited), Familial Status, Retaliation	Yes
Concord	4	Race, National Origin, Disability	No
Framingham	8	National Origin, Disability (most frequently cited), Familial Status	Yes
Lexington	7	Race (most frequently cited), National Origin, Religion, Familial Status	Yes
Natick	3	Disability (most frequently cited); Familial Status	Yes
Needham	3	Race, Disability, Familial Status	Yes
Newton	15	Race, Color, National Origin, Sex, Disability (most frequently cited), Familial Status	Yes
Sudbury	1	National Origin	No

⁴⁸ 2014. Fair Housing Center of Greater Boston, "What We Do," <http://www.bostonfairhousing.org/What-We-Do.html>.

Municipality	Cases	Bases Identified in Filed Cases	Was compensation provided in any of the cases filed?
Waltham	12	Race, National Origin, Sex, Disability (most frequently cited), Familial Status, Retaliation	Yes
Watertown	14	National Origin, Religion, Sex, Disability, Familial Status (most frequently cited), Retaliation	Yes
Wayland	0	N/A	N/A
Total	97		

The top three issues cited in cases filed with the FHEO against parties in the WMHC region are:

- Failure to make reasonable accommodation
- Discrimination in terms/conditions/privileges relating to rental
- Discriminatory advertising statements and notices

Cases Filed with MCAD, 2009-2014

Cases filed with MCAD are cases that cite discrimination based on state and federally protected classes. Between 2009 and 2014, 212 fair housing complaints against parties in the WMHC municipalities were filed with MCAD. Most fair housing complaints reported cited the following bases in order of prevalence: disability, children (familial status), race, color, public assistance (source of income), and national origin. The following table identifies the bases most cited in cases filed against parties in each municipality.⁴⁹

Table 7: Fair Housing Complaints Filed in WMHC, MCAD data for 2009-2014

	Age	Children	Creed	Disability	Familial	Lead Paint	Marital Status	Military Status	National Origin	Other	Public Assistance	Race, Color	Sex	Sexual Orientation
Bedford	0	1	0	3	0	0	0	0	0	3	2	3	1	0
Belmont	0	4	0	2	3	1	0	0	0	0	1	1	0	0
Brookline	3	7	2	16	2	3	2	0	3	1	1	7	3	0
Concord	1	0	0	0	0	0	0	0	0	1	0	1	0	0
Framingham	0	3	1	11	2	1	0	0	2	1	2	2	1	0
Lexington	2	3	1	0	2	0	1	0	2	0	2	6	1	0
Natick	0	1	0	2	0	1	0	0	1	0	2	1	0	0
Needham	1	0	0	1	0	0	0	0	1	0	0	1	0	0
Newton	0	3	0	4	0	1	0	0	1	0	0	6	0	
Sudbury	0	0	1	0	0	0	1	0	0	0	0	0	1	0
Waltham	1	3	0	8	2	0	1	1	2	0	1	4	2	0
Watertown	0	12	2	5	1	4	0	0	2	1	3	0	1	0
Wayland	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Total	8	37	7	52	12	11	5	1	14	7	14	34	10	0
Norfolk County	6	28	3	66	9	12	7	1	16	9	28	48	8	3

⁴⁹ 2014. Fair Housing Center of Greater Boston, "What We Do," <http://www.bostonfairhousing.org/What-We-Do.html>.

Bias Data on Hate Crimes, 2010-2014

Hate crimes are bias-motivated crimes directed at individuals or members of a group due to a perception of their membership in a certain group or groups, which may include protected classes. Examples of hate crimes include: threats, harassment, verbal or physical abuse or insults, and damage to property. Hate crimes are filed and/or charged by police in each municipality. The prevalence of hate crimes in communities is one indicator of discrimination experienced by individuals in protected classes. Note: the data reviewed does not identify the place of residence of the perpetrators nor of the individuals who experienced the reported hate crime – the data provided was logged by the location of the reported hate crime.

Between 2010-2014, 57 hate motivated crimes against individuals were committed within the WMHC communities. The majority of these crimes occurred in Belmont with 20 crimes, followed by Newton with 16 crimes, and Waltham with ten crimes. No hate motivated crimes against individuals were reported in Bedford, Brookline, Concord, Lexington, Sudbury, or Wayland. Many of these crimes involve victims classified under more than one protected class (i.e., female and black). The type of crimes represented below are inclusive of assault, rape, harassment, burglary, larceny, fraud, vandalism, and weapons law violations. Of the 57 hate motivated crimes against individuals, the following was found to be true:

- 45.6 percent of victims were female, 50.9 percent were male, and 3.54 percent were unidentified.
- 35 percent of the crimes were classified as anti-Black, 21 percent of crimes were anti-female, 14 percent of crimes were anti-Jewish, and 9 percent of crimes were anti-gender non-conforming.
- The majority of crimes were committed against victims age 35-64. 14 percent of crimes were committed against 25-34 year olds, 12 percent against less than 18 year olds, 11 percent were committed against 18-24 year olds, and 9 percent against those over age 65⁵⁰.

Fair Housing Testing in the Greater Boston Region

Testing by the Fair Housing Center of Greater Boston (FHCG)

The FHCG is one of the sources of housing discrimination testing in the Greater Boston region. According to the FHCG, “Testing provides a credible picture of how and if discrimination occurs using a controlled method of documenting variations in the treatment of home seekers by housing providers,” including property owners and realtors.

FHCG performed a total of 73 tests in WestMetro municipalities over the last five years. Tests involved property owners, realtor agencies, real estate agents, management companies, and were administered via telephone call or site visit. Findings:

⁵⁰ Massachusetts State Police, Hate Crime Data.

- Evidence of possible discrimination was found in 32 tests – 44 percent of all tests performed.
- The protected bases most frequently cited in tests with evidence of possible discrimination were familial status, race, and disability.
- The most prevalent findings were: discriminatory refusal to rent or negotiate for rental (14), discriminatory terms/conditions/privileges/or services & facilities (11), and discriminatory advertising, statements, and notices (8).

Table 8: Fair Housing Testing Conducted by the Fair Housing Center of Greater Boston, 2010-2015

Municipality	Number of Tests Performed	Test Results - Evidence of Possible Discrimination	Protected Bases	Findings
Bedford	3	3	Race (3)	<ul style="list-style-type: none"> • Discriminatory refusal to negotiate for rental (3)
Belmont	2	2	Familial Status (2)	<ul style="list-style-type: none"> • Discriminatory refusal to rent (2) • Discriminatory advertising, statements, notices (2)
Brookline	12	1	Disability - Mental (1)	<ul style="list-style-type: none"> • Discriminatory terms/conditions/privileges/ or services & facilities (1) • Failure to permit reasonable modification (1)
Concord	-	-	-	-
Framingham	12	5	Familial Status (3) Disability (2)	<ul style="list-style-type: none"> • Discriminatory terms/conditions/privileges/ or services & facilities (5) • Discriminatory refusal to rent (2)
Lexington	1	0	-	-
Natick	-	-	-	-
Needham	12	6	Race (3) Familial Status (3)	<ul style="list-style-type: none"> • Discriminatory advertising, statements, notices (6)
Newton	11	7	Familial Status (4) Race (3)	<ul style="list-style-type: none"> • Discriminatory refusal to rent (4) • Discriminatory terms/conditions/privileges/ or services & facilities (3)
Sudbury	-	-	-	-
Waltham	7	3	Sex (3)	<ul style="list-style-type: none"> • Steering (3)

Municipality	Number of Tests Performed	Test Results - Evidence of Possible Discrimination	Protected Bases	Findings
Watertown	13	5	Familial Status (3) Disability/s ource of income (2)	<ul style="list-style-type: none"> Discriminatory refusal to negotiate for rental (5) Discriminatory advertising, statements, notices (3) Discriminatory terms/conditions/privileges/ or services & facilities (2)
Wayland	-	-	-	-
Total	73	32 (44% of tests performed)		

Testing by the Suffolk University Law School Housing Discrimination Testing Program

The Suffolk University Law School Housing Discrimination Testing Program (HTDP) is funded by the U.S. Department of Housing and Urban Development. HTDP is working in partnership with the Boston Fair Housing Commission towards the goal to “eliminate housing discrimination in the Boston metro area through testing, enforcement and education. Between September 2012 and September 2013, HTDP identified and tested 27 facially discriminatory housing ads in the Boston market. This testing revealed evidence of discrimination in 25 of the 27 cases, and found that it was common for families with young children to be denied housing due to lead paint. This finding is consistent with the findings from a 2001 audit conducted by the FHCGB, which found that discrimination based on familial status was more prevalent than either race or income related discrimination.⁵¹

Findings: Complaint data provided by the Massachusetts Commission Against Discrimination indicates that the bases most frequently cited by parties filing fair housing complaints are, in order of prevalence: disability, familial status, race, color, source of income, and national origin. The top issues cited in cases filed with the FHEO pertain to: a failure to make reasonable accommodations; discrimination in terms/conditions/privileges relating to rental; and discriminatory advertising statements and notices. In addition, reported hate crimes indicate that 35% of crimes filed were submitted by the affected party were committed against victims identifying as Black. A program to educate property owners, realtors, and brokers is needed to build knowledge about fair housing law and responsibilities.

⁵¹ 2013, December. “Lingering Lead: Strategies for eliminating familial status discrimination due to lead paint,” Suffolk University Law School. Source: <http://www.suffolk.edu/documents/Law%20Documents/LingeringLead.pdf>

Section 4: Analysis of Public and Private Sector Determinants of Fair Housing

This section reviews the public and private sector conditions, policies, and actions that impact fair access to housing opportunity and provides an analysis of public and private sector policies and practices in WMHC municipalities and in the region that affect protected classes' access to housing and other opportunities.

4.1 Public Sector Determinants of Fair Housing

Municipal Departments, Boards, Councils, Committees, and Commissions Relevant to Fair Housing

Many municipal departments, boards, councils, committees, and commissions are key partners in affirmatively furthering fair housing (AFFH). The key partners are indicated in table 8. These partners have a responsibility to 1) AFFH through their roles in creating and administering local plans, codes, and policies and 2) develop an understanding of fair housing that will enable them to ensure that municipal decisions do not result in a disparate impact on protected classes.

It is a top priority to provide the individuals who serve in these roles with education and training on fair housing law and strategies for AFFH so they are equipped with a thorough understanding of fair housing obligations. Trainings should be tailored for the different groups so they can 1) be better equipped with the knowledge base needed to identify and remedy potential barriers to fair access to housing opportunity that may be encountered by the populations with whom they work; and 2) mitigate the likelihood of disparate impact through development and/or application of plans, codes, and policies. Consortium members identified the following needs:

- Financial resources (for education and programs to AFFH) and technical assistance would be beneficial to members of staff, committees, and boards, including manuals, webinars, and workshops for staff and committee members pertaining to Fair Housing and Affordable Housing. Furthermore, a list-serve or network where links to best practices communities can be accessible electronically would be helpful.
- An annual training should be provided and all board and commission members should attend. The training would members with making decisions and recommendations that affect our residents and business owners and would provide them with the resources to understand fair housing law. The training would also help clarify their role in furthering fair housing to provide a working knowledge of fair housing in a form they can use. Give common sense, hands on tools to deal with public hearings, building community support and working with officials on issues relating to affordable housing development and fair housing.
- Financial support is needed to allow staff to directly investigate, mediate and potentially settle Fair Housing complaints. Additional funding is also needed to provide renewed support to the now discontinued First Time Homebuyer

Downpayment Assistance and the Home Improvement Loan programs. Additional training in the Fair Housing law is also always welcome.

- The Consortium's FY16-FY20 Consolidated Plan also outlines additional goals and strategies to further fair housing. Relevant excerpts:
 - The matrix of Priority Needs for the City of Newton and the WestMetro HOME Consortium identified fair housing as a high priority action item, specifying a "need for fair housing education, enforcement, and obligations." This item was identified as impacting people of all income levels and family types and having community - wide benefit.
 - The matrix of Strategic Plan Goals identified fair housing as a goal, specifying a priority to "meet the need for more fair housing education, enforcement, and obligations." The identified outcome is availability/accessibility of housing and advancement of the objective to provide decent, affordable housing. Indicators for this goal include educational events, publicity and outreach.
 - The Plan also specifies that in the City of Newton (the Representative Member of the Consortium), the City of Newton Planning Department "will review all applicable projects for their inclusion of fair housing goals and within their review include a statement that 'the objectives of the City's Consolidated Plan, including fair housing, have been considered in this review.' To increase fair housing education, the City will include its fair housing policy on the City website and bulletin board. Additionally, the City will provide fair housing training for its employees."

Establishment of a Fair Housing Officer and a Fair Housing Committee at the municipal level are important steps in facilitating municipal coordination on matters pertaining to fair housing. Six of the thirteen Consortium municipalities have designated a municipal staff person as the Fair Housing Officer.⁵² Only five of the thirteen Consortium municipalities (Bedford, Belmont, Brookline, Framingham, and Newton) currently have a local Fair Housing Committee or another Committee explicitly charged with the responsibilities of AFFH. Highlights:

- Bedford: The Town has a Fair Housing Committee, which is a subcommittee of the Bedford Housing Partnership.
- Belmont: The Belmont Housing Trust is also Belmont's Fair Housing Committee.
- Brookline: In 2014, the Town created a "Diversity, Inclusion and Community Relations Department" to replace its Human Relations Commission. The broader mission of this new department is to support a welcoming environment by encouraging cooperation, tolerance and respect among and by all persons who come in contact with the Town of Brookline by advancing, promoting and advocating for the human and civil rights through education, outreach and advocacy." Part of the mission of the Commission for Diversity, Inclusion and Community Relations is to eliminate discriminatory barriers to work, education, and housing opportunities

⁵² It is important to note that Executive Order 215 mandated that all municipalities designate an individual as a Fair Housing Officer. This mandate was not paired with dedicated federal funding, so often these positions existed in title only. Some municipalities continue to designate an individual as the Fair Housing Officer in accordance with this EO.

within the Town of Brookline. It does this via educational programs as well as resolving and monitoring discrimination claims.

