

RELEVANT FAIR HOUSING TERMS

The following terms are defined in relation to fair housing to create a shared foundation for Toolkit's users. Abbreviations that are commonly used as part of the conversation on fair housing are also defined in this section. [Click here to print this section in its entirety.](#)

Alternative Housing Voucher Program (AHVP) - AHVP provides rental vouchers to disabled applicants who are not elderly and who meet eligibility criteria. The Massachusetts Department of Housing and Community Development administers the program through 39 local housing agencies.

Assessment of Fair Housing (AFH) - The AFH is part of the [HUD's Affirmatively Furthering Fair Housing Proposed Rule](#). Program participants funded by the U.S. Department of Housing and Urban Development (HUD) will be required to complete an AFH. The AFH will assess fair housing determinants, prioritize fair housing issues for response, and take meaningful actions to affirmatively further fair housing. The AFH will replace the Analysis to Impediments to Fair Housing Choice (AI), a document described in HUD's [Fair Housing Planning Guide](#).

Community Development Block Grant (CDBG) program - The Federal CDBG program was established by the Housing and Community Development Act of 1974 with the goal of developing viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. As part of the CDBG program, HUD provides annual grants on a formula basis to local governments and states. HUD's [CDBG regulations](#) address specific information on program implementation. All recipients of CDBG Funds are required by HUD to conduct an Assessment of Fair Housing (replacing the Analysis of Impediments to Fair Housing Choice) to show how funds will be used in accordance with the Fair Housing Act.

Consolidated Plan - The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the four HUD formula block grant programs: the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Solutions Grant (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program. The Consolidated Plan involves extensive community engagement. As part of the Consolidated Plan, the Strategic Plan, with a 3 to 5 year planning period, describes the jurisdiction's community development priorities and multiyear goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions, and available resources. The Consolidated Plan is implemented through Annual Action Plans which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. The annual

Consolidated Annual Performance and Evaluation Report documents accomplishments and progress in the prior year toward Consolidated Plan goals. The Consolidated Plan is now submitted on line to HUD as part of the Integrated Disbursement & Information System (IDIS).

Disability - According to the FFA (42 U.S.C. § 3602(h)), Section 504, the ADA and MGL Chapter 151B¹, a person with a disability includes (1) individuals with a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) individuals with a record of having such an impairment, and (3) individuals who are regarded as having such an impairment. Persons with a disability are provided protection against housing discrimination under the Fair Housing Act, Section 504, the ADA and MGL Chapter 151B.

Disparate Impact - Policies, practices or services that appear neutral on the surface but in practice are discriminatory are considered to have a disparate impact. In [*Village of Arlington Heights vs. Metro Housing Development Corporation*](#) (429 U.S. 252 (1977)) the court system developed a series of tests to determine if an action is proven to have a disparate impact. These tests were formalized in HUD's [Final Rule of Implementation of the Fair Housing Act's Discriminatory Effects Standard](#) released February, 2013.

Familial Status - According to the Fair Housing Act (42 U.S.C. § 3602(k)) and Massachusetts General Law 151B, housing discrimination on the basis of familial status is illegal. Both laws protect an individual (either a parent or legal custodian) with one or more children (under the age of 18 years) and any person who is pregnant or in the process of securing legal custody of a child.

Exclusionary Zoning - Exclusionary zoning applies to land use measures that have a disparate impact on one or more of the protected classes under the Fair Housing Act. The Fair Housing Center of Greater Boston offers additional information on [exclusionary zoning](#).

HOME Investment Partnerships Program (HOME) - The HOME program was established under Title II of the Cranston-Gonzalez Affordable Housing Act of 1990 with the goal of creating affordable homeownership and rental housing. As part of the HOME program, HUD provides annual grants on a formula basis to local governments and states. HUD's [HOME regulations](#) address specific information on program implementation. All recipients of CDBG Funds are required by HUD complete an Analysis of Impediments to Fair Housing Choice to show how funds will be used in accordance with the Fair Housing Act.

Housing Opportunities for Persons with HIV/AIDS (HOPWA) Program - The HOPWA program was established by the AIDS Housing Opportunity Act in 1990 with the goal of providing housing assistance and supportive services for the population with HIV/AIDS. HUD awards HOPWA funds on a formula basis to states and local government as well as on a competitive basis to states, local governments and non-profits. HUD's [HOPWA regulations](#) address specific

¹ Both the Federal Fair Housing Act and MGL Chapter 151B use the term "handicap" instead of the term "disability." Both terms have the same legal meaning.

information on program implementation. All HOPWA grantees are required to affirmatively further fair housing.

