

Mr. Berman,

We received the PILOT Committee questionnaire just a couple of days after we had answered Laurie Lee's request on behalf of the PILOT Committee to provide the addresses and program descriptions of all the properties that we leased and owned in Framingham. I hope you found our responses to that question helpful.

Upon receipt of the PILOT Committee Questionnaire we forwarded that along with the PILOT Committee Action Plan to our attorneys with our questions about how to respond. As you will see from the attached letter from our attorneys, they feel that the questions posed by the PILOT Committee, and perhaps the entire narrow charge of the Committee, are potentially illegal. Our attorneys suggest that the PILOT Committee ask Town Counsel for an opinion on the legality of this study, just as was asked by the PILOT committee itself in its own Action Plan.

By focusing just upon the impact of social service agencies, and not all non profit entities, I am concerned that the town is bringing a harsh spotlight disproportionately upon citizens who are members of protected classes under State and Federal Laws, most notably people with disabilities, but likely ethnic and racial minorities as well, because these are the people that social service agencies tend to serve.

According to state and federal law it is illegal discrimination to treat people with disabilities differently than anyone else is treated (whether or not discrimination is intended). Focusing on the "costs" (such as use of police and fire department services) of people with disabilities and of people from other protected classes, while not doing the same for others, may constitute unlawful discrimination.

Moreover, the Federal Fair Housing Act and the Americans with Disabilities Act do not simply mandate equal treatment, but these laws go further, mandating reasonable accommodations and modifications to insure that the community truly welcomes people with disabilities. There has been some communication throughout the town on "Frambors" and other websites about making Framingham less welcoming for "undesirables" by making it more difficult and more costly for the social service agencies that serve these people to locate in Framingham. Such a strategy, which might manifest itself through a myriad of small actions or non-actions, that only together would feel persecutory and discriminatory, would also be clearly illegal.

Along with our attorney's letter I am also enclosing a statement from the Department of Justice regarding the Federal Fair Housing Act, a vigorous response to the City of Worcester's Siting proposal from the Bazelon Center for Mental Health Law, and a chapter from a book (I have permission to copy and distribute) written about the various laws protecting the right to fair housing. The book from which this chapter was excerpted was edited by Christine Griffin and Stan Eichner both of the Massachusetts Disability Law Center and both of whom spoke about this chapter and these laws to a subcommittee of the Board of Selectmen on November 7th, 2005. I hope that you and Town Counsel will find all this helpful in your work.

Thank you,
Bill

William J. Taylor, CEO
Advocates, Inc.
One Clarks Hill
Framingham, MA 01702
Btaylor@advocatesinc.org
<http://www.advocatesinc.org>
(508)628-6336

(508)380-2670 cell
(508)861-1505 (fax to e-mail)

Advocates at 30...A Celebration of People, Services and Commitment

First, We Listen