- Natick: In 2009 the Natick Community Development Advisory Committee adopted under its charter the responsibilities of the Fair Housing Committee. This includes the review, documentation and appropriate action on any complaints. Complaints would, if not resolved by the Fair Housing Officer and determined by the Committee to be appropriate, forwarded to the Fair Housing Center of Greater Boston.
- Newton: Newton's Fair Housing Committee has hosted several educational workshops to inform real estate agents, landlords, and City officials and staff about Fair Housing obligations. The Committee also provides guidance in the Special Permit process on issues of fair housing including the need for accessible and adaptable housing.

Findings: Many municipalities do not have a designated Fair Housing Committee or Fair Housing Officer. This contributes to a lack of local knowledge about fair housing rights and responsibilities by parties in the public and private sectors. Increasing municipal knowledge about fair housing law, rights, and responsibilities; increasing the capacity of the Consortium to support collaboration between municipal staff, local boards, councils, committees, and commissions in meeting their obligations to AFFH; and supporting the establishment of a Fair Housing Committee in each municipality (or a Committee charged with the responsibility of monitoring and promoting efforts to AFFH) are priority actions for the Consortium.

Table 9: Municipal Departments, Boards, Committees, and Commissions Relevant to Fair Housing

Municipality	Municipal Departments and Divisions	Municipal Boards, Councils, Committees, Commissions, and Trusts	Housing Authorities
Bedford	<ul style="list-style-type: none"> • Town Manager • Planning Department • Building Department 	<ul style="list-style-type: none"> • Board of Selectmen • Planning Board • Zoning Board of Appeals • Bedford Affordable Housing Trust • Bedford Housing Partnership 	Bedford Housing Authority
Belmont	<ul style="list-style-type: none"> • Town Administrator • Community Development -Planning Division • Belmont Housing Authority • Belmont Housing Trust • Building Department 	<ul style="list-style-type: none"> • Board of Health • Board of Selectmen • Council on Aging • Planning Board • Zoning Board of Appeals 	Belmont Housing Authority
Brookline	<ul style="list-style-type: none"> • Town Administrator • Housing Advisory Board • Brookline Health Department • Veterans Services • Planning and Community Development Department • Police Dept (as advocates for Domestic Violence Victims) • Building Department 	<ul style="list-style-type: none"> • Board of Selectmen • Planning Board • Zoning By-Law Committee • Commission for Diversity, Inclusion, & Community Relations • Commission for the Disabled • Council on Aging • Age Friendly Cities Committee • Commission for Women • Town Meeting • Housing Advisory Board 	Brookline Housing Authority

Municipality	Municipal Departments and Divisions	Municipal Boards, Councils, Committees, Commissions, and Trusts	Housing Authorities
Concord	<ul style="list-style-type: none"> Town Manager Planning Division Building Department 	<ul style="list-style-type: none"> Board of Selectmen Planning Board Zoning Board of Appeals Concord Housing Development Corporation Concord Housing Foundation 	Concord Housing Authority
Framingham	<ul style="list-style-type: none"> Town Manager Planning Board Building Department 	<ul style="list-style-type: none"> Board of Selectmen Planning Board Zoning Board of Appeals Economic Development and Industrial Corporation (EDIC) Framingham Downtown Renaissance (FDR) Community Development Committee Framingham Disabilities Commission Standing Committee on Planning and Zoning Conservation Commission Framingham Housing Authority 	Framingham Housing Authority
Lexington	<ul style="list-style-type: none"> Town Manager Planning Department Building Department 	<ul style="list-style-type: none"> Board of Selectmen Planning Board Zoning Board of Appeals Lexington Housing Partnership Lexington Housing Assistance Board (LexHAB) Human Services 	Lexington Housing Authority

Municipality	Municipal Departments and Divisions	Municipal Boards, Councils, Committees, Commissions, and Trusts	Housing Authorities
Natick	<ul style="list-style-type: none"> • Town Administrator • Community Development • Building Department 	<ul style="list-style-type: none"> • Board of Selectmen • Planning Board • Zoning Board • Natick Affordable Housing Trust • Board of Assessors • Board of Health • Commission on Disability • Community Development Advisory Committee • Council on Aging • Economic Development Committee 	Natick Housing Authority
Needham	<ul style="list-style-type: none"> • Town Manager • Planning Department • Building Department 	<ul style="list-style-type: none"> • Board of Selectmen • Human Rights Committee • Planning Board • Zoning Board of Appeals 	Needham Housing Authority
Newton	<ul style="list-style-type: none"> • Mayor's Office • Planning and Development • Building Department 	<ul style="list-style-type: none"> • Board of Aldermen • Planning & Development Board • Zoning Board of Appeals • Newton Housing Partnership • Fair Housing Committee • Human Services Advisory Committee • Commission on Disability • Human Rights Commission 	Newton Housing Authority
Sudbury	<ul style="list-style-type: none"> • Town Manager • Planning and Community Development • Building Department 	<ul style="list-style-type: none"> • Board of Selectmen • Planning Board • Zoning Board of Appeals • Sudbury Housing Trust 	Sudbury Housing Authority

Municipality	Municipal Departments and Divisions	Municipal Boards, Councils, Committees, Commissions, and Trusts	Housing Authorities
Waltham	<ul style="list-style-type: none"> Mayor's Office Planning Department Building Department Health Department 	<ul style="list-style-type: none"> City Council Planning Board Zoning Board of Appeals Community Preservation Committee Affordable Housing Trust Fund Committee Disability Commission Waltham Housing Authority 	Waltham Housing Authority
Watertown	<ul style="list-style-type: none"> Town Manager Planning and Community Development Building Department 	<ul style="list-style-type: none"> Town Council Planning Board Zoning Board of Appeals Watertown Housing Partnership Commission on Disability 	Watertown Housing Authority
Wayland	<ul style="list-style-type: none"> Town Administrator Planning Department Building Department 	<ul style="list-style-type: none"> Board of Selectmen Planning Board Zoning Board of Appeals Wayland Housing Authority 	Wayland Housing Authority

Public Sector Organizations Relevant to Fair Housing

Consortium members identified the following public sector/nonprofit organizations as partners in affirmatively furthering fair housing. These organizations are referenced as potential partners in advancing activities outlined in the Fair Housing Plan goals and strategies matrices in Section 8.

Table 10: Public and Non-Profit Sector Partners

Name	Description	Reach
Charles River Center	The Charles River Center is a private, nonprofit human service agency headquartered in Needham, Massachusetts, providing employment and job training, residential homes, day habilitation, and recreational programs for children and adults with Down syndrome, autism, cerebral palsy and other developmental disabilities.	Regional
Citizens Housing	CHAPA's mission is to encourage the production and preservation of housing that is affordable	Statewide

Name	Description	Reach
and Planning Association	to low and moderate-income families and individuals and to foster diverse and sustainable communities through planning and community development.	
Community Day Center (Waltham)	The Day Center provides day shelter and support services to those who face complex challenges including physical and emotional abuse, domestic violence, physical disabilities, mental illness, poverty, homelessness, joblessness, and the destructive coping dependencies that lead them into alcoholism, drug addiction and legal issues.	Local
Fair Housing Center of Greater Boston	The Fair Housing Center of Greater Boston is the only comprehensive fair housing organization working to eliminate housing discrimination and promote open communities throughout the region.	Regional
Fair Housing and Equal Opportunity Office - Boston Regional Office	The Fair Housing and Equal Opportunity Office, like HUD, is organized in ten Regions. In each Region the office enforces fair housing laws; conducts training, outreach, and compliance monitoring; and works with state and local agencies to administer fair housing programs.	Regional
Family Promise	Family Promise's mission is to help homeless and low-income families achieve sustainable independence through a community-based response.	Statewide
Greater Waltham Association for Retarded Citizens	GWArc's mission is to serve children, adolescents and adults with intellectual and developmental disabilities and their families in the community, utilizing a person-centered planning approach. They provide quality, flexible programs, services and supports which maximize independence, foster inclusion, promote self-advocacy and build community connections.	Local
Massachusetts Commission Against Discrimination	The MCAD was established in 1946 as the state's chief civil rights agency charged with the authority to investigate, prosecute, adjudicate and resolve cases of discrimination. Led by three Commissioners, one who serves as chair, the MCAD enforces the state's anti-discrimination laws in employment, housing, credit, public accommodations and access to education, on behalf of individuals in numerous protected categories (including race, color, creed, national origin, age, disability, gender and sexual orientation).	Statewide
Metropolitan Area Planning Council	The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. MAPC works toward sound municipal management, sustainable land use, protection of natural resources, efficient and affordable transportation, a diverse housing stock, public safety, economic development, clean energy, healthy communities, an informed public, and equity and opportunity among people of all backgrounds.	Regional
Metro West Collaborative	Metro West Collaborative Development is a private non-profit community development corporation. The mission of Metro West CD is to organize residents, resources and good ideas	Regional

Name	Description	Reach
Development	to resolve community problems and improve the quality of life for all members of our Metro West neighborhoods.	
Metropolitan Boston Housing Partnership	MBHP's mission is to ensure that the region's low- and moderate-income individuals and families have choice and mobility in finding and retaining decent, affordable housing. All our programs are designed to encourage housing stability, increase economic self-sufficiency, and enhance the quality of the lives of those they serve.	Regional
Middlesex Human Service Agency	The mission of Middlesex Human Service Agency, Inc. is to improve the quality of life and independent functioning of a wide variety of clients through the delivery of an extensive system of community-based substance abuse and social service programs.	Regional
Pine Street Inn	Founded in 1969, Pine Street Inn serves more than 1,600 homeless individuals daily and nearly 9,000 annually, providing the full spectrum of services to help men and women reach their highest level of independence and get back to a place they can call home.	Statewide
Preservation of Affordable Housing	Preservation of Affordable Housing (POAH) is a nonprofit organization whose mission is to preserve and steward affordable rental housing to provide stability, hope and economic security to low- and moderate-income individuals and families.	Statewide
Regional Housing Services Office	The RHSO is a The Regional Housing Services Office (RHSO) is a collaboration between the member towns of Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston. Formed in 2011 through an Inter-Municipal Agreement with assistance from Metropolitan Area Planning Council (MAPC), the regional planning agency for Greater Boston, the RHSO serves its member towns by assisting with the municipal function of affordable housing, including proactive monitoring, program administration, project development and resident assistance.	Regional
South Middlesex Opportunity Council	SMOC's mission is to improve the quality of life of low-income and disadvantaged individuals and families by advocating for their needs and rights, to provide services, to educate the community, to build a community of support, and to participate in coalitions with other advocates and searching for new resources and partnerships.	Regional
WATCH CDC	WATCH seeks to connect, convene and empower a wide range of community members in order to accomplish social and economic justice goals and to create a community in which all residents, including low and middle income people, immigrants and others who are traditionally disadvantaged or removed from existing power structures, have a voice and can influence decisions, such that social decisions benefit the whole community and not just a few.	Regional
Watertown Service Provider Network	The Watertown Service Provider Network (WSPN) is an informal group of social service agencies that provide services to Watertown residents. The group meets two-three times per year to share information about programs, problems and opportunities for joint activities.	Local

Name	Description	Reach
Wayside Multi-Service Center (Wayside Youth and Family) (Watertown)	The Wayside Multi-Service Center is a prevention, outreach and counseling service center for the diverse population of Watertown and surrounding communities. Community and outreach activities include involvement in the Watertown Youth Coalition, community peer leadership programs, HIV/AIDS, substance abuse, violence and gang prevention in minority communities, school-based services, youth development outreach, and after-school programs.	Local

Process for Filing Fair Housing Complaints

The ability to address barriers to fair access to housing opportunity relies strongly on the reporting of discriminatory actions experienced by people in protected classes. The capacity of Consortium municipalities to receive and log fair housing-related complaints also impacts the ability of protected classes to realize their fair housing rights. An examination of municipal protocols for intake, assessment, and referral of fair housing complaints to the appropriate external parties indicates that current approaches are frequently informal and undocumented.

Ten out of 13 Consortium municipalities – with the exception of Belmont, Natick, and Wayland – identified a specific municipal staff person as the lead individual tasked with intake and/or referral of complaint calls pertaining to fair housing. In some cases, these individual's roles are clearly posted on the municipality's website; in other cases, complaints are referred to these individuals internally from other staff who are aware of their role. Four municipalities described a standard protocol for how calls are presently handled:

Brookline:

- “Complaints are generally channeled to the Director of the Diversity, Inclusion, and Community Relations Department. There is a specific protocol for dispute resolution. If the dispute cannot be resolved (or sometimes anyway) the Director works with the resident to file a complaint with the Fair Housing Center of Greater Boston.”

Newton:

- “The Planning and Development Staff conducts initial intake and refers callers to either the Fair Housing Center of Greater Boston, the Newton Human Rights Commission HUD, or the Massachusetts Commission Against Discrimination. If referred to the Human Rights Commission, a formal complaint may be filed under the local ordinance, and an investigation will be performed with an attempt made to internally resolve the complaint if appropriate.”

Waltham:

“The Housing Division of the Planning Department is often the referral for housing complaints. The Housing Division will refer FH complaints to the Fair Housing Center of Greater Boston or to HUD if they are fair housing related. ... If the complaints are related to landlord tenant issues we refer to WATCH CDC, a local housing advocacy agency that provides landlord tenant remediation. WATCH will conduct and interview with and determine if mediation is necessary. We also refer to Boston College Legal Assistance for low to moderate-income households in the event they need legal advice regarding a housing issue. The Housing Division also provides complainants with information from the Attorney General's Office regarding Tenant Rights.”

