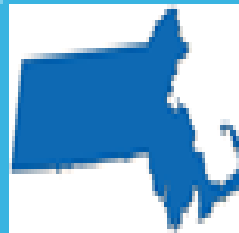


**HELPING JUSTICE-INVOLVED INDIVIDUALS WITH
SUBSTANCE USE AND/OR MENTAL HEALTH DISORDERS:
UNDERSTANDING HOW LAWS, REGULATIONS, &
POLICIES AFFECT THEIR OPPORTUNITIES**

MASSACHUSETTS



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Substance Abuse and Mental Health Services Administration
SAMHSA
www.samhsa.gov

This material is based upon work supported by the SAMHSA/CSAT Contract Order No. HHSP233201600248A. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the SAMHSA/CSAT.

MASSACHUSETTS

This section summarizes Massachusetts state laws, policies and practices that promote or hinder successful re-entry for justice-involved Massachusetts residents, particularly those with substance use and/or mental health disorders. Re-entry service providers such as peer-support coaches, mentors and outreach workers will find that if they understand these laws and policies, they will be better equipped to help individuals successfully re-enter their communities.

Providers also should read [Section I](#) of this guide, which summarizes federal barriers to jobs, housing, and higher education for people with criminal records. Section I also summarizes federal legal protections and initiatives to help people overcome these barriers.

EMPLOYMENT

A broad range of Massachusetts laws and policies restricts the ability of justice-involved individuals to work in specific jobs and industries. [Section I](#) highlighted the federal laws that limit employment in health care, commercial transportation, insurance, financial and other sectors. Massachusetts state law also imposes criminal record restrictions on certain jobs and occupational licenses. The Division of Professional Licensure (DPL) oversees 28 boards of registration that license and regulate the practice of more than 50 different trades and professions in Massachusetts.¹ Background record checks through the CORI system are a part of the application process for most jobs and occupational licenses.

- **Massachusetts Industry-Specific Restrictions on Employment**

Although Massachusetts provides legal protections against discrimination for individuals with criminal records (*see* **Legal Protections for Job-Seekers and Workers**), individuals with certain convictions or charges pending for certain offenses may be presumptively disqualified from working and volunteering in particular positions. This includes, for example, positions under the auspices of the Department of Early Education and Care where there is the potential for unsupervised contact with children,² as well as certain jobs with state-funded programs that provide health services to veterans.³

These presumptions can be overcome if 1) the candidate's criminal justice official⁴ concludes and submits in writing that the individual does not pose an unacceptable risk of harm and 2) the hiring authority determines by "clear and convincing" evidence that the candidate is appropriate for the position.⁵ Before making a determination, the hiring authority must give the candidate the opportunity to submit relevant information and may request additional information from other sources. As part of its review, the hiring authority must consider:

- (a) time since the offense or conviction;
- (b) age of the candidate at the time of the offense;

- (c) seriousness and specific circumstances of the offense;
- (d) relationship of the criminal act to the nature of the work to be performed;
- (e) number of offenses;
- (f) relevant evidence of rehabilitation or lack thereof; and
- (g) other relevant information, including information submitted by the candidate.⁶

Additionally, state laws require background checks for those working or volunteering in:

- Elementary and secondary schools, including bus drivers, who have “direct and unmonitored contact with children”;⁷
- Children’s camps, whose operators are required to obtain all available information, including juvenile records, for any employee or volunteer prior to hiring;⁸
- Service provision for the elderly or disabled, such as home health aides;⁹
- Positions involving unsupervised contact with people with developmental or intellectual disabilities.¹⁰

Many Massachusetts Professional Licensing Boards allow or require criminal background checks on applicants for licenses and ban certain people with convictions from receiving a license.

For example:

- Any conviction other than a routine traffic violation “reasonably raises a question” about whether an applicant has the “good moral character” required for licensing or registration for occupations including chiropractor,¹¹ sheet metal worker,¹² and massage therapist.¹³
- Someone convicted of a felony is barred from receiving a liquor license.¹⁴
- The Board of Registration of Cosmetology and Barbering performs criminal history checks on all applicants for a license.¹⁵
- Individuals who have a conviction for a sex-related crime or crime involving moral turpitude within the last ten years are ineligible for a massage therapist or massage practitioner license.¹⁶
- The licensing board may deny, refuse to renew, suspend, or revoke a license for a genetic counselor who has been convicted of a felony or has “committed any other offense involving moral turpitude.”¹⁷
- Applicants for any license with the Department of Developmental Services must undergo a background check.¹⁸
- A dentistry license may be revoked, suspended, or canceled for a conviction of illegal advertising, a “crime involving moral turpitude,”¹⁹ or felony conviction “related to the practice of dentistry.”²⁰

