



Ruthanne Fuller
Mayor

Barney Heath
Director of
Planning & Development

Malcolm Lucas
Housing Planner

Members

Esther Schlorholtz, Chair
Donna Rigg, Vice-Chair
Judy Korzenowski
Josephine McNeil
Tatjana Meschede
Alexandra Weiffenbach
Steve West

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www.newtonma.gov

CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING AGENDA

Date: June 5, 2024
Time: 8:30 a.m.
Place: Virtual (Zoom)

Zoom Online Meeting: <https://newtonma-gov.zoom.us/j/85263238417>

The Fair Housing Committee will hold this meeting as a virtual meeting on Wednesday, June 5, 2024, at 8:30 am. No in-person meeting will take place at City Hall. To view and participate in this virtual meeting on your smartphone, download the "ZOOM Cloud Meetings" app in any app store or visit www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following: **Meeting ID: 852 6323 8417.**

You may also join the meeting from your smartphone by dialing 1(646) 558-8656 and entering 85263238417# For audio only, call 1(646) 558-8656 and enter **Meeting ID: 852 6323 8417.**

To view and participate in this virtual meeting on your computer, at the above date and time, either copy the attached link into your browser or visit www.zoom.us, click "Join a Meeting" and enter the following **Meeting ID: 852 6323 8417.**

To view meeting documents, [click here](#).

1. **Approval of May 2024 minutes**
2. **Inclusionary Zoning Ordinance Discussion**
3. **Fair Housing for Policy Leaders Training**
4. **Discussion on Resident Experience Training**
5. **Endorsement of Act to End Housing Discrimination (S.2566)**
6. **Fair Housing Resource List**
7. **Fair Housing Project Reviews**

8. Subcommittee Updates

- **Lottery Results & Lease-ups Sub-Committee**
- **Membership & Nominating Sub-Committee**
- **Fair Housing Award Sub-Committee**

9. Fair Housing Committee Priorities Discussion

FH Protected Groups

- **Promote housing choice for diverse populations to advance Affirmatively Furthering Fair Housing (AFFH), with focus on race/ethnicity, public subsidy, family status, and disability**
- **Promote Diversity, Equity, Inclusion and Belonging in Newton**
- **Promote effective processes/practices for new affordable homeownership and resales**
- **Promote improved practices for real estate professionals to achieve more housing choice for diverse populations**
- **Identify and work to overcome barriers to successful tenancies and to improve processes/practices for tenant selection in lottery and market rate multifamily rental housing**

Learning/Teaching

- **Enhance FH literature and website information and access for the public**
- **Promote FH training for real estate professionals, landlords, tenants, the public and committee members**

Data and Analysis

- **Promote data collection on multi-family rental and new homeownership occupancy**
- **Enhance Project Review of Housing Developments to advance AFFH**
- **Support AI/Consortium Fair Housing Testing and FH testing in Newton**

Collaboration

- **Collaborate with Related Newton Commissions and Committees to increase affordable housing for households of various sizes and lower incomes and to encourage increased funding for affordable housing**
- **Promote affordable housing production in coordination with other City commissions and committees**
- **Support federal, state and city initiatives that promote AFFH**
- **Collaborate with Human Rights Commission on Fair Housing Complaint Process**
- **Contribute to Newton's FH-related plans**
- **Address committee membership appointments with representation from Human Rights Commission and legal counsel with FH specialty**

Next meeting Wednesday, July 3, 2024

*Supplementary materials are available for public review in the Planning Department of City Hall (basement) the Friday before the meeting. For more information contact **Malcolm Lucas at 617.796.1149**. The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton's ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711



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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: May 1, 2024

Time: 8:30 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

Alex Weiffenbach

Steve West

Josephine McNeil

Members Absent: Judy Korzenowski

Tatjana Meschede

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Lara Kritzer, Director of Housing and Community
Development

Public Present:

Sharyn Roberts, League of Women Voters Newton

Randy Block, Council

Rena Getz, Council

Henry Korman, Klein Hornig

Kathy Luce, Maloney Properties

Julia Malakie, Council

Debbie Piltch, Maloney Properties

Pam Wright, Council

Malcolm Lucas, Housing Planner served as recorder, Esther Schlorholtz, Chair, called the meeting to order at 8:30 a.m.

To view meeting documents, [click here](#).