Watertown:

- “Watertown's Complaints Procedure directs the Senior Planner to ask the caller if it would be possible to document basic information about the complaint, and refer them to the Massachusetts Commission Against Discrimination.”

Six Consortium municipalities (Brookline, Framingham, Lexington, Natick, Newton, and Watertown) have clear systems in place for documenting fair housing complaints received

and whether they were resolved through local dispute resolution or referred to FHCGB and/or MCAD. It is important to note that several municipalities described a protocol for referring incidents to other Committees, but there was no indication of a protocol for following up to ensure that those incidents that could not be resolved through local dispute resolution were referred for external investigation and/or resolution. The CHDOs in the Consortium region – Metro West Collaborative Development (MWCD) and Citizens for Affordable Housing in Newton (CAN-DO) – also do not presently have systems for logging fair housing complaints received and referred. Examples of current systems for documenting logging, assessing, and referring fair housing complaints:

- Brookline has a citizen discrimination inquiry procedure that is handled by the Department of Diversity, Inclusion, and Community Relations and the Diversity, Inclusion, and Community Relations Commission. The procedure outlines a protocol for intake, assessment, and referral of complaints. Complainants have the option of formally completing and submitting an online discrimination inquiry form to begin the process. Once a complaint is submitted, complainants are contacted within 48 hours and an appointment is set up with the Diversity, Inclusion, and Community Relations Commissioner. Non-town employee complaints are redacted and forwarded to the Commission for review. All complainants meet with the Department to discuss possible courses of action, which may include: mediation; filing with the Attorney General; filing with MCAD; and the option of retaining private legal assistance. “The Community Development Coordinator receives calls, calls are recorded by date, name and address and the nature of the incident. The Community Development Coordinator follows up with a letter or email to the appropriate individual and/or agency until a resolution is found...The Town’s Disability Coordinator may [also] be a recipient of housing grievances pertaining to access issues. When applicable calls may be forwarded to the Fair Housing Coordinator.” (Framingham)
- “All complaints are filed with the Town Manager and distributed to the relevant departments or boards (Planning Department or Lexington Housing Authority) for response and resolution.” (Lexington)
- “Complaints are documented and the issue is related to the Fair Housing Center of Greater Boston (FHCGB). There have been very few complaints that have reached the Fair Housing Officer; in fact there have been two in the last five years. These complaints were initially provided to the Board of Selectman and Town Administrator Office, transferred to the Fair Housing Officer who met with the complainant to gather information, and then the FHCGB was contacted.” (Natick)
- “Staff documents the nature of each call on a two-page intake form. If a formal complaint is later filed with the Newton Human Rights Commission, a record will be kept of the complaint, of any answer filed and of the ultimate resolution.” (Newton)
- “All complaints are filed with the Town Manager and distributed to the relevant departments or boards (Planning and Community Development or Sudbury Housing Authority) for response and resolution.” (Sudbury)
- “Watertown’s 2013 AI created a process for documenting Fair Housing complaints. The process includes a written Complaints Procedure and Complaint Form which allows the Senior Planner to document basic information about each call.” (Watertown)

Findings: A majority of Consortium municipalities do not have an established protocol for intake, assessment, and referral of fair housing complaints. Individuals who have experienced discrimination do not always know about the right to file a complaint. The lack of local and regional capacity for building knowledge about fair housing rights may create barriers in protected classes' access to the fair housing complaint process. Insufficient reporting also impacts the ability of WMHC municipalities' ability to understand and address the breadth of fair housing issues faced by protected classes. There is also no local or regional entity tasked with overseeing fair housing compliance in the WMHC communities. This lack of capacity impacts the ability of the Consortium to understand issues experienced by people in protected classes on a regional level and to develop a coordinated approach to affirmatively furthering fair housing.

Increasing awareness of and access to municipal fair housing contacts and creating a Consortium-endorsed standard procedure for logging and referring fair housing complaints to ensure consistent documentation of complaints and other instances of discrimination faced by individuals in protected classes is a priority action for the Consortium.

ADA Section 504 Self-Evaluation and Compliance and Transition Plans

Title II of the Americans with Disabilities Act (ADA) of 1990 requires that state and local governments give people with disabilities an equal opportunity to benefit from all programs, services, and activities; this includes transportation, employment, public education, social services, recreation, and public meetings. Governments are required to follow specific architectural standards in new construction and alteration; to ensure programs are offered in accessible locations; to communicate effectively with people with hearing, vision, or speech disabilities; and to make reasonable accommodations to ensure that policies, practices, and procedures do not limit the right of persons with disabilities to access programs, services, and activities.

- Three out of 13 Consortium municipalities –Newton, Sudbury, and Waltham – have municipal ADA Compliance and Transition Plans that were completed within the last five years; Waltham is in the process of creating one. Wayland's Housing Authority also has a Compliance and Transition Plan. Brookline and Framingham completed plans in 2005-2006; they need to be updated. Both Belmont and Needham completed this plan a number of years ago; they are outdated. Although Watertown does not have a Plan, it indicated several actions and mechanisms in place to ensure the Town's compliance with the Federal Fair Housing Act and the ADA – including a new permit application process to streamline the review and permitting of a reasonable accommodation requests; the process is handled through the Building and Zoning Enforcement departments.

Section 504 of the ADA also states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service. Requirements commonly included in federal agencies' Section 504 regulations include: reasonable

accommodation for employees with disabilities; effective communication with people who have hearing or vision disabilities; accessible new construction and alterations; and program accessibility. Section 504 is also enforced through private lawsuits.

- Sudbury is the only Consortium municipality with a Section 504 Self-Evaluation Plan that was completed within the last five years; Waltham's Section 504 Self-Evaluation Plan is currently in progress. Wayland's Housing Authority has a Section 504 Plan. Brookline and Framingham completed plans in 2006; they need to be updated.

Municipal adoption of ADA Compliance and Transition Plans and Section 504 Self-Evaluation Plans is recommended to reduce barriers to fair access to housing opportunity and to move municipalities towards full compliance with obligations under Title II and Section 504.⁵³

Language Assistance Plans

A Language Assistance Plan (LAP) is commonly required of federally funded organizations, states, and local governments. A LAP details language assistance services and how staff and individuals with Limited English Proficiency (LEP) can access those services. Adopting a LAP furthers Section 601 of Title VI of the Civil Rights Act of 1963 and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," which was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..."

Newton is the only Consortium municipality that has a LAP that was created within the last five years. Brookline, Framingham, Needham, and Watertown identify specific programs and activities that currently provide language assistance, but do not have an official, town-wide policy that identifies municipal standards and resources for language assistance. Examples of accommodations currently provided in communities currently without an LAP:

- "All communications and public notices in target areas are provided tri-lingually (English, Spanish, and Portuguese) and interpreters in Spanish and Portuguese are available at Public Hearings. The Community Development Office, which deals with Fair Housing issues, employs bilingual staff (Spanish and Portuguese) for day to day operations. The Town has identified bilingual/bicultural staff throughout the organization for language assistance as needed. High volume customer services departments have bilingual staff or access to bilingual staff." (Framingham)
- "We will be contracting with a language translation service so we can support any person looking for housing." (Sudbury)
- "Watertown's Homepage offers BrowseAloud, a software program that reads website content aloud. BrowseAloud's program is FREE to download for all of our website

⁵³ The U.S. Department of Justice Civil Rights Division Disability Rights Section has produced a resource on the ADA and City Governments that outlines common problems in meeting Title II requirements that are shared by governments of all sizes. Source: <http://www.ada.gov/comprob.htm>

visitors, and is especially beneficial for those with: mild visual impairment, English as a second language, Dyslexia and attention deficit issues.” (Watertown)

Municipal adoption of a Language Assistance Plan is recommended for ensuring that individuals of diverse backgrounds – including people who primarily speak a language other than English, who have low vision or are blind, who consider themselves deaf, and/or who have a disability – have fair access to municipal programs and activities that will increase fair access to housing and other related opportunities including transportation, employment, and education.

Building Codes, Architectural Accessibility, and Visitability in Housing

Most of the region’s residents with mobility and sensory disabilities are served in the private market, and many do not require accessible housing. Still, the number of accessible units that are available in the metropolitan area are insufficient to serve even a fraction of those who do need, or would desire such a unit. As of 2013, nearly one-third of the metropolitan area’s accessible units – those registered with MassAccess – were permitted under MGL Chapter 40B. In communities rated “very-high opportunity” based on the Kirwan/McArdle methodology, 48 percent were permitted under 40B; in “high opportunity” communities, the 40B share was 42 percent.

All consortium communities follow the Massachusetts State Building Code, which mirrors the national building code, the International Code Council, and incorporates the provisions of the American National Standards Institute. State code requires new and rehabilitated commercial and multifamily residential developments to meet accessibility standards. Federal law requires certain accessibility features for the design and construction of covered multifamily dwellings after March 1991. Municipalities that have (or are going through the process to adopt) an ADA Compliance and Transition Plan (Needham, Newton, Sudbury, and Waltham) have identified architectural barriers and removal solutions that will help move their municipality towards full compliance with its obligations under Title II of the Americans with Disability Act of 1990. Among the Consortium municipalities, only one – Newton – has hired a full-time ADA Coordinator, who is based in the City Solicitor's office.

Visitability refers to the design of housing in such a way that it can be lived in or visited by individuals who have trouble with steps or who use wheelchairs, walkers, or strollers. A visitable home serves persons with and without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between visitability and accessibility is that accessibility requires that all features of a dwelling unit be accessible for mobility impaired persons, whereas a visitable home does not. Three architectural conditions usually distinguish a visitable home: (1) at least one entrance is at grade (no step) and approached by an accessible route, such as a sidewalk; (2) the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space; and (3) at least one half-bath is on the main floor.

Natick is the only municipality in the Consortium that has adopted visitability standards (adopted in 2010). Other Consortium communities that do not have explicit visitability standards or policies at the municipal level are required to follow the Massachusetts State Building Code regarding accessibility requirements, many of which relate to visitability.

Although HUD does not establish visitability requirements, it strongly encourages that accessible design and construction features, in addition to those that are required, be incorporated into all housing developed with HOME funds. Nothing found in this analysis explicitly points toward housing visitability issues, although data on visitable units is scarce. However, visibility should be a component of the analysis and development of a comprehensive system for reviewing, approving and monitoring residential developments for compliance with state and federal access requirements.

Public Housing Authority Waitlist Demographics and Tenant Selection Procedures

Housing maintained by public housing authorities is available to individuals meeting low-income thresholds set by the federal government. Housing authority waiting lists provide a picture of the demand for affordable housing in an area. All municipalities maintain waiting lists for Housing Authority (HA) properties; the municipalities also utilize the Section 8 Housing Choice Voucher Centralized Waiting List, which is administered by the Massachusetts Chapter of the National Association of Housing & Redevelopment Officials (MassNAHRO). As of November 2014, there were 159,533 applicants on the Massachusetts centralized Section 8 Voucher wait list.⁵⁴ Housing authority waiting lists were requested from each Consortium municipality. Table 11 below summarizes waiting lists as of April 2015. Findings from the waiting lists of housing authorities in WestMetro communities:

- More than 3,000 families are seeking affordable housing
- More than 2,500 seniors are seeking affordable housing
- Over 1,000 persons with physical disabilities are seeking affordable housing
- Out of the 150,000+ people on the NAHRO Section 8 voucher waiting list, over 1,000 are claiming local preference

The most acute issues appear to be in Belmont, Brookline, and Newton where demand for family and senior housing outpaces available inventory. Additionally, Waltham has a particularly high demand for units for people with disabilities compared to the amount available at the local housing authority.

Table 11: Housing Authority Waiting Lists Compared to LHA Inventory

⁵⁴ To learn more about the Section 8 Database, please visit http://massnahro.org/S8_Home.php.

	Families seeking housing/ LHA family housing Inventory	Seniors seeking housing/ LHA senior housing inventory	Section 8 - claiming local preference	People with disabilities seeking housing/ LHA 667, 167, 689 housing inventories ⁵⁵	Comments
Bedford	80/ 12	not provided	not provided	not provided	The most immediate needs of these residents is jobs, food stamps, day care vouchers, transportation.
Belmont	2925/ 100	589/ 154	not provided	151/ 156	Current Belmont residents face an average wait of three to five years for a unit; non-residents face an average wait of ten years.
Brookline	1300/ 375	1500/17	not provided	50/ 48	The BHA waiting lists for two- and three-bedroom family units are currently closed due to the large number of households already on those lists
Concord	110 (state and federal lists)/ 28 (State)	111/ 88	not provided	not provided	Majority on wait list are for two- and three-bedroom units.
Framingham	not provided	not provided	not provided	not provided	
Lexington	65/ 1	178/ 148	351/ 164	35 (includes people on state and federal list)	Lexington Housing Authority has 351 of these applicants on the Massachusetts Centralized Section 8 Voucher list who are claiming Lexington preference[living or working in the Town of

⁵⁵ Chapter 667 was a program used to develop housing for the elderly and people with disabilities. Chapters 167 and 689 were programs used to create housing for people with special needs.