- A medical license holder may have their license suspended or revoked if “convicted of a criminal offense which is reasonably related to the practice of the profession.”²¹
- A real estate appraiser license or certificate may be suspended or revoked for “a conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing appraisals and communicating appraisals to others, or convicted of any felony.”²²

In addition to state requirements, local town ordinances may also have CORI policies and requirements for local licenses for taxi drivers, ice cream truck operators, and others.

- **Background Screens**

In Massachusetts, the Department of Criminal Justice Information Services (DCJIS) maintains criminal history information. The state’s criminal record system is called the Criminal Offender Record Information (CORI) system. The state allows varying levels of access to the CORI system depending on the individual or entity requesting the records and their purpose in making the request. Individuals have a right to inspect their CORI information and DCJIS is required to assist with correcting mistakes.²³

Those seeking CORI information in order to evaluate current or prospective employees, volunteers, housing rental or leasing applicants, or applicants for professional or occupational license may obtain criminal record information about:

- 1) Felony convictions—including violations of domestic violence or harassment prevention orders—within the last ten years;
- 2) Misdemeanors within the last five years;
- 3) Pending criminal charges, including those that have been continued without a finding; and
- 4) Convictions for murder, voluntary or involuntary manslaughter, and sex offenses from any time unless sealed.²⁴

More expansive criminal record information is available to certain entities—such as those involving children, the elderly, or disabled—as authorized or required by law. Members of the general public can also request and obtain a more limited set of records. However, the state requires anyone who has been authorized to receive someone’s record to provide the record to the subject before questioning them and/or to provide the record to the subject if the record is the basis for an adverse decision (such as the denial of a job, housing or other application). An entity or individual that is found to violate this policy may face sanctions or the imposition of a civil fine by the Criminal History Systems Board ranging from \$1,000 to \$5,000.

Employers, licensing authorities, or other entities that conduct five or more criminal background checks each year, whether through CORI or another source, are required to have a written

criminal records policy. Therefore, applicants may request a company's background screening policies and practices before applying for a job, housing, or admission to a school.

Legal Protections for Job-Seekers and Workers in Massachusetts

Although finding work with a criminal record remains an uphill battle, state and local laws can help individuals with criminal histories overcome these barriers in Massachusetts.

- **Massachusetts Employment Laws**

In 2010, the Massachusetts legislature and governor enacted a comprehensive CORI Reform bill that changed the Administrative Procedures Relative to Criminal Offender Record Information and Pre- and Post-Trial Supervised Release. Public and private employers are now prohibited from inquiring about criminal history in most criminal applications. The only exceptions are for positions where a state or federal law or regulation would disqualify someone with a criminal record.²⁵

After an initial application, employers are allowed to inquire about criminal history at any point, such as during a job interview. However, they may not request, record, consider, or discriminate for failure to provide an employee or applicant's criminal history regarding:

- 1) An arrest that did not result in conviction;
- 2) A first conviction for certain misdemeanors (drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace);
- 3) A misdemeanor conviction that occurred five or more years ago.²⁶

Employers and licensing boards are also barred from considering a conviction for which a pardon has been granted.²⁷ Additionally, state agencies are required to wait until the final stage of the hiring process (after they find an applicant otherwise qualified for a job) to ask questions about criminal records.²⁸

In addition to state protections, some localities in Massachusetts have instituted their own legal protections for job seekers. [Boston](#), [Cambridge](#), and [Worcester](#) all passed local "ban the box" ordinances that significantly limit the use of criminal history in hiring by each city and its vendors.²⁹ Under these policies, each City and its vendors may request criminal history information only for sensitive positions or those required by law and only after the employer has determined the applicant to be otherwise qualified.³⁰ Only information about a conviction and case-pending may be considered, and must be analyzed in the context of:

- the seriousness of the crime(s),
- the relevance of the crime(s),
- the number of crime(s),
- the age of the crime(s), and
- the occurrences in the life of the Applicant since the crime(s).³¹