1. Approval of March 2024 minutes

- Upon a motion by JM, SW seconded the motion. The March 2024 minutes were approved 4-3-0, with two members absent and one abstention. ES noted that there will not be April minutes because of a question related to posting requirements and the low member attendance. Subsequently the meeting materials were shown to be posted correctly. She thanked Councilor JM for her correction to the March meeting materials. PW expressed concern about accessing the meeting through the on-line calendar; Councilor JM said that it was accessible through the Electronic Posting Board.
- ES thanked AW for her membership and her contribution to the work of the committee, representing the Newton Housing Authority, and members shared in their appreciation of AW. AW thanked the committee and will inform the committee about her replacement.
- ES acknowledged the recent death of Phil Herr, the former chair, vice chair and longtime member of the committee. Members expressed their appreciation of his leadership and dedication.

2. Presentation & Discussion on Resident Experience Training

- ES introduced Debbie Piltch, Vice President, and Kathy Luce, Executive Vice President and Partner from Maloney Properties, that specializes in large mixed use, affordable, and mixed income housing. ES stated that she worked with Maloney Properties through her career for many years and stated that they have great skill and knowledge and is thankful for them that they are sharing. ES also introduced Henry Korman, who is of Counsel at Klein Hornig and will be the presenter at the Fair Housing for Policy Leaders training that the committee is holding on June 18.
- ES provided background for the presentation, stating that the committee has had discussion on the City of Cambridge study on bias and exclusion, in affordable housing, mixed income, homeownership, and rental housing. This discussion has sparked interest in how the City of Newton could be involved to help develop more inclusionary experiences for residents of Newton's affordable and mixed income housing. ES stated that one of the ideas that came up was to focus on a training program that will be for landlords, owners, property owners, property managers, leasing agents, and other interested parties. ES stated that in the study, tenants identified that a large proportion of property management of market rate units are the source of bias.
- HK stated that he is retired and now of counsel with Klein Hornig, but his practice dealt with affordable housing and community development and with regulatory compliance which included a significant focus on fair housing and civil rights. HK stated that he is currently working with the committee on training policy leaders in Newton who have responsibility for oversight of housing matters. He is working with ES and TM on the fair housing training for which the targeted audience includes City Councilors and city staff. HK stated the training will focus on basic concepts, what are the legal responsibilities and where did the legal obligations arise, who is protected by civil rights and fair housing laws.
- HK stated the second piece of the training will focus on core municipal activities that affect fair housing and where the city has significant responsibilities, and this will include architectural access and fair housing planning activities. This will also include funding and related actions for municipal entities involved in oversight, grantees, CPC funding, Housing Trust funding, and others.
- DP spoke next and stated that she and KL have discussed a training that would mirror what HK just spoke about and then she gave her background. DP stated she started as a fair

housing attorney who represented low-income people and discrimination cases in the disability field. She worked with the Disability Law Center. DP stated that she has been working in this field for over 20 years and stated that Maloney is an incredible company and that they are committed to fair housing. She stated that she does work across the county with the National Affordable Housing Management Association. She also stated that she is part of the technical assistance collaborative with VAWA (Violence Against Women Act) implementation for HUD.

- DP stated that the training will depend on what the FHC wants to focus on. DP stated that they will also have to look at the laws of language access and reasonable accommodations. She said that Maloney Properties is strongly committed to fair housing, and they have worked with and offered training to many housing providers. She said that their goal has been to figure out how to get owners and agents to adopt and fully integrate fair housing into what they do. She said that one topic that owners and agents especially need to learn about is how to make the lottery accessible to people not only for affirmatively furthering fair housing, but also how that works in practice, for example for people with disabilities or with language access barriers. She discussed concerns about tenant screening issues. ES briefly described the work of the committee's subcommittee on lotteries and lease-ups that has been discussing lottery and tenant screening barriers and ways to reduce those. DP said that it is important to include information on the basics of fair housing, changes as they arise, and she gave specific examples of the bias testing done by Suffolk Law, giving examples from their discrimination testing program, and other cases. ES noted Suffolk Law offers training for real estate professionals in Newton. DP stated that for them to do an effective training, they will need to know what Newton's current policies are and that the FHC should narrow down what they are looking for. DP also stated that this may be a long-term training that will focus on different avenues in a series.
- KL stated that they will create a program that establishes a baseline training and agreed with DP that this may be a long-term commitment. She thinks it is critical that owners and practitioners should be a part of it, and it should be on an annual basis.
- ES thanked the presenters for their many insights and stated that she wanted to highlight the key issues that were discussed for further clarification and to add more context before she opens the discussion to the meeting. (1) She acknowledged that the state lottery process is about to be changed, streamlined and updated, and that this is a critical part of the training process for the target audience to learn about how to comply fully. (2) She agreed that the trainers need to understand all of Newton's policies related to fair housing and the lottery, selection, and marketing processes that are required and followed by both the city and the state. (3) She highlighted the recommendation that these trainings include housing providers that work in Newton, including property owners. (4) She identified the importance of anti-bias training ideas and the complexity of it. (5) She highlighted the need for ongoing trainings. (6) She said that it is valuable to get developers/owners of large and small properties with affordable housing components to the table. ES said that all of this is important and will take time. She asked how the committee can take action to improve the resident experience for tenants and homeowners who live in or move into the city. She said that is the focus of what the committee is trying to do.
- DP stated in order to start it has to be broken down as to why the experience is what it is. She also stated that some of it is customer service and bias against low-income people and people with disabilities. And the FHC would have to look at what is the root of the negative experience. Basic customer service and bias are the issues and are intertwined. DP stated that the vast majority of fair housing complaints are around disabilities and reasonable