Inclusionary Zoning - Inclusionary zoning is a policy tool used to expand and disperse the supply of affordable housing through incentives and/or requirements passed on to developers by states, counties and localities. Inclusionary zoning commonly requires developers to set aside a percentage of housing units in new residential developments for low- and moderate- income housing, or to issue a payment in lieu of construction of this housing to the local government to be used to develop low and mod housing elsewhere in the municipality. Some inclusionary zoning regulations work on an incentive basis by providing density bonuses, zoning variances, and/or expedited permits in exchange for the construction of affordable housing. [The Center for Housing Policy](#) offers additional information and resources on inclusionary zoning.

Language Assistance Plan (LAP) - A LAP is a written document, commonly developed by federally funded organizations, state and local governments, that details language assistance services, and how staff and Limited English Proficiency (LEP) persons can access those services. The building blocks of the LAP include a four factor analysis or the consideration of the following items: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/ recipient and costs. Additional information on LAPs can be found on the website of the [Federal Interagency Working Group on Limited English Proficiency](#).

Limited English Proficient (LEP) Individual - LEP individuals are persons that do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. These individuals are afforded language assistance accommodations under direction provided by [Executive Order 13166](#) and [guidance](#) from the Department of Justice. [HUD guidance](#) addresses the type of services that must be provided to LEP individuals in the context of HUD programs. The [U.S. Department of Justice](#) offers additional resources on LEP compliance obligations and services.

Linguistically Isolated Individual - Linguistically isolated individuals live in a household where no person aged 14 or over speaks English "very well." The definition is based on census questionnaires which ask respondents to evaluate how well each person in their household speaks English (if a language other than English is spoken in that household) based on the following criteria: "very well," "well," "not well," and "not at all well."

Low-Income Housing Tax Credit (LIHTC) Program - The LIHTC Program was established by the Tax Reform Act of 1986 to offer financial incentives for the development of low-income rental housing by providing significant reductions in federal income tax to investors who provide equity for affordable housing projects. The Internal Revenue Service regulates the LIHTC program. LIHTCs can be used for rehabilitation, new construction, or the acquisition of existing

rental properties targeted to lower income households ($\leq 60\%$ of the Average Median Income).² State and local agencies receive annual allocations of tax credits from the U.S. Treasury. These agencies distribute the LIHTCs, guided by a statewide Qualification Allocation Plan and an application process, to developers of low- and moderate-income rental housing. HUD maintains the [LIHTC database](#), which is the only complete national source of information on the size, unit mix, and location of individual LIHTC projects. The database has been geocoded by HUD, which enables researchers to look at the geographical distribution and neighborhood characteristics of tax credit projects.

Massachusetts Rental Voucher Program (MRVP) - The MRVP provides tenant based and project based vouchers, in a rough parallel to the Section 8 Program. The tenant-based voucher, which is known as Mobile, is assigned to the Participant and is valid for any housing unit that meets the standards of the state sanitary code. Project based vouchers are assigned to a specific housing unit or development.

Predatory Lending - Predatory lending is an abusive lending practice that imposes unfair loan terms on a borrower, increasing the likelihood that the borrower will default on the loan.³ Often, lenders use these loans to target members of fair housing protected classes such as elders and women, as well as racial and ethnic minorities. The [National Fair Housing Alliance](#), the [National Community Reinvestment Coalition](#) and the [Massachusetts Community and Banking Council](#) offer additional resources on predatory lending.

Protected Classes - The [Fair Housing Act](#) makes it illegal to discriminate on the basis of *race, color, national origin, religion, sex, familial status or disability*. These classifications are often referred to as protected classes. In addition, [Massachusetts General Law Chapter 151B](#) adds the bases of *ancestry, age, marital status, source of income, sexual orientation, veteran history/military status, and genetic information*.

Qualified Census Tracts - HUD maintains a listing of [Qualified Census Tracts and Difficult Development Areas](#) that have a high percentage of lower income households. Developers utilizing the LIHTC Program are incentivized to site projects in Qualified Census Tracts through bonuses, or higher tax credits. HUD's emphasis on applying LIHTCs in Qualified Census Tracts has resulted in the segregation of LIHTC projects in low-income and minority segregated areas. Developers, owners and managers of LIHTC developments are required to affirmatively further fair housing through their outreach to potential tenants throughout the application process, and in their treatment of existing tenants.

