

# Suffolk University Law School

## Housing Discrimination Testing Program

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### Massachusetts Lead Incentive Programs

State-Wide:

1. Lead Paint Removal Tax Credit<sup>1</sup>
  - Up to \$1,500 credit for cost of permanent de-leading per unit
  - Tax credit may be applied year-to-year until total dollar amount is exhausted up to seven years
  - Alternative \$500 credit for interim control measures, deducted from \$1,500 total eligible tax credit
  - Must be residential premises, but does not need to be owner occupied
  - **NOTE:** Current pending legislation would increase the interim tax credit to \$1,000 and permanent de-leading to \$3,000
2. Get the Lead Out<sup>2</sup>
  - 1-4 Family **owner occupied** properties eligible for 0% deferred payment loan not due until sale/transfer/refinancing of property
  - 0% fully amortizing loan 5-20 years **for non-profit organizations** renting to income eligible households (HUD Stds.)
  - 3% fully amortizing loan 5-20 years **for investor-owners** renting to income eligible households (HUD Stds.)
  - Restricted loan amounts are as follows-
    - Single Family \$30k
    - 2 Family \$35k
    - 3 Family \$40k
    - 4 Family \$45k
3. Home Improvement Loan Program (HILP)<sup>3</sup>
  - 1-4 Family properties and residential condominiums only
  - 5% interest loans for de-leading ranging from a minimum of \$7.5k to a maximum of \$50k with a repayment period of 5-15 years
  - Can be used to compliment the “Get the Lead Out” program for large scale projects
  - Requires good credit and stable income
  - Income limits for major metropolitan areas are as follows-

Market Area	Income Limits	
	1-2 Persons	3 or More Persons
<b>Metropolitan Areas</b>		
A. Barnstable	\$92,000	\$104,000
B. Boston	\$100,000	\$114,000
C. Brockton	\$92,000	\$104,000
D. Fall River	\$92,000	\$104,000
E. Fitchburg/Leominster	\$92,000	\$104,000
F. Lawrence	\$94,000	\$108,000
G. Lowell	\$100,000	\$114,000
H. New Bedford	\$92,000	\$104,000
K. Worcester	\$92,000	\$104,000

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4. HUD 203(k) Program (Available in all States)<sup>4</sup>
  - Primary benefit loan can be up to 110% of post renovation value
  - Current homeowners and investor-owners can refinance or finance to pay for rehabilitation costs including de-leading costs
  - Only 1-4 family homes are eligible, condominiums must be owner occupied
  - Minimum \$5,000 in repairs must be performed
  - Can be used in three ways-
    - Purchase a dwelling and the land on which it is located and rehabilitate it
    - Purchase a dwelling on another site, move it onto a new foundation on the mortgaged property and rehabilitate it
    - Refinance existing liens secured against the subject property and rehabilitate it
  - Mixed use residential property is eligible under certain restrictions
5. DHCD Massachusetts Lead Abatement Program (MLAP)<sup>5</sup>
  - \$3.0 million in total funds focused on high risk communities including-
    - Athol
    - Ayer
    - Brockton
    - Fall River
    - New Bedford
    - Peabody
    - Fitchburg
    - Pittsfield
    - Quincy
  - Grant program, average assistance for each unit tested and abated \$7,500
  - HUD low income standards
  - Anticipated abatement of 125 units
  - \$2,175,00.00 disbursed to date

### Boston:

1. Lead Safe Boston<sup>6</sup>
  - Must be a property owner in Boston
  - Forgivable loan of up to \$8,500 per housing unit for lead abatement
  - Receive technical assistance from city's lead specialists
  - Owner occupied 1-4 family home or condo with a child under 6 years of age
    - i. Household income cannot exceed 80% of HUD Community Development Block Grant Moderate Income standard
    - ii. Must reside in unit for 5 years
  - Investor-Owner 1-4 family home

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- i. Rental preference must be given to families with children under six and at least 50% of the building's residents must be low or moderate income
  - ii. Remaining units occupied by families with a household income which cannot exceed 80% of HUD Community Development Block Grant Moderate Income standard
  - iii. Must maintain ownership for 5 years
2. Boston Public Health Commission Community Assessment Unit<sup>7</sup>
  - Provides comprehensive case management services to families with children who are less than six years of age and who have been screened for lead poisoning in accordance with the Mass Lead Law (10+mcg/dl std.)
  - Free home assessments
  - Lead hazard reductions to temporary stabilize lead paint hazards
  - Surveillance and intervention
  - Both parents and property owners may request inspections
  - Environmental unit provides free moderate risk de-leading training for property owners or their agents to significantly reduce the overall costs of lead abatement

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<sup>1</sup> Massachusetts Executive Office of Health and Human Services, Deleading, <http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/exposure-topics/lead/delead/> (follow "Is There Financial Assistance for Deleading?" hyperlink) (last visited Jul. 12, 2013) [hereinafter Deleading]; Cf. H.R. 2068, 188<sup>th</sup> Gen. Court, Reg. Sess. (Mass. 2013) (petition seeking to double respective tax incentives).

<sup>2</sup> Deleading, supra.

<sup>3</sup> Deleading, supra; MassHousing, <https://www.masshousing.com/portal/server.pt?mode=2&uuID={E461353D-94DD-4F45-A7A3-BFF86C4126ED}> (follow "income eligibility limits" hyperlink) (last visited Jul. 19, 2013).

<sup>4</sup> U.S. Department of Housing and Urban Development, Rehab a Home w/HUD's 203(k), [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/203k/203kabou](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/203k/203kabou) (last visited Jul. 19, 2013).

<sup>5</sup> Massachusetts Executive Office of Housing and Economic Development, Lead Abatement Program, <http://www.mass.gov/hed/housing/affordable-rent/lead-abatement-program.html> (last visited Jul. 19, 2013).

<sup>6</sup> City of Boston, Lead Safe Boston, [https://dnd.cityofboston.gov/#page/lead\\_safe\\_boston](https://dnd.cityofboston.gov/#page/lead_safe_boston) (last visited Oct. 15, 2014).

<sup>7</sup> Boston Public Health Commission, Lead Poisoning Prevention Program, <http://www.bphc.org/programs/cib/environmentalhealth/leadpoisoning/Pages/Home.aspx> (follow "Community assessment" hyperlink) (last visited Jul. 19, 2013).