	Families seeking housing/ LHA family housing Inventory	Seniors seeking housing/ LHA senior housing inventory	Section 8 - claiming local preference	People with disabilities seeking housing/ LHA 667, 167, 689 housing inventories ⁵⁵	Comments
					Lexington].
Natick	not provided	not provided	not provided	not provided	
Needham	559/ 0	227 (elderly and disabled combined in this number)/ 152		not provided	Waits for these units extend to three (3) to five (5) years. None of the family units are handicapped accessible. In regard to the NHA's elderly/disabled units, there were 227 on the waitlist with waits of approximately six (6) months to a year
Newton	928/ 79	481/ 60	62/ 101	not provided	
Sudbury	not provided	not provided	not provided	not provided	
Waltham	breakdown not provided	breakdown not provided	682 applicants claiming local preference	963/ 248	Over 3,554 Waltham households are on the waiting list. The WHA gives preference to Waltham residents. Overall, the Authority issues between seven (7) and ten (10) Section 8 vouchers per year. As of September 2014, The Ready Renter Program (administered by MWCD) has 231 households on the waiting list.
Watertown	not provided	not provided	681 active applicants claiming local preference	not provided	In terms of what the participants are seeking, 105 of the 213 households are seeking 1-bedroom

	Families seeking housing/ LHA family housing Inventory	Seniors seeking housing/ LHA senior housing inventory	Section 8 - claiming local preference	People with disabilities seeking housing/ LHA 667, 167, 689 housing inventories ⁵⁵	Comments
					units, 94 are seeking 2-bedroom units, and 51 are seeking 3-bedroom units.
Wayland	not provided	not provided	not provided	not provided	

Chapter 40B

With regard to the encouragement of both affordable and fair housing, it is important to acknowledge the role of the Massachusetts General Law Chapter 40B, known as "Anti-Snob Zoning" and also the Comprehensive Permit Law because qualified developers can apply for a Comprehensive Permit to propose multifamily development in municipalities that have not achieved the 40B goal of providing at least 10% of their year-round housing inventory as deed-restricted affordable housing.

Housing units that are eligible for inclusion on the State's Subsidized Housing Inventory must be deed-restricted, affordable to low- and moderate-income households (those earning at or below 80 percent of the area median income), and meet Affirmative Fair Housing Marketing requirements. Municipalities use many zoning tools and incentives to achieve their 40B goals. These tools range from allowing multifamily housing by right in their community to identifying and surplusizing a municipally-owned property for the explicit purpose of developing mixed-income, multifamily housing. Many municipalities in the WMHC use these and other regulatory and non-regulatory tools to encourage affordable housing development. However, not all WMHC have adopted many recommended regulatory tools to encourage the creation of affordable housing units. The following section outlines those tools and which municipalities have and have not adopted them.

Zoning Policies and Practices in WMHC Municipalities

Land use regulation in Massachusetts is governed through state law but local zoning and permitting practices can determine where housing can be located, the density and amount of housing that can be built, and the ages of the people permitted to reside in the housing. Local land use policies can present barriers to the development of housing in terms of size, location, and affordability and can be impediments to fair housing choice – resulting in disparate impacts on protected classes.

The February 2013 Discriminatory Effects (a.k.a. Disparate Impact) Final Rule that was released by HUD codified a three-part burden shifting test that requires recipients of federal funds to consider the following prior to the adoption of any policy or practice:

- Is it likely that policy or practice will negatively impact members of a protected class compared to the general population?
- Is the policy or practice necessary to achieve substantial, legitimate, and non-discriminatory interests?
- Is there a less discriminatory alternative that would meet the same interest?

HUD defines equitable land use planning as “zoning, land use regulation, master planning, and other land use planning that, at a minimum, furthers the purposes of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and are intended to achieve additional objectives for expanding housing choice.” Towards this goal, this Plan reviews zoning rules, regulations, and site selection practices that may limit fair access to housing opportunity and result in a disparate impact on protected classes. These rules, regulations, and practices include but are not limited to those that:

- do not allow multifamily housing;
- impose high minimum lot area requirements in residential areas;
- do not allow accessory dwelling units;
- require Special Permit review of all multifamily housing and accessory dwelling units;
- prohibit housing in existing commercial or business districts, or housing near other amenities such as public transit stations or along public transportation routes; and
- restrict affordable rental housing solely to age-restricted development.

Below is a review of select zoning policies and practices that can advance the inclusion of diverse types of housing within municipalities and whether they have been adopted by WestMetro municipalities as of April 2015. The identified policies and practices can advance fair access to housing both within existing residential areas and within parts of a municipality that are in close proximity to other opportunities important to quality life – including schools, jobs, and public transit.

Multifamily housing in single-family residential areas. Four out of 13 Consortium municipalities permit multi-family housing in single-family zoning districts by right or by Special Permit. One municipality (Watertown) notes that this may be examined in current or upcoming zoning reform efforts. Findings:

- Framingham: Two family residential buildings are only allowed via Special Permit in the General Residential (G) zoning districts. Multifamily residential buildings are prohibited in all zoning districts, unless the building was constructed prior to 1939, then the owner can get a Special Permit to use the building for more than three units. Through the Town’s recodification of the Zoning By-Law process, the Town may be adding multifamily as an allowed use (expected in 2015 in select zoning districts). Townhouses are allowed in the new Neighborhood Cluster Development, Agricultural Preservation Development and Open Space Cluster Development By-Laws which were adopted between 2013 and 2014.

- Newton: The Planning and Development Department recently completed the first phase of its zoning reform, but did not address this topic. Newton does not allow multifamily housing by right in single-family zones. Such housing is allowed in these zones by Special Permit in very limited cases.
- Watertown: Proposed zoning amendments that are currently in process strongly encourage mixed-use (commercial/office and residential) in single-family areas.
- Wayland: The new town center project permits multifamily in single-family areas.

Minimum lot area requirements. Minimum lot area requirements in residential districts in the WMHC region range significantly.

- Requirements in districts range from a zero minimum lot area requirement to a ten acre minimum applying to a subdivision.
- Bedford, Wayland, Needham, Sudbury, and Concord generally had the largest minimum lot area requirements for parcels in residential districts.
- Brookline and Watertown generally had the lowest minimum lot area requirements for parcels in residential districts.
- Only Belmont, Newton, Waltham, and Watertown specify minimum lot areas per dwelling unit for parcels in residential districts.
- Among all of the WestMetro communities, Watertown has the most requirements in place that enable a diverse housing stock that includes multifamily housing. Watertown specifies a high maximum lot coverage (up to 80 percent) in some residential districts whereas Belmont and Bedford specify very low maximum lot coverage in the 20 - 30 percent range.

Municipality	Minimum Lot Area Requirements - Residential Districts
Bedford	15,000 s.f. - 10 acres
Belmont	5,000 s.f. - 85,000 s.f.
Brookline	none - 300,000 s.f.
Concord	7,500 s.f. - 80,000 s.f.
Framingham	8,000 s.f.- 43,560 s.f.
Lexington	15,500 s.f. - 30,000 s.f.
Natick	12,000 s.f. - 80,000 s.f.
Needham	10,000 s.f.- 43,560 s.f.
Newton	10,000 - 25,000 s.f.
Sudbury	20,000 s.f. - 5 acres
Waltham	6,000 s.f. - 5 acres
Watertown	5,000 s.f. - 40,000 s.f.
Wayland	20,000 s.f. - 60,000 s.f.

Accessory dwelling units. Six out of thirteen Consortium municipalities – Lexington, Natick, Newton, Sudbury, Waltham, and Wayland – permit accessory dwelling units either by right or

by Special Permit. Among the communities that do not allow accessory dwelling units, Framingham notes that it will be revisited during the Town's zoning recodification process, which will take place in 2016-2017 and Watertown noted that it discontinued an accessory apartment program due to the difficulty with pre-existing, non-conforming units, although there is interest in considering a revised program. Highlights:

- Natick: In Fall Town Meeting 2013, an article was evaluated to amend the zoning bylaws to allow the small energy efficient dwelling units, facilitated by the allowance of residential zoning permitting accessory housing. The article was referred for further discussion and is still being evaluated while Natick undertakes a comprehensive zoning codification and rewrite.
- Newton: In 2015, the Board of Aldermen offered amnesty to homeowners with illegal apartments that were created before December 1999 (previously set at 1979). Accessory apartments are allowed by right and by Special Permit in single residence zones and by Special Permit in multifamily zones. In all instances, there are minimum lot size and house size requirements as well as guidelines on the size of the accessory unit.
- Waltham: The zoning code allows accessory apartments in “Residence A” districts, only with a Special Permit from the Zoning Board of Appeals. The Board of Appeals shall only grant such a Special Permit when it has permit, if granted shall clearly state that it is not transferable to a purchaser of the lot and shall require as a condition of its validity, that a copy of the permit be filed in the Registry of Deeds by the applicant.

Reuse or conversion of existing non-residential structures to residential. Six out of twelve Consortium municipalities – Brookline, Framingham, Natick, Waltham, Watertown, and Wayland – have zoning that permits for the reuse or conversion of existing non-residential structures to residential. Highlights:

- Brookline: This has been done consistently in the Town – including the reuse of churches, town-owned land (old DPW sites), as well as many privately-owned commercial sites (like gas stations, etc.) being converted into housing. Development pressure for residential use is very strong to the point where protecting the Town's commercial base has become a priority. Conversion of single-family detached dwellings to two-family dwellings in the SC or T districts is permitted by Special Permit. The Board of Appeals by Special Permit can waive any dimensional requirements except minimum lot size, provided that no previously existing nonconformity to such requirements is increased. Estate conversions are permitted in residential districts by Special Permit.
- Belmont: The Planning Board drafted a zoning By-Law to allow for the conversion of religious and municipal buildings into multifamily housing by Special Permit; this was adopted by Town Meeting.
- Framingham: The Town's Historic Reuse BBy-Law currently allows conversions of historic structures over fifty years old to be converted into condos, elderly care facilities, and bed & breakfasts by Special Permit. The Historic Reuse By-Law has been attempted to be used on numerous occasion and due to the complexity of the procedural requirements and the amount of return, the use of the By-Law has been

unsuccessful. Through the recodification process, this Historic Reuse By-Law will be revised during 2015/16.

- Natick: The most recent reuse project was the Walnut Place Residences on North Avenue. The development included new construction and the rehabilitation of the Duralectric industrial facility into residential use. Located in the Natick Housing Overlay Option Plan (HOOP) District, the project was reviewed and built in 2013-2014 providing forty one total units of which eight units are affordable housing.
- Newton: Newton has recently explored and/or offered City-owned land for potential conversion to housing. Sites considered for this reuse include a public parking lot on Austin Street and a parcel on Crescent Street that was used at one time as the headquarters for the Parks and Recreation Department. This was also done on several occasions in the past with surplus school buildings. In addition, with approval of a Special Permit, homeowners of large single-family homes on large lots may be allowed to renovate the interior of the structure to create more than one housing unit.
- Waltham: Reuse or conversion is allowed by Special Permit only through the Zoning Board of Appeals. An example of a recent project is the Hardy School re-use rehabilitation to a 19 unit elderly rental apartment in North Waltham funded by the Municipal Affordable Housing Trust Fund.
- Watertown: The Town's zoning ordinance allows the conversion of single-family homes in the Two Family and Single-family Conversion districts to two-family dwellings. The zoning ordinance also contemplates the conversion of two-family houses to multifamily in the Cluster Residential, Residential 0.75 and Residential 1.2 zones. These conversions are allowed by Special Permit.
- Wayland: The Wayland Housing Authority has taken on several reuse/conversion projects for public housing development.

Housing in commercial or business districts. Five of the 13 Consortium municipalities – Brookline, Framingham, Natick, Needham, and Watertown – currently permit housing by-right or by Special Permit in commercial or business districts. Among the communities that do not permit housing in commercial or business districts, Belmont notes that the Housing Trust has examined this as a possible way to provide affordable housing.

Findings regarding housing in commercial or business districts:

- Brookline: This type of mixed-use exists throughout the Town in various commercial centers. Residential uses are allowed by-right in several commercial/business districts. There has also been discussion in the past about promoting housing over commercial in existing commercial districts. Dwellings must conform to the same minimum usable open space and side and rear yard requirements of the district and with the same permitted floor area ratio as the business in which the dwelling is located. Waivers of such dimensional requirements require a Special Permit.
- Framingham: Prior to recodification of the Zoning By-Law, a Special Permit for Mixed-use was limited to the Central Business (CB) Zoning District. During two Town Meetings during 2015, the Town will be expanding the Mix-use uses to the Business (B), Community Business (B-2), and General Business (B-3 & B-4) Zoning Districts.

This expansion of the Mixed-use By-Law will allow for mixed-use projects within Nobscot and Saxonville Villages, and along Worcester Road (Route9).

- Needham: The Town's Downtown Study Committee proposed an amendment to the Zoning By-Law that required affordable units in new housing or mixed-use development in the downtown through new zoning overlay districts. The new zoning also provided incentives for including affordable units as a density bonus. Town Meeting approved this zoning amendment in May 2009. The Planning Board approved the Needham Place project at 50 Dedham Avenue in July 2012 under this zoning, and the unit will be occupied in April 2015. An Affirmative Fair Housing and Tenant Selection Plan was prepared by the Sudbury Housing Trust who managed the lottery that took place in January 2015 for the affordable unit. Another overlay district was created to encourage senior housing through an Elder Services District where two affordable units have thus far been created. A second phase is being planned that will include five additional affordable units. The Town is also in discussion with a developer to process a "friendly 40B" through the state's Local Initiative Program (LIP) as a rental project with approximately 350 to 400 units in the Needham Crossing area (formerly called the New England Business Park.) Moreover, the Town is preparing new zoning for a Mixed-use District west of Highland Avenue that will include inclusionary provisions for affordable housing. Single-family and two-family detached dwellings are allowed by-right in the Business, Avery Square Business, and Hillside Avenue Business Districts.
- Newton: Housing is allowed by right in Business Districts 1, 2, 3, and 4 if the dwellings are located on the second floor above a commercial use. Multi-residence structures are allowed by Special Permit in Business and some Mixed-use zones. In the Mixed-use 4 District, multifamily dwellings are allowed by-right and live/work space is allowed by-right. Residences at the street level and assisted living or nursing homes are allowed by Special Permit only.
- Watertown: Mixed-use development is allowed in Business districts, but by Special Permit only.