- **Sealing Records**

The Commissioner of Probation must automatically seal the records of an individual following a not guilty verdict.³² Individuals are entitled to have conviction records sealed, upon application, after five years of law-abiding behavior for misdemeanors and ten years for most felony convictions.³³ A sealed record may not be used to “disqualify a person in any examination, appointment or application for public service” and may not be admitted into evidence in unrelated court proceedings or hearings.³⁴ A job applicant with a sealed record is entitled to answer “no record” if an employer asks about criminal history.³⁵

Sealed records do, however, remain available to law enforcement and for certain situations involving children, including some circumstances related to adoption, foster care placement, custody and visitation.³⁶ There is no mechanism for permanently expunging records in Massachusetts, unless the Governor has granted a pardon.³⁷

In December 2016, a Massachusetts sealing law went into effect that permits individuals to seal offenses that have been reclassified as non-criminal.³⁸ Convictions for marijuana possession involving 2 ounces or less of marijuana can be sealed without the expiration of a waiting period. The law only applies to charges for “possession” and not “possession with the intent to distribute” or other drug crimes. Additionally, individuals who were arrested for possession of marijuana may seal their case without completing a waiting period if the charge was for possession of up to six marijuana plants in their home and they lived alone or up to twelve plants if other people over age 21 lived in the home.

- **Fair Credit Reporting Act**

As described in [Section I](#), commercial background screening companies and private-sector employers who use them must follow the federal Fair Credit Reporting Act (FCRA). FCRA requires procedures to ensure accuracy as well as timely communication with employees being screened.

In addition to the federal law, the Massachusetts Fair Credit Reporting Act prohibits consumer reports from including records of arrest, indictment or conviction that are more than seven years old.³⁹

Resources

See the Massachusetts Court System [website](#) for detailed information on Massachusetts laws, policies, and case law about criminal records.

See the Executive Office of Public Safety and Security’s “[Summary of Levels of CORI Access with Requestor Types](http://www.mass.gov/eopss/agencies/dcjis/summary-of-levels-of-cori-access-with-requestor-types)”, available at <http://www.mass.gov/eopss/agencies/dcjis/summary-of-levels-of-cori-access-with-requestor-types.html>, and identifies the level(s) of access each requestor type will receive along with the purposes for which each requestor may request CORI.

See the Massachusetts Commission Against Discrimination, the agency that enforces the Massachusetts Criminal Records Statute, G.L. c. 151B, § 4(9), for more information about protection against discrimination, MCAD [Fact Sheet: Criminal Offender Record Information Administrative Procedure Reforms](#), November 2010.

See the Massachusetts Attorney General’s guidebook [“Criminal Records - Know Your Rights: A Guide to Rights in Employment and Housing,”](#) available at <http://www.mass.gov/ago/docs/civilrights/crim-records-booklet.pdf> (February 2017). This guidebook provides information about the rights of individuals with criminal records when seeking employment and housing including how to file complaints when their rights may have been violated.

How Providers Can Help

- **Advise clients to get copies of arrest and conviction records – “CORI”—when possible.** It is critical for job seekers to know exactly what is on their RAP sheet so they can describe their criminal record accurately, when asked. People with criminal histories usually do not know the disposition of certain charges or have forgotten some arrests. Finding out the details will enable them to present their criminal record to employers in the most accurate and straightforward way possible. They also may need to correct errors, which are common, *before* the employer sees them.

See Greater Boston Legal Services: [Know Your CORI Rights: Criminal Offender Record Information \(CORI\) Sealing and CORI Reform](#) available at <https://www.masslegalhelp.org/cori/booklets-folder/know-your-cori-rights.pdf>.

- **Help clients gather evidence of rehabilitation.** Useful suggestions for how to do this are in the Legal Action Center’s [“How to Gather Evidence of Rehabilitation,”](#) available at <https://lac.org/wp-content/uploads/2016/04/How-to-Gather-Evidence-of-Rehabilitation-3.30.16.pdf>
- **Refer to the Massachusetts Commission Against Discrimination, “[Complaint Process Overview](#)”** for information that could help your client challenge an employment denial due to having a criminal record.

HOUSING

Legal and Regulatory Barriers to Housing for Justice-Involved People in Massachusetts

People with criminal records in Massachusetts confront a wide variety of restrictions to housing. Some of the greatest hurdles are federal statutes that apply to public and federally-assisted

housing; they are described in [Section I](#). These federal laws give the Department of Housing and Urban Development (HUD), public housing authorities (PHAs) and private landlords broad discretion to deny housing to people with criminal histories and their families.