accommodations, almost 50%. DP stated that this has more to do with attitudes because of the preconceived notions about people with disabilities and suitable accommodations. DP reiterated that this type of training should be a series of how to, and how to get people to change. She discussed bias training dimensions. She noted that some bias is poor customer service, in addition to behaviors. She said biases not only affect admissions but also the lottery, language access, and many other factors. She noted for the committee that some of the feeling of isolation, as identified by JM, felt by tenants is a sense of feeling different and separate in the community, and not only behaviors and customer service. She said that needs to be incorporated into what the committee does and training programs.

- ES stated that from the conversation so far, she recommends that these trainings should be to a broader audience than just one or two large developers. ES stated that she thought that it should also include the smaller, newer developers who are engaging for the first time and that the larger developers would be highly welcomed. DP asked ES how the FHC engages with the community to get buy-in with their objectives. ES explained the FHC is a volunteer committee that was appointed by the mayor, and they work with the city's planning and development department. ES stated that they have a variety of programs, including advising the city on affirmatively furthering fair housing, its policies and practices, and advising on planning for the use of federal, state and local funding sources. She stated the trainings are the main way that they have been reaching out to broader audiences, beyond the website, the annual award program, comments to the City Council on zoning and other matters and advising on fair housing characteristics of new housing developments seeking permits. ES stated that meetings are posted online, and the City includes information on fair housing and resources for the committee and the city on its webpage. ES stated that meeting with various entities like Cambridge representatives and them about the Cambridge bias study is part of their search to advance the knowledge of the community and to help inform the committee on how to engage leaders and residents.
- HK stated that he thinks that it would be helpful if the FHC would design a program for people who provide housing and that the FHC should be clear about how much they want to do. He stated that this would be more like a year's training curriculum. HK stated that the FHC should also consider the audience in terms of the industry. ES stated that, based on capacity, she believes we should work on best practice training to improve the residents' experience for mixed use and affordable rental and homeownership. HK stated that the FHC should decide (1) Priorities (2) Audience (3) Bandwidth of the committee to start.
- JF said she applauded the presenters and their acknowledgement that people with disabilities experience high levels of discrimination. She said that the study commissioned by the committee with the Disability Law Center in 2005 showed that people with disabilities experienced more than 50% discrimination in the testing results. She discussed her particular and serious concerns about property managers and some of their discriminatory actions against tenants, particularly related to reasonable accommodations and evictions. She talked about how difficult it is to get people help to prevent evictions, and the causes for the evictions often being discriminatory in nature. She said that the City cannot help people to the degree needed, and that the City generally refers cases to the Massachusetts Commission on Discrimination which is a lengthy and complicated process. She said that she hoped another training program could be aimed to address discrimination by property managers. ES thanked JF and said this is an important issue that the committee should incorporate into a training program.

- ES thanked DP, KL, and HK for coming to present to the FHC and stated that this discussion will continue in future meetings and will be added to the upcoming agendas. She asked them if they are willing to continue the discussion and to help with the design of this training.