Housing near public transit stations or along public transportation routes. The majority of Consortium municipalities - ten out of thirteen – identified many recent projects and zoning that facilitate development near public transit and/or which facilitate increased access to transit offered by regional transit authorities and transportation management associations. Highlights:

- Brookline: While there is no specific policy initiative at this time that pertains to this topic, most parts of Brookline are well serviced by public transportation, making it a highly desirable place to live.
- Belmont: The Housing Trust examined this as a possible way to provide affordable housing.
- Concord: There is active conversation about this, though a current area of focus is Brookside Square in West Concord.
- Framingham: The Town has undergone an extensive Transit Oriented Development (TOD) process which proposes to change the zoning within the Central Business (CB) Zoning District. This will also include the expansion of the CB Zoning District. The changes would allow for multifamily housing, less restrictive parking, higher density,

and make revisions to the existing dimensional regulations. Furthermore, the CB Zoning District revisions will promote walkability and encourage the use of public transportation. The changes to the CB Zoning District will be proposed to Town Meeting in the fall of 2015. Furthermore, to support the encouragement of alternative transportation options in Framingham, the MetroWest Regional Transit Authority (MWRTA) has recently relocated their headquarters from the Natick border on Waverly Street (Route 135) to 92 Blandin Avenue in Framingham. This will bring a major transportation node closer to the Central Business and Town's low-income community.

- Needham: The recently completed Needham Place project has access to bus and commuter rail. A number of housing projects have been developed in close proximity to one of the four commuter rail stations as of April 2015.
- Natick: In both Spring and Fall 2014 town meetings, an article was reviewed proposing a second 40R district on West Central Street, which would have centered on the West Natick Commuter Rail Station. Because the district is being proposed on one of the few remaining Commercial Districts, it was controversial and was not approved.
- Newton: Transit-oriented development is discussed in the FY16-20 Consolidated Plan strategies and goals and the FY16 Annual Action Plan. Newton is also working on the development of a Housing Strategy and a Transportation Strategy to determine the most advantageous locations for housing that are close to a range of transportation options in the City.
- Sudbury: Discussion on housing near transit (near the highway) is active; the current focus is on Route 20.
- Waltham: The City currently has three housing developments being built near its public transit station. The Merc at Moody is a 269 unit mixed-use development, providing 27 affordable units 1/10 of a mile from the Commuter Rail station in Waltham due for completion in 2016. Also 1/10 of a mile from the commuter rail station is the Cooper Street development that is providing 200 Luxury apartments for rent with 25 of them designated as affordable. These developments were Special Permit projects approved through the inclusionary zoning ordinance.
- Watertown: The Town is working with private developers to establish a Transportation Management Association along major corridors, including Pleasant and Arsenal Streets, which have several new and planned housing developments.

Inclusionary zoning. Twelve out of thirteen Consortium municipalities have adopted inclusionary zoning either city- or town-wide or as part of new zoning for downtown and overlay districts: Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Newton, Waltham, Watertown, and Wayland. Some include mechanisms for cash payment from a developer to a fund in lieu of inclusion of affordable units; some offer density bonuses in exchange for inclusion of affordable units. Examples and highlights:

- In Brookline, the Inclusionary Zoning provisions provide for on-site units if a private development is over 15 units total and a cash payment to the Town's Housing Trust for developments ranging in size from six to 15 units.
- In Belmont, the Housing Trust and Planning Board worked together to draft a revised Inclusionary Housing By-Law. The By-Law was adopted by Town Meeting.

- Natick currently has an optional inclusionary bylaw called the Inclusionary Housing Option Program (IHOP). The option is available for developments of ten parcels or more, providing up to an additional 20 percent more units by providing 5-10 percent of the units as affordable.
- While Needham has not approved a town-wide inclusionary zoning bylaw, it has integrated inclusionary zoning provisions in new zoning for several downtown districts and in an Elder Services District along Gould Street. It is considering a similar inclusionary zoning component as part of a Mixed-Use Route 128 Overlay District.
- Newton's inclusionary housing requires 15 percent of the units in new developments be affordable. The Warren Administration has proposed raising that percentage to 20 percent. In a development of six or fewer units, the developer has an option to make a payment in lieu of providing the units on site. There is also an option to provide a portion of the required units off site.
- Framingham's Affordable Housing By-Law requires ten percent of residential development projects containing ten or more units, provide one affordable unit per ten units and a cash payment for the fractional number of units greater than the multiple of ten. The cash payment is equal to three percent of the actual sales price of each subsequent unit over the multiple of ten. Since 2014, the Town permitted four housing developments projects throughout the Town, which will add affordable units and funds, under the Affordable Housing By-Law for the first time. Note: the existing Affordable Housing By-Law is scheduled for review and revision during 2015/16 under the Town's recodification process.
- In October, 2014, Watertown increased the affordable housing set-aside percentage from 10 percent to 12.5 percent for private development projects. Monies from private developers who choose to "buy out" instead of providing affordable units onsite are transferred to the Affordable Housing Development Fund.

Affordable Housing Trust Fund (AHTF). Nine out of thirteen Consortium municipalities have an Affordable Housing Trust Fund: Bedford, Brookline, Framingham, Natick, Sudbury, Waltham, Watertown, and Wayland. Wayland established its AHTF in 2014. Concord notes that its Fund is not active as of April 2015. Three municipalities – Lexington, Needham, and Newton – are actively discussing the creation of AHTFs. Lexington and Concord also have public development corporations; similar to AHTFs, they are appointed by the Selectmen and they are public entities.

40R Smart Growth Overlay District. Natick is the only Consortium municipality that has adopted a 40R Smart Growth Overlay District (SGOD). A transit-oriented development rental project in the Natick Center 40R SGOD is now nearing completion and will include 138 units of which 27 are affordable. The City has also explored possible adoption of a second 40R District, putting forth an article at both the spring and fall 2014 Town Meetings, which would have centered on the West Natick Commuter Rail Station. The District proposed is on one of the few remaining Commercial Districts, so it has been controversial and was not approved. Framingham is also actively investigating 40R and other Smart Growth techniques. Other Consortium municipalities, including Belmont and Newton, are exploring the possibility of adopting 40R SGODs.

Findings: Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some existing policies – and the lack of certain policies – serve to limit and/or restrict the integration and development of housing of different types in municipalities. In addition, few municipalities have adopted Language Assistance Plans (LAPs) and ADA Compliance and Transition and Section 504 Self-Evaluation Plans.

There is an opportunity to undertake planning to reduce barriers to fair housing opportunity for people with disabilities, people who are foreign born and whose first language is not English, and other protected classes through the adoption of LAPs, visibility standards, and ADA Compliance and Transition and Section 504 plans. There is also an opportunity to adopt policy changes that will facilitate fair access to housing opportunity by addressing topics like: inclusion of multifamily housing in existing residential areas; permitting accessory dwelling units by right; facilitating the inclusion of housing in areas with access to other important community assets like jobs and transit; intentional strategies to preserve and grow affordable housing stock; and others.

4.2 Private Sector Determinants of Fair Housing

Private sector determinants of fair housing include matters such as the nature and prevalence of discriminatory advertising; discriminatory refusal to rent; discrimination in terms, conditions, and privileges relating to rental or sale; discriminatory refusal to sell and negotiate a home for sale; discriminatory financing, including access to home mortgages; foreclosures; access to programs on topics like asset building; and the sale or retention of subsidized housing stock. This section reviews lending and real estate policies and practices.

Sale of Subsidized Housing – Expiring Use

Much of the affordable housing in Massachusetts was built in the 1960s, 1970s, and 1980s and produced using state and/or federal housing resources from HUD, Massachusetts state financing, and other programs and incentives like the Low-income Housing Tax Credit (LIHTC). Most funding programs require owners to commit to maintaining the affordability of the units per a timeframe of typically 20 to 40 years. As a result, many properties will soon become eligible to lose their affordability and they are referred to as “expiring use” or “at risk.”⁵⁶ In response to the risk of a significant number of units losing affordability, in 2009, the Patrick Administration passed legislation to preserve privately-owned affordable housing by establishing notification provisions for tenants and giving DHCD or its designee a right of first refusal to purchase expiring properties. The Community Economic Development Assistance Corporation (CEDAC), a quasi-public state agency, also created a \$150 million loan fund to enable the purchase of these properties so they could remain affordable. However, more resources are needed to retain the stock of affordable units in the Commonwealth.

⁵⁶ 2013, Community Economic Development Assistance Corporation (CEDAC) Expiring Use Database. Source: <http://cedacatlas.mapc.org>

State-wide data obtained from HUD in May 2014 on vouchers administered through federal housing assistance programs (not including the MVRP and AVHP voucher figures provided in the first section of this plan) indicates that of all housing units occupied by voucher holders, 51 percent are owned by non-profits and 40 percent are privately owned. In terms of how these public and privately owned properties are financed, 33 percent of these properties are financed under Section 202/811 (supportive housing for the elderly and for persons with disabilities); 24 percent of the properties are identified having federally insured loans.

HUD has also released a Multifamily Assistance and Section 8 Contracts Database that identifies Section 8 units by bedroom size and expiration date. Findings:

- Approximately 26,556 units in the Commonwealth have expiring affordability between now and 2030; the majority of these units are set to expire by 2020.
- The majority of expiring units are 1-bedroom apartments.

Mortgage Lending Practices and Subprime Lending

The following content is from the Regional Fair Housing and Equity Assessment for the Metropolitan Boston Region.

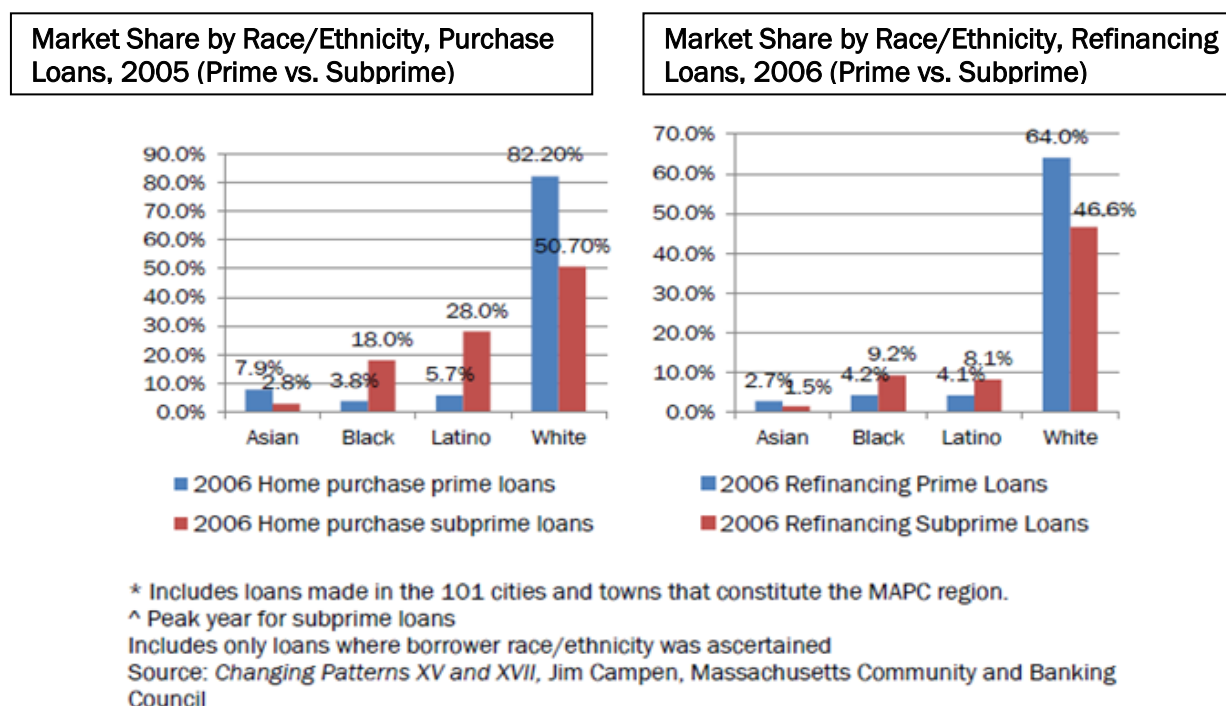
Home Mortgage Disclosure Act data continues to depict persistent and unexplained differences in home mortgage denial rates in the Metropolitan Boston area based on race. Data reported by the Federal Financial Institutions Examination Council as of June 2012 indicates that the denial rate for Black/African American applicants seeking loans for home purchases was 9.3 percent in 2011 compared to an 8 percent denial rate for White applicants. The denial rate for Latinos/Hispanics during the same period was 20.4 percent, and for Asians it was 11.4 percent.

Until the collapse of the financial markets in 2008, much of the conventional lending that might otherwise be available to borrowers of color was replaced by subprime debt. The financial collapse resulted in a near complete withdrawal of subprime lending from the market. Nevertheless, the rise and subsequent fall of subprime lending continues to have a racial and ethnic impact on the region. The rise in subprime lending tracked the rise in home prices in Greater Boston. The number of home purchase subprime loans peaked in 2005 at 7,202 loans, representing nearly 16 percent of all home purchase loans. The number of subprime refinancing loans peaked the following year at 9,061, or more than 20 percent of total refinancing loans. Findings:

- Black and Latino borrowers were much more likely to receive subprime loans during this period than were Whites. For home purchase loans in the 101 MAPC region cities and towns in 2005, for example, 57 percent of Black borrowers and 58 percent of Latino borrowers received subprime loans. Only 15 percent of White borrowers did.
- Nearly 71 percent of Black homebuyers in Brockton received subprime loans that year, as did 76 percent of Latino home-buyers in Lawrence. Subprime loan shares were much greater in neighborhoods with lower income levels and higher percentages of residents of color.

- Research has since shown that many who received such high cost loans could have qualified for a prime loan. Figure 10 shows the major racial/ethnic groups' market shares for subprime loans compared to prime loans during the peak years for subprime lending.

