Bias probe targets Framingham - The Boston Globe

The US Justice Department is investigating whether the town of Framingham violated federal antidiscrimination laws during its long fight with a nonprofit group's plans to expand programs for homeless substance abusers and homeless veterans, the Globe has learned.

The nonprofit agency, the South Middlesex Opportunity Council Inc., is already suing the town, top town officials, and four Town Meeting members in US District Court in Boston, asserting that they conspired to delay and disparage the council's plan to expand the homeless shelter, known as Sage House.

The lawsuit was the third time in two years that a nonprofit has pressed the town's reaction to plans to expand or upgrade facilities in the community.

In a March 10 letter, a copy of which was obtained by the Globe yesterday, the Justice Department's Civil Rights Division said it had launched an investigation into whether the Fair Housing Act was violated.

"We are examining the town of Framingham's recent actions regarding property owned by the South Middlesex Opportunity Council (SMOC) and intended for use as housing for persons with disabilities," wrote Donna M. Murphy, deputy chief of the housing and civil enforcement section of the Civil Rights Division in Washington. "We have recently requested information from the town to assist us in this matter."

In the letter, Murphy broadly described why the civil rights investigation has been opened. "The Fair Housing Act prohibits discrimination on the basis of handicap or disability, including actions that deny or otherwise make unavailable housing to individuals on the basis of disability," she wrote.

Jeffrey T. Robbins, who is representing Framingham in the council's lawsuit, said the town is sending a package of documents to the Justice Department. He said he also expects that town officials will meet soon with federal officials and lay out their case that no civil rights violations have taken place.

"We will sit down with them and walk them through precisely what has occurred," Robbins said in a telephone interview. "We will have no problem producing every single document relating" to the fight between the town and the council.

Robbins said the town has already given the council what it has asked for, permission to expand Sage House, permission to operate a so-called wet shelter for active alcoholics or substance abusers, and permission to open Larry's Place, a residential program for homeless veterans.

In court papers, the council contends that the town and opponents of the expansion plans have abused the public process to dramatically delay action on council proposals. It took two years, for example, for the council to clear regulatory hurdles to relocate and expand Sage House.

SMOC has dropped plans to run the wet shelter, has already expanded Sage House, and is considering the next step in the permitting process for the veterans' programs.

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