Qualified Allocation Plan (QAP) - A QAP is developed and monitored by the state or local agency(s) responsible for allocating LIHTCs. In Massachusetts, the Department of Housing and Community Development is the tax credit allocating agency. The QAP includes a strategic

² Fair Housing Center of Greater Boston, *Interactive Timeline of Housing Segregation in Eastern Massachusetts*, [website], accessed 24 of May (2013), <http://www.bostonfairhousing.org/timeline/1986-Low-Income-Housing-Tax-Credit.html>

³ U.S. Department of Housing and Urban Development, Glossary, [website], accessed 24 of May (2013), http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/buying/glossary

approach to the use of tax credits based on housing needs and priorities. Additional information on the Massachusetts LIHTC Program, including the state's current QAP, can be found on the [Executive Office of Housing and Economic Development \(EOHED\)'s website](#).

Reasonable Accommodation - A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.⁴ A request for a reasonable accommodation must establish a nexus between the person's disability and the reasonable accommodation request. For example, a housing provider makes an exception to the "no pets" policy for a tenant who is hearing impaired and requires an assistance animal. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable accommodations.

Reasonable Modification - A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. A request for a reasonable modification must establish a nexus between the person's disability and the reasonable modification request.⁵ For example, a private landlord must allow a tenant with a vision impairment to install a flashing doorbell, at the tenant's expense. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable modifications.

Redlining - Redlining refers to the practice introduced by the Federal Housing Administration in the 1930s of delineating areas that were high risk for lenders to issue mortgage loans. These boundaries were determined by the racial and ethnic composition of neighborhoods, instead of criteria related to each household's ability to repay the loan(s). Redlining was institutionalized in "residential security maps," which were color-coded maps reflecting levels of risk for mortgage lending. These maps were incorporated into the FHA's underwriting standards. When the FHA was passed in 1968, it prohibited redlining on the basis of protected classes; however, the long term impact of the urban disinvestment and segregation caused by redlining can still be seen in current settlement patterns, particularly for those of minorities. Additional information on the FHA and the history of redlining can be found [here](#).

Section 8 Housing Choice Voucher Program (Section 8) - The Section 8 program was established through the Housing and Community Development Act of 1974 to increase the supply of housing for low-income families, elderly and people with disabilities. The Section 8 program operates both through tenant based and project based rental assistance.

- Tenant based rental assistance, currently called the *Housing Choice Voucher Program*, is provided to program participants in the form of housing vouchers. A public housing agency administers these vouchers. Participants in this program

⁴ Fair Housing Act (42 U.S.C. § 3604(f)(3)(B))

⁵ Fair Housing Act (42 U.S.C. § 3604(f)(3)(A))

select their own housing. These units must meet the rent reasonableness, health and safety guidelines set by HUD and monitored by the public housing agency. The public housing agency pays the housing subsidy directly to the landlord, and the family/individual with the voucher pays the difference between the actual rent and the housing subsidy. [HUD's regulations](#) on the Housing Choice Voucher Program address specific information on program implementation. Source of income, including Section 8, is protected under M.G.L. 151B.

- *Project Based Voucher Program* funds are used to subsidize housing development projects, where specific housing units will be set aside to be rented by qualified low-income tenants. Subsidizes that are part of the Project Based Voucher Program are utilized by a developer/owner that is selected by the public housing agency through a proposal process. [HUD's regulations](#) on the Project Based Voucher Program address specific information on program implementation. The affordability of these units is tied to the mortgage financing terms set by HUD in the project's Section 8 contract. This period of affordability is usually between five and 30 years. When the contract expires, the owner can "opt out" of the contract and convert the Section 8 units to market-rate units.

Universal Design - Universal Design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. It was coined in the 1980s by the internationally recognized architect, Ron Mace.

Visitability - Visitability is an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. The term was introduced by [Concrete Change](#) in 1987, a disability advocacy group in Atlanta, Georgia. A visitable residence is a home built to include: a zero-step entrance, wide interior doors, and a half bathroom on the first floor.

List of Acronyms

151B	Massachusetts General Law Chapter 151B
ABA	Architectural Barriers Act
ADA	Americans with Disabilities Act
AFFH	Affirmatively Furthering Fair Housing
AFH	Assessment of Fair Housing
AI	Analysis of Impediments to Fair Housing Choice
AMI	Area Median Income
AHVP	Alternative Housing Voucher Program
CDBG	Community Development Block Grant
CRA	Community Reinvestment Act
ESG	Emergency Solutions Grants Program
FHA	Fair Housing Act
HOME	HOME Investment Partnerships Program
HMDA	Home Mortgage Disclosure Act
HOPWA	Housing Opportunities for Persons with HIV/AIDS
HUD	U.S. Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
LAP	Language Assistance Plan
LEP	Limited English Proficiency
LIHTC	Low Income Housing Tax Credit Program
MAPC	Metropolitan Area Planning Council
MCAD	Massachusetts Commission Against Discrimination
MRVP	Massachusetts Rental Voucher Program
QAP	Qualified Allocation Plan