3. Inclusionary Zoning Ordinance Discussion

- ES stated that this discussion has been postponed from a previous meeting, and the documentation has been distributed to the committee for review. She informed the committee that Newton is doing a five-year review of inclusionary zoning policies and recommendations. ES also stated that the city is hiring RKG Consultants to do the review. ES would like the FHC to include their recommendations, priorities, and issues that they may have that could be valuable to the consultants as they do their analysis. ES acknowledged that SW and JF have participated in the ideas on the IZ and invited them to comment.
- Councilor PW offered that the City Council would like to see the recommendations from the committee when they are ready and will be prepared to consider incorporating those into their recommendations. ES thanked her for the offer and said the committee needs to work more on the recommendations but will be pleased to offer those after the next meeting.
- SW stated that the IZ ordinance is now maintaining a seven-unit threshold, and the planning department is considering lowering this threshold. He suggested that it would likely make sense to also lower the number of units at which developers can opt for the payment-in-lieu formula rather than building affordable units on site. Using the same approach as the current one for 7, 8, or 9 units, he suggested there would be a new formula of 0.6 times Total Development Cost (TDC) for a 6-unit property, 0.5 times TDC for a 5 unit, and so on. He said that the proposed way developers choose may be the easier way because it lowers the number by changing the multiplier against the ratio.
- SW offered another idea which relates to the issue with tear downs and replacing them with properties that are much larger and more expensive, therefore, reducing existing middle-income housing as an affordable option. He said that possibly a fee could be charged that would compensate the city for the loss of the tear downs, but he said he discussed this idea with an attorney and that charging such a fee could be considered taxation that would not be allowed. He said that there are many questions related to the efficiency of inclusionary zoning and that fees-in-lieu or requiring that developers build an affordable unit that has a cost to the developer passes along the cost to other homeowners or to other people in the development. He said that is why some argue it is not very cost effective. He said that a more efficient way is that people pay their taxes to the federal government and indirectly support the Low-Income Housing Tax Credit which is a much more efficient way to build affordable housing, although it is limited in scope. ES stated that inclusionary zoning is not the main path to produce affordable homes, but it is one of the routes used to leverage private sector funding. ES stated that there used to be substantial public funding to build affordable housing, but public funding has dropped significantly, and therefore, it is important that the private sector builders continue to be incented to build. However, she stressed that changes to the ordinance need to continue to make development feasible or it could negatively affect building housing. SW agreed.
- ES said that in the interests of time, she proposes to draft a list of priorities based on what was heard and will prepare a letter for the committee's comment that would be drafted

and forwarded to the city/planning department with the committee's recommendations. Further discussion at June 2024 meeting. There were not any objections.

4. Fair Housing Training Plans Update

- ES stated that the Fair Housing for Landlords and Tenants training with Suffolk Law will be postponed until the fall due to AW's departure from the Newton Housing Authority. She said that the training was planned around encouraging more housing authority tenants to join the seminar, and that, without AW, that would be difficult to accomplish. She noted that, as we have discussed, on June 18th HK will be presenting on Fair Housing Training for Newton Policy Leaders. Lastly there will be continued discussion on the Cambridge resident experience study and design of that training in the future.

5. Fair Housing Project Reviews

- This topic was postponed.

6. Subcommittee Updates

- **Lottery Results & Lease-ups Sub-Committee**

- No updates, the sub-committee is waiting on data at this time.

- **Membership & Nominating Sub-Committee**

- No updates, DR reminded other members to give suggestions and recommendations if they had any.

- **Fair Housing Award Sub-Committee**

- ES reminded the committee of the Sheila Mondshein Award Ceremony on May 13th at 4pm. The FHC will be honoring Deb Crossley and Vicky Danberg.

7. Fair Housing Committee Priorities Discussion

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DRAFT

TO: Lara Kritzer, Director of Housing & Community Development

FROM: Newton Fair Housing Committee

CC: Barney Heath, Director, Department of Planning & Development
Jen Caira, Deputy Director, Department of Planning & Development
Shaylyn Davis-Iannaco, Housing Program Manager
Malcolm Lucas, Housing Planner
Jini Fairley, ADA/504 Coordinator

RE: Fair Housing Committee Inclusionary Zoning 5-Year Review Recommendations

DATE: May 30, 2024

The Newton Fair Housing Committee (FHC) appreciates the opportunity to comment on priority areas that it recommends should be considered by the Department of Planning & Development, through its consultant, as part of the City's required five-year review of its Inclusionary Zoning (IZ) Ordinance.

The FHC focuses on ways to affirmatively further fair housing. The IZ is a valuable way to promote new housing options that makes it possible for the city to be more welcoming of people of all backgrounds, including especially those that are traditionally underserved or experience discrimination: people of color, people with disabilities, families with children, seniors and other vulnerable and protected populations.

Newton has a shortage of housing of all kinds. This includes market rate, middle-income, affordable and deeply affordable rental and ownership homes. Using the IZ as a tool, Newton has chosen to promote the creation of market rate homes, as well as homes affordable to low- and moderate-income households to respond to the under-building and severe shortage of housing for lower- and middle-income households regionally, and acutely in Newton.

We recognize that the IZ is designed to be a market solution, created by the city to allow Newton to tap into the gains from rising real estate values to create affordable housing for low- and moderate-income people who otherwise could not remain in or move into the city. IZ effectively offers a private source of financing for affordable housing and leverages the capability of the private sector to build homes. It is important to note that public resources for building affordable housing have significantly reduced over time and are insufficient to address the need, leading to the need to leverage more private resources such as the IZ offers.