As is the case across the country, Public Housing Authorities (PHAs) and private landlords are able to set their own screening criteria. Many have flat bans against leasing to individuals convicted of a felony or other offense and do not consider evidence of rehabilitation. Nor do many PHAs and private landlords individually assess a housing applicant's risks or threat to others' safety.

However, landlords, property management companies or real estate agents who work for landlords may only request and receive a prospective renter's CORI report and not members of the household. The request must be authorized by the applicant. Housing providers may consider the following:

- 1) Felony convictions—including violations of domestic violence or harassment prevention orders—within the past ten years;
- 2) Misdemeanor convictions within five years;
- 3) Pending criminal charges, including those that have been continued without a finding; and
- 4) Unsealed convictions for murder, voluntary or involuntary manslaughter, and sex offenses from any time.⁴⁰

Housing providers may only request the CORI of the main tenant and not members of their household.⁴¹ As in the employment context, landlords must provide prospective tenants with their criminal record before questioning them about it or making an adverse decision on its basis.⁴²

- **Opportunities for Housing**

As described in [Section I](#), the Department of Housing and Urban Development issued strong guidance to warn PHAs⁴³ and private landlords that blanket ban that exclude people with criminal records from the opportunity to secure housing may violate the Fair Housing Act.⁴⁴ However, in 2008, then Governor Deval Patrick issued [Executive Order 495](#) that instructed the Department of Housing and Community Development ("DHCD"), and the Department of Transitional Assistance ("DTA") to:

- (a) increase the consistency and uniformity of the treatment of CORI in making housing decisions;
- (b) ensure that discretionary CORI-based denials of housing occur only in instances involving a risk to public safety or to individual victims or witnesses;
- (c) address the needs of individuals or families who are denied housing based on CORI;
- (d) develop and launch a campaign to better educate owners and managers of multi-family housing concerning CORI; and
- (e) streamline the CORI review process so that housing placement delays are mitigated and reduced.⁴⁵

Resources

See the Massachusetts Court System [website](#) for detailed information on Massachusetts laws, policies, and case law about criminal records.

See the Massachusetts Commission Against Discrimination, the agency that enforces the Massachusetts Criminal Records Statute, G.L. c. 151B, § 4(9), for more information about protection against discrimination, MCAD [Fact Sheet: Criminal Offender Record Information Administrative Procedure Reforms](#), November 2010.

See the Massachusetts Attorney General's guidebook "[Criminal Records - Know Your Rights: A Guide to Rights in Employment and Housing](#)," available at <http://www.mass.gov/ago/docs/civilrights/crim-records-booklet.pdf> (February 2017). This guidebook provides information about the rights of individuals with criminal records when seeking employment and housing including how to file complaints when their rights may have been violated.

How Providers Can Help

When it comes to housing, those providing support to the formerly incarcerated and other justice-involved individuals should:

- **Advise clients to get copies of arrest and conviction records – “RAP sheets” – whenever possible.** See Greater Boston Legal Services "[Know Your CORI Rights: Criminal Offender Record Information \(CORI\) Sealing and CORI Reform](https://www.masslegalhelp.org/cori/booklets-folder/know-your-cori-rights.pdf)" available at <https://www.masslegalhelp.org/cori/booklets-folder/know-your-cori-rights.pdf>.
- **Help clients gather evidence of rehabilitation.** Useful suggestions for how to do this are in the Legal Action Center's "[How to Gather Evidence of Rehabilitation](https://lac.org/wp-content/uploads/2016/04/How-to-Gather-Evidence-of-Rehabilitation-3.30.16.pdf)," available at <https://lac.org/wp-content/uploads/2016/04/How-to-Gather-Evidence-of-Rehabilitation-3.30.16.pdf>.
- **For a list of housing service providers** see the Crime and Justice Institute (CJI) at Community Resources for Justice (CRJ) "[Coming Home Directory: A resource directory of offender reentry services in Greater Boston](http://www.cominghomedirectory.org/)," available at <http://www.cominghomedirectory.org/>.

Check the Housing and Urban Development website to identify any special housing programs and funding that are available in Massachusetts to support individuals with justice-involvement and/or behavioral and mental health disorders.

EDUCATION

Some justice-involved individuals in Massachusetts, like those in the rest of the country, face many hurdles to higher education, including financial restrictions and barriers to admission into colleges. Removing the question about criminal history from college admission applications has become a major advocacy priority nationally. In May 2016 the U.S. Department of Education released their [Beyond the Box](#) guidance on the consideration of criminal records in admissions. However, Massachusetts is one of few states that provides legal protections against discrimination on basis of criminal history by educational institutions.