Figure 10: Market Share by Race/Ethnicity – Prime vs. Subprime Loans, 2005 and 2006



Real Estate Policies and Practices

Information on real estate policies and practices as they relate to affirmatively furthering fair housing is intermittently difficult to compile. Most information is anecdotal at best and it can be very difficult to discern trends, particularly on a regional basis. The Regional Fair Housing and Equity Assessment for Metropolitan Boston and the State of Equity in Metro Boston Indicators Report are two recent reports that have used available data to identify patterns of segregation that may be perpetuated in part by private sector policies and practices that have a blatant or disparate impact on protected classes. However, one of the best methods for identifying real estate policies and practices that violate fair housing laws is to conduct testing audits.

Fair Housing Testing Audits

Testing is a controlled method of measuring and documenting discrimination. Testing covers information and services offered or given to home seekers by housing providers. According to the Fair Housing Center, a test is designed to reveal difference in treatment and to isolate the cause of that difference. While the tests conducted for Newton were for research and recommendation purposes, testing is commonly used for self-compliance by the real estate industry, lending institutions and public entities. Additionally, case law has upheld the legitimacy of testing evidence in enforcement proceedings involving housing discrimination. A testing audit is a “systematic investigation of discrimination in the housing market for the purpose of gauging the prevalence and types of discrimination at play in the market at a given point in time.”

The Fair Housing Center of Greater Boston is one agency that performs regional testing on fair housing in the Greater Boston region. From 2001 to 2005, the Center completed regional testing that shows that discrimination – not just affordability – accounts for the residential segregation patterns that exist in the Greater Boston area. These regional audits found that Black/African American and Latino/Hispanic home seekers experience discrimination in half of their attempts to rent, purchase, or finance homes in the region. The audits also found that families with children and households with Section 8 vouchers are discriminated against two thirds of the time.

The City of Newton was the first municipality in the region to contract with the Center to test for discrimination in the private rental and for-sale real estate market in the city. The audit was conducted in late 2005 and early 2006. The Center published a report titled Housing Discrimination Audit Report to the City of Newton on March 31, 2006. The shared characteristics makes it possible to assume the findings from the City of Newton's 2005-2006 Fair Housing Testing Audit can be applied to the real estate industry operating in the WMHC region. The following content is from the City of Newton's FY11-15 Analysis of Impediments to Fair Housing Choice.

Case Example: City of Newton Testing Audits

In 2005, the City of Newton, the Representative Member of the WestMetro HOME Consortium, contracted with the Fair Housing Center of Greater Boston to conduct a Fair Housing Audit in both the rental and for-sale markets. Newton also contracted with the Disability Law Center to conduct a testing audit in 2006. The goal of the disability discrimination audit was to study Newton's housing market for discrimination against people with disabilities and provide the Newton Fair Housing Task Force and the Mayor's Committee for People with Disabilities with a summary of the audit's findings and recommendations. Both the FHCGB and DLC audits concluded that discrimination based on race, national origin, source of income, familial status, and disability is present in Newton's rental and for sale markets. At the same time testing occurred, the City also received a grant to do outreach and education in the City and with the Consortium municipalities. The following sections provide an overview of the findings from the FHCGB and DLC audits.

The Fair Housing Center of Greater Boston Audit

The Center conducted the testing with matched pairs of testers. Often, the tester who was a member of a protected class had better financial standing than their non-protected class counterparts (i.e. better credit score, higher income). The testers were volunteers and were trained to record interactions with a housing provider. Testers were not told what form of discrimination they were testing and a Fair Housing Center test coordinator supervised the work.

Summary of the Rental Market Audit: During the months of September and October 2005, the Fair Housing Center conducted 24 paired rental tests at real estate agencies and management companies with units in the City of Newton. The tests were designed to reveal whether their rental practices show any signs of discrimination against four protected

classes: familial status, source of income involving Section 8 vouchers, race involving African Americans, and national origin with different national origin backgrounds. Overall, rental testing showed discrimination in 11 of the 24 paired tests conducted, or 45.8%. Specifically, the testing found that:

- Three out of six real estate agencies demonstrated evidence of discrimination based on race (50 percent)
- Four out of six real estate agencies demonstrated evidence of discrimination based on national origin; two cases involved Latino Americans and two cases involved Caribbean Americans (66 percent)
- Two out of six real estate agencies demonstrated evidence of discrimination based on familial status (33 percent)
- Two out of six real estate agencies demonstrated evidence of discrimination based on source of income involving Section 8 housing vouchers (33 percent)

Summary of the For-sale Market Audit: In January and February 2006, the Fair Housing Center conducted ten paired sales tests with real estate agencies listing properties for sale in Newton. The Fair Housing Center conducted testing for discrimination against African Americans and Latinos (race/national origin). Testers were assigned to contact real estate agents about specific properties on the market. Six pairs inquired about houses priced from \$700,000 to \$800,000 and four pairs inquired about condos for \$450,000 to \$500,000. Overall, the Fair Housing Center found evidence of discrimination in four of the ten tests conducted, or 40%. Furthermore:

- Three tests revealed evidence of discrimination based on race or national origin; A fourth test showed evidence of familial status discrimination in the form of a discriminatory statement made to one tester
- Both tests that paired Latino and White homebuyers showed evidence of discrimination based on national origin (100%)
- One out of eight tests that paired African American and white homebuyers showed evidence of discrimination based on race (13%)
- In four out of these eight tests, the realtor offered more information to the White homebuyer compared to their Black/African American counterpart (50%)

Summary of the Disability Law Center Audit

The DLC testing audits matched pairs of testers (one tester with a disability, the other tester without) to test for differential treatment. In addition, the DLC utilized non-matched testers to investigate whether housing discrimination existed in the form of failure to permit reasonable modifications “to ensure accessibility of housing units, or failure to make reasonable accommodations to ensure both full and equal participation in the housing search process and an equal ability to use and enjoy a dwelling.” The testers were volunteers and were trained to record interactions with a housing provider. A test coordinator supervised the work.

The Disability Law Center's *Disability Discrimination Audit of the Housing Market of Newton, Massachusetts* also revealed significant barriers to equal housing opportunities for individuals with disabilities across all disability categories. The testing concluded that compared to home seekers without disabilities, individuals with disabilities encountered "significant barriers to entry into the Newton housing market, especially in the private, non-subsidized rental market."

The audit found that the two most significant forms of discrimination faced by individuals with disabilities were in "differential treatment (being treated less favorably and/or being provided inferior information or services than non-disabled individuals) and real estate offices which offer services that are not fully accessible."

Overall, evidence of discrimination was found in 25 of the 52 paired and unpaired tests conducted, or 48 percent. Specifically, the testing found that:

- Of seven tests involving subsidized rental housing, no evidence of discrimination was found
- Of 37 tests conducted involving private, non-subsidized rental housing, evidence of discrimination found in 54% of tests
- Within private, non-subsidized rental housing, evidence of discrimination in the form of differential treatment was found in 67% of tests
- Within private, non-subsidized rental housing, evidence of discrimination in the form of a failure to provide reasonable accommodation was found in 36% of tests
- Within private, non-subsidized rental housing, evidence of discrimination in the form of a failure to allow reasonable modification of a unit was found in 40% of tests
- Of eight tests involving properties for sale in Newton, evidence of discrimination was found in 62.5% of tests
- 80% of sales tests for differential treatment revealed evidence of discrimination
- 33% of sales tests for reasonable accommodation revealed evidence of discrimination

Unfortunately, documented evidence of discrimination against many of the protected classes exists in Newton as it does in the Greater Boston area and throughout the nation. Comparative analysis between local, regional, and national scales is fruitless, as any discrimination should not be tolerated. The intention here should not be to dwell on the results of these audits. Rather, these audits show the need to create and implement best practices in affirmatively furthering fair housing in both the private and public sectors.

Section 5: Review of Current WMHC Programs, Policies, and Activities

This section provides an overview of how the Consortium is administered and defines the priorities for allocation investment. It also summarizes the current programs, policies, and other activities undertaken by the Consortium.

5.1 WMHC Administration and Expenditures

The City of Newton and the Towns of Brookline and Framingham are Entitlement Communities under the U.S. Department of Housing and Urban Development (HUD). Each community operates under separate 5-year Consolidated Plan and 1-year Action Plans pursuant to federal enacting legislation establishing the Community Development Block Grant (CDBG) program, and HUD's implementing regulations at 24 CFR Part 91, Subpart C (Local Governments; Contents of Consolidated Plan). In addition, the City of Newton receives an Emergency Solutions Grant (ESG) from the U.S. Department of HUD and is the lead entity for the Brookline, Newton, Waltham, and Watertown Homelessness Consortium (Continuum of Care).

HUD created the HOME Investment Partnership Program and the McKinney Vento Homeless Assistance Program in the 1990s. Newton, Brookline, Waltham, and Watertown work together to strategize and address homelessness. Their respective Consolidated Plans outline the scope of those efforts. The City of Newton Department of Planning and Development is the lead agency that secures, disburses and administers HOME funds to all municipalities in the consortium, and also and secures, disburses and administers McKinney-Vento funds for homeless assistance programs on behalf of the Homelessness Consortium.

Brookline, Newton, and Framingham secure and administer their own CDBG funds as HUD Entitlement Communities. In each Entitlement Community there are CDBG subrecipients that administer programs that achieve housing goals through the creation of housing and supportive housing, including by community housing and development organizations (CHDOs) as well as social service program providers.

The Consortium municipalities – along with subrecipients and subgrantees – utilize HOME resources to address priority needs identified within the 5-Year Consolidated Plan and One Year Action Plans.

WMHC Allocation Investment Priorities and Expenditures, FFYs 2010 –2015

The Consortium prioritizes investment allocations of HOME funds based upon the locations of low- and moderate-income individuals or households. The service (or geographic) areas of many of the housing projects are city- or town-wide because they are targeted to meet the needs of low- and moderate-income individuals and households throughout a city or town. However, where there is a concentration of low- and moderate-income individuals or households with specific housing needs in certain neighborhoods or Census tracts, then the projects, programs or activities are designed to address such a need in those locations. Area

Benefit and Limited Clientele funding is used to support social service programs that are implemented in locations that will benefit particular low- and moderate-income neighborhoods or Census tracts.

In addition, CDBG funds are utilized to support costs associated with providing social service programs for people who are low- to moderate-income with special needs. These include programs for seniors, homeless individuals, and people with disabilities. CDBG funds are also used for infrastructure projects that benefit specific low- to moderate-income target areas and public facilities that address the needs of low- and moderate-income individuals, households, and neighborhoods.

The WMHC is also obligated by HUD to allocate and expend at least 15 percent of HOME funds to the two Community Housing Development Organizations (CHDOs) in the region – Citizens for Affordable Housing in Newton Development Organization (CAN-DO) and Metro West Collaborative Development.⁵⁷ The CHDOs can use HOME funds for all eligible HOME activities as allowed by WMHC. In order to count towards the 15 percent set-aside, the CHDO must act as the owner, developer, or sponsor of a project that is an eligible set-aside activity. Eligible activities include: the acquisition and/or rehabilitation of rental housing; new construction of rental housing; acquisition and/or rehabilitation of homebuyer properties; new construction of homebuyer properties; and direct financial assistance to purchasers of HOME-assisted housing that has been developed with HOME funds by the CHDO.

The following table summarizes WMHC expenditures between FY2011 through FY2015 across all municipalities. For detail on program funding, commitments, and expenditures, please see **Appendix IV**.

Table 9: WMHC Expenditures, FY2011 through FY2015

Category	Amount
Rehabilitation	\$ 7,257,046.00
New Construction	\$ 1,665,141.00
Tenant Based Rental Assistance	\$ 136,821.00
Acquisition	\$ 469,834.00
CHDO Operating	\$ 66,165.00
Newton HOME Administration	\$ 92,630.00
HOME Consortium Admin (3% for member communities)	\$ 339,555.00
Total	\$10,027,192.00

⁵⁷ At one time, there were six CHDOs in the WestMetro region. The list included Needham Opportunity Inc., Brookline Improvement Committee, WATCH CDC, and Framingham Development Corporation.

5.2 Recent WMHC Fair Housing Activities: Programs, Education, and Outreach

This section highlights recent fair housing activities of the WMHC and member municipalities that are funded through a variety of sources – including HOME funds and municipal sources of revenue.

WestMetro Consortium Affirmative Fair Housing Marketing Plan

Members of the WestMetro HOME Consortium will continue to utilize the previously-adopted and amended *Affirmative Fair Housing Marketing Plan*. This Plan ensures that the *Affirmative Marketing Policy and Implementing Procedures* of the WestMetro HOME Consortium are also implemented. In accordance with the applicable HOME regulations and in furtherance of the Consortium's commitment to nondiscrimination and equal opportunity in housing, the Consortium has established procedures to affirmatively market units constructed or rehabilitated under the HOME Program. The Plan also incorporates DHCD's *Affirmative Fair Housing and Civil Rights Policy* (April 2009), which establishes statewide fair housing and civil right policy best practices, standards, and strategies for implementation.

These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063. It is the affirmative marketing goal of the Consortium to assure that individuals who normally might not apply for the vacant rehabilitated or newly constructed units because of their race, ethnicity, age, disability, or other factors know about the vacancies, feel welcome to apply, and have the opportunity to rent the units.

Local Resident Selection Policy

The City of Newton's previously adopted and amended *Guidelines for Uniform Local Resident Selection Preferences in Affordable Housing* are intended for use in affordable rental and homeownership programs at initial distribution of units and upon turnover or resale. The local resident selection preference policy should be as uniform as program constraints will allow across Newton's programs that distribute funding or regulate affordable housing, including but not limited to the CDBG and HOME Programs, Community Preservation Act Program, Inclusionary Zoning Ordinance, and Chapter 40B. When a developer utilizes one or more of these regulatory and funding programs, the housing staff will ensure that the uniform guidelines are followed.

Beyond establishing the local preference criteria, the uniform guidelines state that there shall be no delay, denial, or exclusion from the development based upon a characteristic protected by Newton's human rights ordinance and applicable fair housing and civil rights laws. They also set local preference for units that are designed or modified to be accessible to people with disabilities. The policy also adopts the affirmative fair housing marketing and selection plans established by DHCD to mitigate potential discriminatory outcomes.