IZ is a valuable tool for the city to affirmatively further fair housing and ensure that the city continues to thrive economically. It only works if the requirements placed on developers are financially feasible. If the ordinance results in slowing or preventing new housing because of

infeasibility, then we would not recommend the inclusion of such requirements. We understand that Planning & Development will seek to balance financial feasibility with ways to promote the creation of new housing options for people of all income levels, including particularly at affordable levels.

Here are the priority recommendations of the FHC:

Affordability

--Create more housing opportunities at 65% or less Area Median Income (AMI)—note that 65% AMI is the current average for affordable units in Newton;

--Consider reducing the minimum rental/for-sale unit threshold requirement from the current 7 units to a lower number, if feasibility analysis indicates;

--If the IZ threshold is decreased below 7 units, create an option for developers to opt for the in-lieu payment by using the same approach as the current one for 7-9 units, e.g., for 6-units = 0.6 x Total Development Cost (TDC);

--Consider a new option to create 100% Tier 2 (110% AMI) family units in a development with no in-lieu payment or other affordability requirements.

--If the IZ threshold requirement were dropped below 7 units, consider options to allow construction of Accessory Dwelling Units (ADU) associated with the for-sale homes in a development, if the ADU provided were affordable to households below 50% AMI. An ADU would be sold as part of one of the main units (if two or more units are sold). Consider allowing 2 ADUs if the development is 4 or 5 units (and the IZ threshold was not lowered to that); each ADU would be sold with one of the for-sale units;

Accessibility

--Consider ways to increase development of affordable units that are more fully accessible (Group 2A-MAAB) and available to households at 50% AMI and 30% AMI, if feasible;

--Require ADU units associated with for-sale homes in a development (as recommended above) to be more fully accessible.

--For rental properties with 20 or more units, increase the requirement for fully accessible units from 5% to 10% (521 CMR, group 2A standards); for ownership units require that at least one (or a certain percentage of units) are more fully accessible (Group 2A-MAAB).

Enhance City Oversight and Data Collection

--Create a systematized reporting and data collection process for developers, owners, and owners' agents of IZ properties to report to the City on their affordability and accessibility obligations;

--Consider establishing a City-approved Compliance & Certification Agency that developers, owners, and owners' agents of all-sized projects would be able to contract with to ensure ongoing compliance with their IZ legal obligations;

--Create a systematized annual data collection requirement for developers, owners, and owners' agents to report to the City on occupancy of affordable units, and allow Fair Housing reviews to identify barriers and solutions to access by protected class members.

The Newton Fair Housing Committee

invites you to a virtual training



Fair Housing in Newton: Guidance for Policy Leaders

Presented by
Henry Korman
Of Counsel, Klein Hornig LLP

June 18, 2024
4:00 pm

Topics:

- *Why Consider Fair Housing in Municipal Practices*
- *Basic Concepts of Fair Housing for Municipal Policy Leaders*
- *City Functions that Affect Fair Housing*
- *Resources*

Q&A: 5:00 – 5:30 pm

To Attend Please Use the Zoom Link Below

<https://newtonma-gov.zoom.us/j/84114318118>

Reasonable Accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec.504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.

An Act to End Housing Discrimination in the Commonwealth (S.2566)
Favorably reported by Joint Committee on Consumer Protection and Professional
Licensure; now pending in Senate Ways & Means

As of: 5/15/2024

ENDORSED BY:

The Boston Foundation • Cambridge Human Rights Commission • EMPATH •
CHAPA • HomeStart
Massachusetts Coalition for the Homeless • Massachusetts Commission Against
Discrimination (MCAD)
Massachusetts Fair Housing Center • Massachusetts Law Reform Institute
One Family • Suffolk Law School Housing Discrimination Testing Program

Requested action steps for the Massachusetts Legislature:

- **Incorporate S.2566 into the Affordable Homes Act (H.4138) - especially sec. 7 (top priority) and secs. 2-6 (additional priority), authorizing temporary suspension of professional licenses of real estate brokers who engage in illegal discrimination, and pass H.4138.**
- **Pass S.2566 (currently in Senate Ways and Means) in the Senate, and then the House.**

*Discriminatory housing practices are **rampant** in Massachusetts.* The Coalition to End Housing Discrimination seeks to end discrimination targeting People of Color, people with housing vouchers, and all other families and individuals in protected classes seeking to rent an apartment or house. **Pending legislation, An Act to end housing discrimination in the Commonwealth (S.2566), is an important - and long overdue - first step to ending housing discrimination in Massachusetts.**

What would “An Act to end housing discrimination in the Commonwealth” do?