- **Legal Protections for Prospective Students**

Under Massachusetts state law, educational institutions⁴⁶ may not inquire about, either orally or in the application form, request information about, or discriminate on the basis of:

- (i) an arrest, detention, or disposition regarding any violation of the law in which no conviction resulted or in which a conviction has been vacated,
- (ii) a first misdemeanor conviction for drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace,
- (iii) a misdemeanor conviction more than five years old, unless it resulted in imprisonment or the applicant has been convicted of another offense within the past five years.⁴⁷

In addition, Boston University signed the federal Fair Chance in Higher Education Pledge where it agreed that: 1.) the university would adopt fair chance admissions practices; 2.) support professors and students who want to teach or are teaching in correctional facilities and ensuring internships and job training are available to individuals with criminal records; and 3.) serve as an example to other institutions.⁴⁸

Initiatives—Changes in the Works

- **Pell Grant**

In July 2015, the U.S. Department of Education announced that it would implement a Second Chance Pell Pilot program to test new models that allow incarcerated individuals to receive Pell Grants and pursue postsecondary education.

The Department of Education selected Mount Wachusett Community College (MWCC) to participate in the Second Chance Pell pilot program. MWCC is partnering with the Massachusetts Department of Corrections to provide academic programs for inmates at North Central Correctional Institute, the Massachusetts Correctional Institute, and the Federal Medical Center.⁴⁹

¹ See Office of Consumer Affairs and Business Regulation, Division of Licensing Boards, <http://www.mass.gov/ocabr/licensee/dpl-boards/>

² MASS. GEN. LAWS ANN. ch. 15D, §7 (West 2014); MASS. GEN. LAWS ANN. ch. 15D, §8 (West 2015); 606 MASS. CODE REGS. 14.12.

³ 122 MASS. CODE REGS. 1.11.

⁴ See, e.g., 606 MASS. CODE REGS. 14.04 (“A criminal justice official is either the candidate's probation or parole officer or correctional facility superintendent (or designee), depending upon whomever had the most recent responsibility for supervision of the candidate.”).

⁵ 606 MASS. CODE REGS. 14.13; 122 MASS. CODE REGS. 1.12.

⁶ 606 MASS. CODE REGS. 14.13; 122 MASS. CODE REGS. 1.12.

⁷ MASS. GEN. LAWS ANN. ch. 71, § 38R (West 2015).

⁸ MASS. GEN. LAWS ANN. ch. 6, § 172G (West 2012).

⁹ MASS. GEN. LAWS ANN. ch. 6, § 172C (West 2012) (must obtain all available criminal record information before employing, allowing to volunteer, or referring for employment).

¹⁰ MASS. GEN. LAWS ANN. ch. 19B, § 20 (West 2014).

¹¹ 233 MASS. CODE REGS. 2.04. The Board of Registration must assess the conviction alongside 16 factors.

¹² 271 MASS. CODE REGS. 3.04.

¹³ 269 MASS. CODE REGS. 3.04; 269 MASS. CODE REGS. 3.01. The Board is required to conduct an individualized inquiry regarding moral character, but the applicant bears the burden of establishing that he or she has the requisite “good moral character.” 269 Mass. Code Regs. 3.04.

¹⁴ MASS. GEN. LAWS ANN. ch. 138, § 15 (West 2016).

¹⁵ COMMONWEALTH OF MASS., DIVISION OF PROF. LICENSURE, BOARD OF REG. OF COSMETOLOGY AND BARBERING, “Notice: Criminal Offender Record Information (CORI) Checks will be Performed on All Applicants.” (Oct. 24, 2016) <http://www.mass.gov/ocabr/docs/dpl/boards/hd/notice-cori-policy-effective10242016.pdf>.

¹⁶ 269 MASS. CODE REGS. 3.01 (2)(f).

¹⁷ MASS. GEN. LAWS ANN. ch. 112, § 258 (b) (West 2009).

¹⁸ MASS. GEN. LAWS ANN. ch. 19B, § 19 (West 2014).

¹⁹ MASS. GEN. LAWS ANN. ch. 112, § 52B (West 2000).

²⁰ MASS. GEN. LAWS ANN. ch. 112, § 61 (4) (West 2005).

²¹ MASS. GEN. LAWS ANN. ch. 112, § 61 (4) (West 2005).

