

THE FAIR HOUSING AMENDMENTS AND OTHER HOUSING LAWS THAT PROTECT CITIZENS WITH DISABILITIES: WHAT THE LAWS MEAN TO YOU AND YOUR NEIGHBORS

Summary of the Laws:

There have been a number of state and federal laws enacted over the past several years, which recognize and protect the right of citizens with disabilities to live in the community of their choice. These laws are: (1) the federal Fair Housing Amendments of 1988 (42 U.S.C. sec. 3601, *et. seq.*) ; (2) Chapter 722 of the Acts of 1989 (enacted January 13, 1990 and popularly referred to as the “Housing Bill of Rights for People with Disabilities”); and (3) Chapter 106 of the Acts of 1989 (enacted June 5, 1989).

The first two laws in essence make it unlawful for **anyone** to restrict or interfere with a person’s choice of where to live on the basis of that person’s disability. Thus, the law covers actions by landlords, sellers, brokers, neighbors, community leaders or local city or town authorities which interfere with the right of a disabled person to live in and enjoy a particular community, neighborhood, or block. The last law amended the state Zoning Act at M.G.L. c.40A, sec. 3 to prohibit local authorities from treating or regulating group homes inhabited by persons with disabilities differently from how they treat homes inhabited by families or similar-sized groups of unrelated parties. Thus, for example, a municipality may not impose requirements for an occupancy permit on a group home inhabited by individuals with disabilities, if those requirements are not imposed on single family homes or similar-sized groups of unrelated, non-disabled adults living in one home.

What the Laws Mean to You:

Community members who are confused or have questions about housing laws are encouraged to consult with their attorneys or contact local authorities and legislators to learn more. The laws are also available for reading at many public libraries.

One reason we should all become better informed about these laws is to reduce the likelihood of unlawful community or individual action that is based on misguided notions or misunderstandings. The laws prohibit intentional or unintentional discrimination, and have been interpreted quite broadly as to what constitutes discrimination. Discrimination includes attempts to require an individual or group to engage in public discussion or provide notice as a condition of living in a particular neighborhood. It includes attempts to block the siting of a group home in your neighborhood, and harassment of an individual or group of persons with disabilities intended to ruin their enjoyment of the neighborhood or convince them that they would be better off living elsewhere. Violations of the laws could lead to private litigation by the

affected individuals or their representatives, or action by the state Attorney General or the federal Office of Housing and Urban Development. If found to be in violation of the laws, the offending party could be required to pay substantial fines, money damages to the injured party and possibly the injured party's attorney and court fees.

A better reason to become familiar with the housing laws is that they are, or should be, important to all of us. They affirm the principle that any individual's right to live where he or she chooses is not different or less worthy of protection simply because the individual has a disability. Community acceptance and equal treatment in obtaining the housing of our choice are things that all of us seek and deserve, and should grant to each other.

Enjoying the Neighborhood:

Just as we all believe that no one has the right to approve or question our entry into a neighborhood, disabled persons are entitled to enjoy the neighborhood without the indignity of having to disprove misconceptions held by the community or having to reassure neighbors of the continuing integrity of the neighborhood. In keeping with the housing laws and the principles underlying them, persons with a disability need not engage in any community approval procedure or provide notice prior to the siting of a group home, as may have been done in the past. In fact, the laws described make it illegal to require any public notification or approval procedure as a pre-condition to the siting of the group home.

Of course, the right to live in a particular community carries with it certain responsibilities. It is expected that persons who receive services funded by the Department of Developmental Services (DDS) will be good neighbors. The organization, which supplies staff to the group home for support and guidance, is responsible for helping the residents to be integral and responsible members of their community and neighborhood.

All members of the neighborhood, including persons with disabilities, have the right to peaceful enjoyment without unreasonable disturbance from the neighbors. If you do have a neighborly disagreement with the residents or staff of a group home, you should treat it as you would a disagreement with any other neighbor - by bringing the problem to the attention of the group home and respectfully discussing any complaints.

In the event that an issue persists, then the home's administrative offices should be contacted. You can reach the organization's management by requesting the Executive Director's name and work number. If an issue still persists after contacting the organization's Executive Director, then neighbors should contact Richard J. O'Meara Regional Director at 508-866-5000 ext. 315.

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