- **Authorizes the Massachusetts Attorney General and Fair Housing Enforcement Agencies in Massachusetts to refer final judicial and administrative findings of discrimination by real estate brokers for license suspension by the Board of Registration of Real Estate Brokers and Salespersons and requires the Board to temporarily suspend the broker’s license. (Under existing law, only the Massachusetts Commission Against Discrimination is authorized to refer cases to the Board for automatic suspension.)**
- ***Providing the Attorney General and Fair Housing Enforcement Agencies with this authority will make it more likely that enforcement actions***

against brokers who discriminate result in license suspension, which would have a strong deterrent effect.

- **Increases the license suspension period to 180 days for a second act of discrimination (vs. 90 days under the existing statute).**
- **Establishes a commission to recommend reforms to legislation, regulation, and licensure practices to end housing discrimination in Massachusetts.**
- **Requires all individuals seeking a new or renewed real estate brokers' license to take four hours of training on fair housing law or diversity and inclusion in real estate.**
- **Adds a new member to the Board of Registration of Real Estate Brokers and Salesmen, which reviews allegations of discrimination by real estate brokers - either an expert in fair housing and civil rights, or a tenant from a tenants' organization who has a housing voucher.**
- **Requires the Board to publish at least quarterly a record of cases filed against, and disciplinary actions (including license suspensions) taken against, real estate brokers, including cases involving allegations of housing discrimination.**

Section-by-section summary

An Act to end housing discrimination in the commonwealth (S.2566)

Favorably reported by Joint Committee on Consumer Protection and Professional Licensure

Section 1 - Adds a member to the Board of Registration of Real Estate Brokers and Salesmen (BRREBS) who is either a) an expert in fair housing and civil rights, or b) a tenant from a duly recognized tenants' organization in the commonwealth receiving public assistance from a local, state or federal rental voucher program.

Section 2 - Directs BRREBS to publish on at least a quarterly basis a summary of complaints filed against brokers for any reason, including a) the names of the brokers in question, b) BRREBS' investigatory actions taken, c) disciplinary hearings held and license revocations/other disciplinary action, and d) the reason for disciplinary actions by the board, including any final findings of discrimination in violation of G.L. c. 151B or other state and federal antidiscrimination statutes.

Sections 3-5 - Authorize the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) to refer a broker for automatic license suspension by (BRREBS), after making a final finding that the broker has engaged in discrimination in violation of G.L. c. 151B. (Under the current statute, only the Massachusetts Commission Against Discrimination is authorized to refer a broker for automatic license suspension. BFHC and CHRC, like MCAD, are certified by the U.S. Dept. of Housing and Urban Development under the Fair Housing Act to enforce the provisions of the Act, and hear the same type of housing discrimination cases as MCAD.)

Section 6 - Increases the license suspension period to 180 days for a second act of discrimination (vs. 90 days under the existing statute).

Section 7 - Authorizes the Office of the Attorney General to refer a broker to BRREBS for automatic license suspension, after the AG brings a case in court, and the court enters a finding that the broker has discriminated in violation of G.L. c. 151B. Stipulates that cases which qualify for referral to BRREBS must be referred by the Office of the Attorney General or the appropriate Fair Housing Enforcement Agency.

Section 8 - Requires all licensees to take at least four hours of training on fair housing law or diversity and inclusion in real estate, prior to renewal of their license.

Section 9 - Requires all applicants for a new real estate broker's license to take at least four hours of training on fair housing law or diversity and inclusion in real estate, prior to taking the licensing examination.

Section 10 - Establishes a commission within the Executive Office of Housing and Economic Development to review and make recommendations on policies, practices, and needed reforms concerning housing discrimination prevention and fair housing enforcement.

Newton Fair Housing Committee—Resources As of 5/8/2024

Newton Fair Housing Committee Page:

<https://www.newtonma.gov/government/planning/boards-commissions/newton-fair-housing-committee/-fsiteid-1>

Newton Fair Housing Page: <https://www.newtonma.gov/government/planning/housing-community-development/housing/fair-housing>

Fair Housing Ordinance: city ordinance codifying Newton’s fair housing policy and requirement that all public notices relating to permitting of housing must inform residents about the City’s Fair Housing policy

<https://www.newtonma.gov/home/showpublisheddocument/67451/637521808366100000>

Newton Planning and Development Ordinance, Section, 22-7 Statement on Fair Housing Required in Notices of Public Hearings and Meetings Relating to Permitting or Funding of Housing:

<https://www.newtonma.gov/home/showpublisheddocument/29807/637867563487070000>

Newton Human Rights Ordinance:

<https://www.newtonma.gov/home/showpublisheddocument/29785/638328082928230000>

Page9-10. Sec. 12-50. Policy of the city.