Homebuying Programs

Newton has used the American Dream Downpayment Initiative (ADDI) Program and still has funds available as of May 2015, although the program is not recapitalized. Newton also has a first-time homebuyer program that is capitalized with Community Preservation Act funds.

Residential Anti-Displacement and Relocation Assistance Plan for HOME Consortium Permanent Relocation

It is the policy of the City of Newton Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs and the WestMetro HOME Consortium to take all reasonable steps to minimize displacement as a result of CDBG- and HOME-assisted projects, including:

- Considering whether displacement will occur during feasibility determinations
- Identifying potential relocation workload and resources early
- Assuring, whenever possible, that residential occupants of buildings rehabilitated are offered an opportunity to return
- Planning rehabilitation projects to include “staging” where this would eliminate temporary displacement
- Following notification procedures carefully so that families do not leave because they are not informed about planned projects or their rights
- When a project requires relocation, Newton Housing and Community Development Division staff or the WestMetro HOME Consortium member communities are responsible for ensuring that all notices are sent in compliance with both the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) in a timely manner

Temporary Relocation

Temporary relocation often occurs as the result of lead abatement and other rehabilitation activities in renter- and owner-occupied units. Although the City of Newton Housing and Community Development Division is not required to, in most cases it pays for the temporary relocation of displaced renters and/or homeowners whose residences are being rehabilitated.

Monitoring Policy and Plan

Both the City of Newton and the WestMetro HOME Consortium have comprehensive monitoring plans. To ensure an appropriate level of staff effort, the Consortium’s monitoring strategy involves a two tiered approach: ongoing monitoring and on-site monitoring. Ongoing monitoring occurs for all HOME-assisted activities each program year. Basic ongoing monitoring involves conducting periodic reviews of activities to ensure regulatory compliance and track program performance for all developers, sponsors, and contractors receiving HOME funds for projects and for Consortium Members. On-site monitoring seeks to closely examine whether performance or compliance problems exist and identify the aspects of the program or project that are contributing to the adverse situation. HOME Consortium

members use a risk factor analysis to target certain HOME Program areas or organizations for in-depth monitoring each year.

Overall monitoring objectives of the WestMetro HOME Consortium monitoring plan include:

- Identifying and tracking program and project results
- Identifying technical assistance needs of Member communities, CHDOs and subrecipient staff
- Ensuring timely expenditure of HOME funds
- Documenting compliance with program rules
- Preventing fraud and abuse
- Identifying innovative tools and techniques that support affordable housing goals
- Monitoring inclusionary zoning and 40B units by communicating with the applicable subsidizing agency and property managers to ensure that applicable housing regulations and policies are adhered to after initial occupancy

Limited English Proficiency / Language Assistance Plan

The WestMetro HOME Consortium began collaborating with the City of Newton's Planning and Development Division on helping members develop and create a consolidated Language Assistance Plan. A Consortium-wide plan will strengthen the ability to share resources and best practices, as well as to reassess the Consortium's demographics to accurately reflect the primary languages based on the results of the 2010 Census.

Neighborhood Notification Policy

Currently, it is the Newton Planning and Development Department's policy - as part of the affordable housing development process - to notify abutters and ward aldermen of a proposed CDBG One-to-Four Unit Purchase/Rehabilitation Program project. This notification is not required by HUD, nor is it a City zoning requirement, since all Purchase Rehabilitation Program projects are limited to by-right projects. This policy may have implications for fair housing if opposition to the project is based solely on the affordable component of the project or on potential protected classes that may be served. Housing staff would like to consult with the Fair Housing Committee on this potential issue.

HUD Section 3 Requirements

Section 3 is a provision of the Housing and Urban Development Act of 1968, as amended, and falls under HUD's Office of Fair Housing and Equal Opportunity. Section 3 recognizes that the normal expenditure of certain HUD funds typically results in new jobs, contracts, and other economic opportunities. When these opportunities are created, low- and very low-income persons residing in the community in which the funds are spent (regardless of race and gender), and the businesses that substantially employ them, should receive priority consideration.

The requirements of Section 3 apply to recipients of HUD financial assistance exceeding

\$200,000 that is used for projects involving housing construction, rehabilitation, or other public construction. Covered assistance includes CDBG, HOME, Disaster Recovery Assistance, Housing for Persons with AIDS (HOPWA) and certain Economic Stimulus Funding.

The City maintains an affirmative posture regarding employment opportunities for low- and moderate-income residents in connection with housing and community development program sponsored projects and encourages the hiring of such persons for new trainees, apprentices or regular positions which may become available as a result of such projects. In addition, the City maintains a similarly affirmative posture with regard to opportunities for eligible businesses doing project-related work. The City is in the process of updating its Section 3 plan, which will include a set of procedural guidelines and forms to distribute to subrecipients, contractors and subcontractors required to follow Section 3.

5.3 Recent Fair Housing Activities

In addition to previous training and educational activities, including the creation of a fair housing website hosted by the City of Newton and the distribution of brochures, the West Metro HOME Consortium engaged in the following fair housing activities:

- The Fair Housing Committee and housing staff continued to hold fair housing trainings and forums targeted to the public and human service providers and counselors.
- Members from the Fair Housing Committee provided fair housing education to the City's legislative body, the Newton Board of Aldermen.
- The City hired a part-time ADA/Section 504 Accessibility Coordinator, a chief action in the Fair Housing Committee's *Architectural Accessibility Action Plan* and the report, *Ramping Up: Planning for a More Accessible Newton*.
- Housing staff utilized its Civil Rights Checklist to ensure compliance and promote fair housing best practices for subgrantees that received CDBG and HOME for housing development.
- The *Housing Discrimination Questionnaire* was created and distributed to over 500 individuals to collect data on possible housing discrimination.
- A goal in the *FY13 Annual Action Plan* was the development of a consolidated Language Assistance Plan for the WestMetro HOME Consortium. Although the plan was not completed in FY13, the WestMetro Consortium began the process to update its Analysis of Impediments to Fair Housing Choice and create a Consortium-wide analysis. This level of regional analysis will help sharpen the understanding of the Consortium's current language characteristics and inform strategies to ensure equal access to persons with limited English proficiency.

Section 6: Summary of Impediments to Fair Housing

The findings emerging from the analysis of public and private sector determinants of fair housing can be addressed through five broad categories of action. Section 6 outlines a series of goals, objectives, and strategies for addressing each category of action.

Category: Public and Private Sector Education and Outreach

Findings: Many municipalities do not have a designated Fair Housing Committee or Fair Housing Officer. This contributes to a lack of local knowledge about fair housing rights and responsibilities by parties in the public and private sectors. Increasing municipal knowledge about fair housing law, rights, and responsibilities; increasing the capacity of the Consortium to support collaboration between municipal staff, local boards, councils, committees, and commissions in meeting their obligations to AFFH; and supporting the establishment of a Fair Housing Committee in each municipality (or a Committee charged with the responsibility of monitoring and promoting efforts to AFFH) are priority actions for the Consortium.

Category: Private Sector Compliance

Findings: Complaint data provided by the Massachusetts Commission Against Discrimination indicates that the bases most frequently cited by parties filing fair housing complaints are, in order of prevalence: disability, familial status, race, color, source of income, and national origin. The top issues cited in cases filed with the FHEO pertain to: a failure to make reasonable accommodations; discrimination in terms/conditions/privileges relating to rental; and discriminatory advertising statements and notices. In addition, reported hate crimes indicate that 35% of crimes filed were submitted by the affected party and were committed against victims identifying as Black. A program to educate property owners, realtors, and brokers is needed to build knowledge about fair housing law and responsibilities.

Category: Oversight, Monitoring, and Reporting

Findings: A majority of Consortium municipalities do not have an established protocol for intake, assessment, and referral of fair housing complaints. Individuals who have experienced discrimination do not always know about the right to file a complaint. The lack of local and regional capacity for building knowledge about fair housing rights may create barriers in protected classes' access to the fair housing complaint process. Insufficient reporting also impacts the ability of WMHC municipalities' ability to understand and address the breadth of fair housing issues faced by protected classes. There is also no local or regional entity tasked with overseeing fair housing compliance in the WMHC communities. This lack of capacity impacts the ability of the Consortium to understand issues experienced by people in protected classes on a regional level and to develop a coordinated approach to affirmatively furthering fair housing.

Increasing awareness of and access to municipal fair housing contacts and creating a Consortium-endorsed standard procedure for logging and referring fair housing complaints to ensure consistent documentation of fair housing complaints and other instances of

discrimination faced by individuals in protected classes is a priority action for the Consortium.

Category: Local Policies and Practices

Findings: Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some existing policies – and the lack of certain policies – serve to limit and/or restrict the integration and development of housing of different types in municipalities. In addition, few municipalities have adopted Language Assistance Plans (LAPs), and ADA Compliance and Transition and Section 504 Self-Evaluation Plans.

There is an opportunity to undertake planning to reduce barriers to fair housing opportunity for people with disabilities, people who are foreign born and whose first language is not English, and other protected classes through the adoption of LAPs, visibility standards, and ADA Compliance and Transition and Section 504 plans. There is also an opportunity to adopt policy changes that will facilitate fair access to housing opportunity by addressing topics like: inclusion of multifamily housing in existing residential areas; permitting accessory dwelling units by right; facilitating the inclusion of housing in areas with access to other important community assets like jobs and transit; intentional strategies to preserve and grow affordable housing stock; and others.

Section 7: WestMetro HOME Consortium Regional Fair Housing Plan Actions and Strategies, FFYs July 1, 2015 – June 30, 2020

The WestMetro HOME Consortium Fair Housing Plan intends to address impediments to fair housing in the public and private sectors in the thirteen WMHC municipalities. The actions and strategies outlined in this section identify Consortium-wide goals, objectives, and strategies. Municipal strategies that complement the Consortium-wide strategies and actions are also identified.

This section provides the following:

- **Four categories of action** under which goals, objectives, and strategies are grouped;
- **goals** that provide direction for achieving the long-term mission of ensuring fair access to housing opportunity in the WestMetro region;
- **objectives** that outline specific levels of achievement toward the goals and provide a way to measure progress;
- **strategies** that include specific actions and activities; and
- a listing of **implementation partners**, who will help establish accountability.

Implementation Partners

Establishment of a standing WestMetro HOME Consortium Fair Housing Committee is recommended to steward Plan implementation. Committee membership may draw from the WMHC membership, members of municipal boards, councils, committees, and commissions in each municipality, and public sector partners working at the local, regional and state levels. Please see tables 8 and 9, in Section 1.3, which outline public sector and nonprofit partners.

The purpose of the Committee is to:

- assist the WMHC with the implementation of the 2015 – 2020 Fair Housing Action Plan through leadership on select activities that require regional collaboration;
- assist municipal officials on how to address related fair housing issues that arise in the member municipalities, which require local or regional action; and
- advise municipal officials on the identification and implementation of related local policies and practices that will make sure all citizens have equal access to the housing of their choice.

It is recommended that this Committee meet quarterly. Meeting locations may rotate and may be hosted at the municipal offices of any WestMetro HOME Consortium municipality. Each Advisory Committee meeting will be attended by a member of the WMHC.

Local and Regional Partners

The following is a list of local and regional partners and acronyms that are referenced in the Action Plan matrix.

- Municipal Boards, Committees, Councils, and Commissions
- Banks and Financial Institutions
- Citizens Housing and Planning Association (CHAPA)
- Community Day Center (Waltham) (CDC)
- Massachusetts Department of Housing and Community Development (DHCD)
- Fair Housing and Equal Opportunity Office (FHEO)
- Fair Housing Center of Greater Boston (FHCGB)
- Family Promise (FP)
- Greater Boston Real Estate Board (GBREB) - divisions include the Greater Boston Association of Realtors (GBAR) and the Building Owners and Managers Association (BOMA)
- Greater Waltham Association for Retarded Citizens (GWARC)
- Massachusetts Commission Against Discrimination (MCAD)
- Massachusetts Association of Realtors (MAR)
- Metro West Collaborative Development (MWCD)
- Metropolitan Area Planning Council (MAPC)
- Metropolitan Boston Housing Partnership (MBHP)
- Middlesex Human Service Agency (MHSA)
- Citizens for Affordable Housing in Newton Development Organization, Inc. (CAN-DO)
- Pine Street Inn (PSI)
- Preservation of Affordable Housing (POAH)
- South Middlesex Opportunity Council (SMOC)
- WATCH CDC
- Watertown Service Provider Network (WAPN)
- Wayside Multi-Service Center a.k.a. Wayside Youth and Family (Watertown) (WMSC)

WMHC Fair Housing Action Plan and Spending Priorities FFYs July 1, 2015 – June 30, 2020

Consortium-wide fair housing goals, objectives, and strategies are organized under four categories of action:

- Public and Private Sector Education and Outreach
- Private Sector Compliance
- Oversight, Monitoring, and Reporting
- Local Policies and Practices

Public and Private Sector Education and Outreach

Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of informational resources

Objective:

- A. Secure additional resources to expand fair housing outreach and educational activities.*

Objective:

- B. Deliver resources and one-two fair housing trainings or workshops each year to the public sector including elected and appointed officials and municipal staff in each WMHC municipality.*

Strategies:

1. Work with municipalities to administer public forums in each municipality to educate tenants and landlords on fair housing rights and responsibilities. Make resources available in an electronic format (e.g., webinars and website content) whenever possible.
2. Work with municipalities to engage and train elected and appointed officials, municipal staff, boards and commissions with land use authority, housing authorities, and staff in mayor or town manager/administrator offices on fair housing laws, rights, and responsibilities. Also develop advanced training on topics including disparate impact and accessibility requirements.
3. Provide information on fair housing responsibilities to first-time landlords, small property owners, and public and private housing developers by disseminating materials in collaboration with local and regional media including community access television. Make resources visible and readily available in municipal offices and other public spaces.