²² MASS. GEN. LAWS ANN. ch. 112, § 189 (4) (West 1992).

²³ MASS. GEN. LAWS ANN. ch. 6, § 175 (West 2016)

²⁴ MASS. GEN. LAWS ANN. ch. 6, § 172 (3) (West 2016)

²⁵ MASS. GEN. LAWS ANN. ch. 151B, § 4 (9 1/2) (West 2016). See also MASS. GEN. LAWS ANN. ch. 151B, § 1 (West 2014) (defining employer to exclude “a club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ” and but include those employing domestic workers and all state entities).

²⁶ MASS. GEN. LAWS ANN. ch. 151B, § 4 (9) (West 2016).

²⁷ MASS. GEN. LAWS ANN. ch. 127, § 152 (West 2010).

²⁸ See MA EXEC. ORDER NO. 495 (Jan. 11, 2008), http://www.masslegalservices.org/system/files/library/executive_order_495.pdf. The EO, among other things, directs state agencies to change their hiring practices to allow people with CORIs to compete for jobs and simplifies rules for considering the CORIs of people who are seeking public housing.

²⁹ City of Boston, Ord. 2005 c. 7 (*codified at 4-7*); City of Cambridge, Ord. No. 1312 , §§ 2.112.060-2.112.065, 12-13-2007; City of Worcester R.O. ch. 2, § 36.

³⁰ *Id.*

³¹ *Id.*

³² MASS. GEN. LAWS ANN. ch. 276, § 100C (West 2012).

³³ MASS. GEN. LAWS ANN. ch. 276, § 100A (West 2012).

³⁴ *Id.*; *see also* MASS. GEN. LAWS ANN. ch. 276, § 100C (West 2012).

³⁵ MASS. GEN. LAWS ANN. ch. 276, § 100A (West 2012).

³⁶ MASS. GEN. LAWS ANN. ch. 276, § 100A (West 2012); MASS. GEN. LAWS ANN. ch. 6, § 172B (West 2008).

³⁷ *Com. v. Boe*, 456 Mass. 337, 924 N.E.2d 239 (2010).

³⁸ MASS. GEN. LAWS ANN. ch. 276, § 100A

³⁹ MASS. GEN. LAWS ANN. ch. 93, § 52 (a) (5) (West 2012).

⁴⁰ MASS. GEN. LAWS ANN. ch. 6, § 172 (3) (West 2016); MASS. GEN. LAWS ANN. ch. 6, § 172 (33) (b) (West 2016).

⁴¹ 803 C.M.R. § 5.05(3)

⁴² MASS. GEN. LAWS ANN. ch. 6, § 171A (West 2012).

⁴³ *See* U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, GUIDANCE FOR PUBLIC HOUSING AGENCIES (PHAS) AND OWNERS OF FEDERALLY-ASSISTED HOUSING ON EXCLUDING THE USE OF ARREST RECORDS IN HOUSING DECISIONS,, 2015. NOTICE PIH 2015-19, https://portal.hud.gov/hudportal/documents/huddoc?id=hud_ogcguidappfhastandcr.pdf

⁴⁴ *See* U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS, WASHINGTON, DC, (2016),

https://portal.hud.gov/hudportal/documents/huddoc?id=hud_ogcguidappfhastandcr.pdf

⁴⁵ *See* MA EXEC. ORDER NO. 495 (Jan. 11, 2008),

http://www.masslegalservices.org/system/files/library/executive_order_495.pdf.

⁴⁶ MASS. GEN. LAWS ANN. ch. 151C, § 1 (b) (West 1986) (“educational institution” defined as “any institution for instruction or training, including but not limited to secretarial schools, business schools, academies, colleges, universities, primary and secondary schools, which accepts applications for admission from the public generally and which is not in its nature distinctly private...”).

⁴⁷ MASS. GEN. LAWS ANN. ch. 151C, § 2 (f) (West 1986).

⁴⁸ THE WHITE HOUSE, OFF. OF PRESS SEC., Press Release, Fact Sheet: White House Launches the Fair Chance Higher Education Pledge (June 10, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/06/10/fact-sheet-white-house-launches-fair-chance-higher-education-pledge>.

⁴⁹ MOUNT WACHUSETT COMMUNITY COL. NEWS CTR, *MWCC Selected for Second Chance Pell Pilot Program* (July 8, 2016), <http://mwcc.edu/news/2016/07/08/mwcc-selected-for-second-chance-pell-pilot-program/>.