(a) It is the policy of the city to see that each person regardless of race, color, religious creed, national origin, sex, age, disability, ancestry, sexual orientation, or gender identify or expression, shall have equal opportunity in or access to employment, housing, education, and public accommodations; to assure that each person shall have equal access to and benefit from all public services and licensing; to protect each person in the enjoyment of his/her civil rights; and to encourage and bring about mutual understanding and respect among all persons in the city by the elimination of unlawful discrimination.

(b) Policy of the city regarding housing practices:

(1) It is the policy of the city to follow all of the provisions set forth in M.G. L. Chapter 151B (the Massachusetts Anti-Discrimination Law) and 42 U.S.C. § 3601, et. seq. (the Federal Fair Housing Act, as § 12-51 NEWTON ORDINANCES — HEALTH AND HUMAN SERVICES § 12-53 Newton Ordinances On-Line - Chapter 12 - page 10 amended) regarding non-discrimination in housing practices.” (Rev. Ords. 1973, § 2-282; Ord. No. 55, 2-18-75; Ord. No. 79, 7-28-75; Ord. No. 248, 12-5-77; Ord. No. S-140, 12-16-85; Ord. No. X-175, 05- 26-05; Ord. No. X-201, 04-03-06; Ord. No. A-44, 09-15-14)

Facebook:

<https://www.facebook.com/profile.php?id=100064530946762&mibextid=LQQJ4d>

Newton Leads 2040: In 2016 the city created Newton Leads 2040 Housing Strategy, a Blueprint to Promote Affordable, Diverse Housing & Economic Growth, which recommended priority actions to expand housing choice in the city. A Housing Needs Analysis and Strategic Recommendations were prepared by RKG Associates, which continues to guide affordable housing and fair housing initiatives.

<https://www.newtonma.gov/home/showpublisheddocument/41602/637418380094000000>

Consolidated Plan and Consolidated Annual Performance and Evaluation Report (CAPER)

<https://www.newtonma.gov/home/showpublisheddocument/90058/637974569233081603>

AFFH is highlighted on the city's website and in all the Housing and Community Development Division's programs. The annual report provides details on how the Consortium's federal funding is used to further fair housing.

Newton, through its Housing & Community Development Department, under the Department of Planning & Development, is the primary entity in the City that works with consultants to collect and monitor information related to fair housing

<https://www.newtonma.gov/government/planning/housing-community-development> This information is driven first by HUD requirements related to federal funding and by the City's responsibilities leading the WestMetro HOME Consortium. Also, the Fair Housing Committee has been working to collect lottery and lease-up data from developers/owners of affordable housing to identify barriers to successful tenancies and affirmatively furthering fair housing, with the aim of improving results and overcoming barriers.

MetroWest HOME Consortium <https://www.newtonma.gov/government/planning/housing-community-development/westmetro-home-consortium> is led by Newton to affirmatively further fair housing in these 13 comparatively wealthier, largely white communities that are suburbs of Boston and whose land use and zoning policies have historically contributed to segregation in the greater Boston area. In addition to Newton, it includes Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Sudbury, Waltham, Watertown, and Wayland. The Consortium is currently contracting with the Suffolk Law Housing Discrimination Testing Program to carry out matched pair testing on housing discrimination based on race and public subsidy vouchers.

Analysis of Impediments—With the WestMetro HOME Consortium, Newton led the Analysis of Impediments (AI) to Fair Housing Choice plan of 2021-2025. It carried out an extensive public engagement process and finalized the AI April 4, 2021

<https://www.newtonma.gov/home/showpublisheddocument/67974/637533290757270000>

Newton Community Needs Assessment 2/2022 for American Rescue Plan Act (ARP) investing in lower-resourced and traditionally marginalized populations particularly for finding or maintaining housing

<https://www.newtonma.gov/home/showpublisheddocument/81479/637817481785373331>

Current Affordable Housing Opportunities:

<https://www.newtonma.gov/government/planning/housing-community-development/housing/current-affordable-housing-opportunities>

Affordable Housing Resources:

<https://www.newtonma.gov/government/planning/housing-community-development/housing/homebuyer-assistance/affordable-housing-resources>

Homebuyer Assistance: <https://www.newtonma.gov/government/planning/housing-community-development/housing/homebuyer-assistance>

File a Fair Housing Complaint: <https://www.newtonma.gov/government/planning/housing-community-development/housing/fair-housing/file-a-fair-housing-complaint>

Architectural Accessibility: <https://www.newtonma.gov/government/planning/housing-community-development/architectural-accessibility>