Objective:

- C. *Deliver resources and one training each year to the private sector including renters, buyers, small property owners, and realtors.*

Strategies:

1. Create materials to educate renters, buyers, and property owners and commit resources to ensure that materials are accessible to protected classes. Collaborate with local and regional nonprofits and realtor® associations to prepare educational materials.
2. Disseminate materials in collaboration with local and regional media including outreach to community access television as well as churches, libraries, and schools.
3. Work with realtor® associations to strengthen the content and delivery of fair housing workshop curricula.
4. Work with landlord and tenant associations to deliver curricula on fair housing rights and responsibilities.

Private Sector Compliance

Goal #2: Identify and address discriminatory actions in the Consortium area's private real estate market

Objective:

- A. *Educate landlords, brokers, buyers, banks, and financial institutions to decrease discrimination experienced by protected classes – with a particular focus on addressing issues cited in fair housing cases reported in the last five years.*

Strategies:

1. Develop a fair housing responsibilities disclosure form that can be provided to landlords and small property owners working with realtors; advocate for consistent delivery of this form to landlords in the region through realtors.
2. Advocate for the administration of annual fair housing testing in WMHC municipalities in collaboration with the Department of Housing and Community Development.
3. Offer an annual training in collaboration with realtor® and property associations that specifically addresses top issues reported in fair housing complaints reported and filed with FHCGB, MCAD, and FHEO over the last 5-10 years (disability, national origin, familial status, and race.)

Oversight, Monitoring, and Reporting

Goal #3: Increase the capacity of the Consortium to affirmatively further fair housing in the thirteen municipalities

Objective:

- A. Designate a standing WMHC Fair Housing Committee (FHC) that meets quarterly and will be the body responsible for advising the Consortium on the implementation of the Regional Fair Housing Plan and monitoring changing fair housing conditions.*

Strategies:

1. Ensure that the WMHC-FHC collaborates with other fair housing stakeholders operating on a regional level, including DHCD, the Fair Housing Center of Greater Boston and the Metropolitan Area Planning Council.
2. Work with FHEO and MCAD to obtain information on the resolution of fair housing complaints and cases, including those identified as having an unfavorable outcome by the complainant.

Objective:

- B. Build knowledge of fair housing issues by increasing access to mechanisms for reporting and filing fair housing complaints*

Strategies:

1. Develop local systems for intake, referral, and resolution of fair housing complaints in each municipality. Analysis of collected data on an annual basis will guide continued implementation of the Fair Housing Plan. The system will define a complaint, intake, referral, and resolution process and will involve designated parties in each municipality. Annual analysis of fair housing complaints will be used to build municipal knowledge of ongoing and emerging fair housing issues and needs.
2. Ensure that local fair housing complaints and strategies are shared at the Consortium level so that fair housing obligations are met.
3. Create a regional system for those Consortium members without the capacity to administer a local process.

Objective:

- C. Encourage reporting of discrimination by individuals in protected classes.*

Strategies:

1. Identify and publicize a list of Fair Housing Officers and/or Fair Housing Committees in each municipality and the organizational contacts who can be notified about issues related to fair housing. Work with service providers to disseminate information about fair housing contacts in each municipality and the process for filing fair housing complaints.
2. Increase access to mechanisms for reporting and filing fair housing complaints by advocating that the Executive Office of Housing and Economic Development (EOHED) – which oversees the Section 8 program – survey tenants using vouchers on issues encountered with property owners or property managers.

Objective:

- D. Advise municipalities on developing local action plans for educating municipal staff and constituents on fair housing rights and responsibilities and architectural accessibility standards*

Strategies:

1. Work with local, regional, and state organizations working in the area of architectural accessibility to assist municipalities in adopting systems for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements.
2. Check in with each WMHC municipality annually on how systems are working and how they can be fine-tuned to operate more effectively.

Local Policies and Practices

Goal #4: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing

Objective:

- A. *Facilitate adoption of local zoning policies and practices that advance a safe, diverse, affordable, accessible, and integrated housing stock.*

Strategies:

1. Adopt zoning tools that facilitate the construction and inclusion of more affordable and accessible housing like inclusionary zoning and 40R Smart Growth Overlay Districts. These tools can facilitate the by-right development of diverse housing including supportive housing and accessory units in transit-accessible commercial and business districts and multifamily housing that allows three or more housing units.
2. Identify additional technical assistance and resources that can assist property owners with the rehabilitation of units to become fully accessible and with lead-based paint abatement.
3. Partner with organizations to deliver specialized trainings on accessibility standards and lead laws.

Objective:

- B. *Facilitate adoption Section 504 Self Evaluation Plans, ADA Compliance and Transition Plans, and Language Assistance Plans in each municipality*

Strategies:

1. Advocate for other state or local funds to assist each municipality with the creation and adoption of Section 504 Self-Evaluation Plans, ADA Compliance and Transition Plans, and Language Assistance Plans.
2. Assess municipal compliance with federal language requirements among Consortium members and their sub-recipients (e.g. developers) to develop strategies for pooling resources to improve language access and accessibility.
3. Advocate for protected classes' access to housing in high opportunity communities by advocating for Section 8 Housing Choice Vouchers that keep pace with rents in the region.

WMHC Spending Priorities

The following spending priorities are recommended in order to sufficiently fund implementation of the Regional Fair Housing Action Plan:

A. Housing Development

Priority #1: Address the housing needs of renter households with incomes between 30 percent to 80 percent of the Area Median Income (AMI), with a preference for households whose incomes are between 30 and 50 percent of the Area Median Income (AMI). Address the homeownership needs of households between 50 and 80 percent AMI.

Objective: Create quality affordable rental and ownership housing and improve access to it.

Strategies:

- Increase funding allocation to 5% for community housing and development organizations (CHDOs) to develop affordable housing aligned with HOME spending priorities and to support operations.
- Provide funding to developers to subsidize the creation of affordable rental and homeownership units designed for smaller households.
- Provide grants and low-interest loans to assist low- and moderate- homeowners for housing rehabilitation activities.
- Address barriers to the creation of affordable housing units in local zoning bylaws and ordinances.

B. Housing Development for Non-Homeless Special Needs

Priority #1: Address the housing needs of households that include at least one person with special needs.

Objective: Increase the range of housing options and related services for persons with special needs.

Strategies:

- Increase funding allocation to 5% for community housing and development organizations (CHDOs) to develop affordable housing aligned with HOME spending priorities and to support operations.
- Ensure that construction of housing units meets or exceeds ADA and Massachusetts Architectural Access Board accessibility standards.
- Capitalize on existing housing rehabilitation programs for architectural barrier removal and accessibility improvements.
- Address barriers to the creation of accessible units in local zoning bylaws and ordinances.

Priority #2: Address the housing needs of households that include at least one elderly or frail elderly person.

Objective: Increase the range of housing options and related services for elders and frail elders.

Strategies:

- Increase funding allocation to 5% for community housing and development organizations (CHDOs) to develop affordable housing aligned with HOME spending priorities and to support operations.
- Capitalize existing housing rehabilitation programs for weatherization, emergency, and accessibility improvements to assist elderly homeowners and renters to remain in their home.
- Partner with social service and supportive housing providers to leverage resources.

C. Administration: Planning Activities

Priority #1: Ensure that a percentage of the 10% of administrative funds are used for Consortium staff to participate in activities to affirmatively further fair housing in accordance with WMHC's certification under 24 CFR part 91.

Objective: Work collaboratively with regional and local stakeholders to increase fair housing outreach and dissemination of information.

Strategies for this priority are outlined in Goals 1-4 of the Consortium Action Plan.

Additional Considerations

The WMHC should factor the following priority issues into funding allocation and dissemination as identified in this analysis:

- **Transportation and Economic Assets:** Ensure that a percentage of the location of HOME-funded affordable housing development and other activities are in accordance with the transportation and economic assets outlined in this analysis.
- **Community Development Impact:** Ensure that a percentage of the HOME-funded affordable housing development and other activities in Brookline, Framingham, and Newton leverage CDBG-funded development and other activities in those municipalities to increase overall community development outcomes and impact.

Table 12: WMHC Regional Fair Housing Plan Actions and Strategies Matrix –FFYs July 1, 2015 – June 30, 2020

Strategies (Consortium)	Involved Partners: Local/Regional Public/Private	Year 1	Year 2	Year 3	Year 4	Year 5
Public and Private Sector Education and Outreach						
Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of resources						
1.A.1	<ul style="list-style-type: none">FHCGBGBREBMARCDC of WalthamGWARCFPMAPCDHCDMBHPMHSAWAPNWMSCLandlord and Condo AssociationsLocal Boards, Committees, Councils, and Commissions		x	x	x	X
1.A.2			x	x	x	x
1.A.3			x	x	x	x
1.B.1		x				
1.B.2		x	x	x	x	X
1.B.3			x	x	x	x
1.B.4				x	x	x
Private Sector Compliance						
Goal #2: Identify and address discriminatory actions in the Consortium real estate market						
2.A.1	<ul style="list-style-type: none">FHCGBGBREBMARLandlord and Condo Associations	x				
2.A.2		X				
2.A.3			x	x	x	X
Oversight, Monitoring, and Reporting						
Goal #3: Increase the capacity of the Consortium to advance fair housing in the thirteen municipalities						
3.A	<ul style="list-style-type: none">FHCGBLocal Boards, Committees, Councils, and CommissionsCAN-DOMWCDPOAHWATCH CDCSMOCFHEO	x				
3.B.1			x			
3.C.1		x				
3.C.2				x		
3.D.1			x	x	x	x
3.D.2			x	x	x	x

Strategies (Consortium)	Involved Partners: Local/Regional Public/Private	Year 1	Year 2	Year 3	Year 4	Year 5
	<ul style="list-style-type: none"> MCAD 					
Local Policies and Practices Goal #4: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing						
4.A.1	<ul style="list-style-type: none"> Local Boards, Committees, Councils, and Commissions CHAPA MAPC 			x	x	x
4.A.2		x				
4.A.3		x	x	x	x	x
4.B.1			x	x	x	x
4.B.2				x	x	x

WMHC Municipal Strategies Matrix, FFYs July 1, 2015 – June 30, 2020

Each municipality will advance the following strategies, which align with the Consortium-wide goals, objectives, and strategies outlined in Table 12.

Strategies that will involve the lead input of the Consortium's Fair Housing Committee are noted with an asterisk (*).

Table 13: WMHC Municipal Strategies Matrix, FFYs July 1, 2015 – June 30, 2020

Strategies (Municipal)	Year 1	Year 2	Year 3	Year 4	Year 5
Public and Private Sector Education and Outreach					
Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Sudbury, Waltham, Watertown, and Wayland will develop and adopt Language Assistance Plans and will explore joint procurement for language interpretation and translation services that can provide support to persons of diverse backgrounds looking for housing.*			x	x	x
Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Watertown, and Wayland will develop and adopt ADA 504 Self-Evaluation Plans and ADA Compliance and Transition Plans.*			x	x	x
All Consortium members will work with partners to schedule at least two regional fair	x	x	x	x	x

Strategies (Municipal)	Year 1	Year 2	Year 3	Year 4	Year 5
housing trainings or workshops each year – one for staff and members of relevant board, committee, commissions, and one for the general public. Trainings will be promoted with a robust outreach strategy tailored for each municipality.*					
All Consortium members will work with local realtor® associations to ensure that realtors in the WMHC municipalities are familiar with the Plan and to encourage their participation in fair housing workshops offered by Consortium partners.		x	x	x	X
Belmont, Natick, and Wayland will initiate local processes to formally appoint a Fair Housing Officer and/or a Fair Housing Committee in each municipality and will provide those individuals with the necessary training to serve in these roles.	x				
All Consortium members' designated receiver of fair housing complaints will work with local housing authorities and with local service providers who regularly engage individuals in protected classes to ensure that individuals - including renters and recipients of public assistance – are aware of their fair housing rights.		x	x	x	X
Private Sector Compliance					
All Consortium members will maintain regular communication with realtors® and lending institutions in their community to ensure that available resources fair housing laws and responsibilities are disseminated on a regular basis to property owners and at realtor® trainings and workshops.*		x			
Oversight, Monitoring, and Reporting					
All Consortium members will develop local systems for fine-tuning the local intake, referral, and resolution of fair housing complaints and collect annual data on reported fair housing complaints in a systematic manner. This information will be shared annually with the Consortium to facilitate regional activities to AFFH.*	x	x			

Strategies (Municipal)	Year 1	Year 2	Year 3	Year 4	Year 5
All Consortium members will develop systems for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements and visitability standards.*	x	x			
Local Policies and Practices <i>WMHC municipalities will pursue zoning policies and practices including:</i>					
Lexington, Needham, and Sudbury will explore adoption of inclusionary zoning as part of current efforts to revise sections of the zoning bylaw.			x	x	X
Bedford and Wayland will explore adoption of zoning that facilitates inclusion of diverse housing types, such as 40R Smart Growth Overlay Districts and Transit-Oriented Development (TOD) districts.			x	x	X
Allowing accessory dwelling units in residential areas by-right and revise minimum requirements to reduce barriers (all municipalities).			x	x	X
Bedford, Belmont, Concord, Needham, Sudbury, Waltham, and Wayland will amend zoning to allow multifamily housing in residential areas through zoning and Local Initiative Program (LIP) Chapter 40B projects in single-family and other zoning districts where such housing is not currently permitted.			x	x	X
All Consortium members will amend zoning to allow minimum density requirements for housing that align with minimum allowable as-of-right densities identified in 40R Smart Growth Zoning: a minimum of eight units per acre for developable land zoned for single-family residential use; at least 12 units per acre for developable land zoned for two- and three-family residential use; and at least 20 units per acre for developable land zoned for multifamily residential use.			x	x	X

NOTE: Appendices are saved in a separate document.