Guidance on Fair Housing: <https://www.newtonma.gov/government/planning/housing-community-development/housing/fair-housing/homebuyers-renters>

Fair Housing Resource List: <https://www.newtonma.gov/government/planning/housing-community-development/housing/fair-housing/resources>

Fair Housing Month: <https://www.newtonma.gov/government/planning/housing-community-development/housing/fair-housing/reports-plans-policies>

Newton Diversity, Equity & Inclusion Policy:

<https://www.newtonma.gov/government/diversity-equity-and-inclusion>

The Newton Affordable Housing Trust

<https://www.newtonma.gov/government/planning/boards-commissions/newton-affordable-housing-trust> was established in 2021 to preserve existing affordable housing units and create new affordable units that are affordable to low- and moderate-income households, and to create a streamlined process to provide funding to new affordable housing projects.

The Newton Housing Partnership was created in 1989 to foster and support the preservation and creation of housing to promote an economically diverse city. It is responsible for reviewing housing projects and seeks to promote projects that will create housing that is affordable, accessible, and sustainable and that will support a diverse population in Newton over the long term

<https://www.newtonma.gov/home/showpublisheddocument/79811/637846849227970000>

The Newton Human Rights Commission <https://www.newtonma.gov/government/health-human-services/commissions/human-rights-commission#ad-image-1> was established in 1973

to ensure mutual understanding and respect among all persons in the City by promoting acceptance of diversity and combating discrimination. The HRC is responsible for the fair housing discrimination complaint process working with the Health and Human Services and Legal Departments.

The Newton Commission on Disability (COD)

<https://www.newtonma.gov/government/planning/boards-commissions/commission-on-disability> was established to foster equal access to community life and activities for people with disabilities. It is focused on the importance of increased accessibility, housing and facilities in municipal and commercial buildings, and other public places. It is responsible for the disability discrimination grievance procedure to meet the requirements of the Americans with Disabilities Act and Section 504 of the Federal Rehabilitation Act. COD is staffed by a full-time 504/ADA Coordinator who also staffs the Fair Housing Committee.

Newton Housing Authority <http://www.newtonhousing.org/> Most of the public housing, 298 units, is federally funded and is for the elderly/disabled. The wait list for these units is 3-5 years. The state-funded elderly/disabled program has a wait time of about 5 years. There are 79 family units that are scattered throughout the city, with 2-4 bedrooms units. The wait list is over 10 years for these. Newton also administers housing vouchers from HUD and the state. Some are for the homeless , and some are for survivors of domestic violence.

Community Preservation Program. Community Preservation Act funding for affordable housing allocated to Newton Affordable Housing Trust

<https://www.newtonma.gov/government/planning/community-preservation-program>

Homelessness Services: <https://www.newtonma.gov/government/planning/housing-community-development/homelessness>

Housing Eviction: <https://www.newtonma.gov/government/planning/housing-community-development/housing/housing-assistance-eviction-diversion/-fsiteid-1>

Housing Rehabilitation Program:

<https://www.newtonma.gov/government/planning/housing-community-development/westmetro-home-consortium/housing-rehabilitation-program>

Human Services Programs: <https://www.newtonma.gov/government/planning/housing-community-development/human-services>

Social Services: <https://www.newtonma.gov/government/health-human-services/social-services>

Overdue: Confronting Race & Racism: <https://www.newtonma.gov/government/mayor-fuller/special-projects-and-initiatives/overdue-confronting-race-racism-in-newton/-fsiteid-1#!/>

LGBTQ+ Resources: <https://www.newtonma.gov/government/mayor-fuller/special-projects-and-initiatives/lgtbq-resources>

High Interest Projects—Housing Developments:

<https://www.newtonma.gov/government/planning/development-review/high-interest-projects>

Amy Dain, independent consultant on public policy who focuses on urban and suburban planning and an expert on zoning in Massachusetts: exclusionary-by-design study:

<https://www.bostonindicators.org/reports/report-detail-pages/exclusionary-by-design>

Zoning redesign <https://www.newtonma.gov/government/planning/plans-policies-strategies/zoning-redesign> — AFFH has been integral to the process of zoning redesign and more recently planned implementation of MBTA Communities Act zoning. The most recent zoning redesign passed City Council in December 2023 and is designed to address MBTA Communities Act requirements as well as encourage more as-of-right housing, greater density in multifamily housing development including inclusionary zoning requirements that increase when more units are affordable. This will create new housing opportunities to promote more affordable housing, although it was substantially reduced and limited by final City Council vote.

Newton’s inclusionary zoning requirements, updated in 2019, for 7 or more units or payment to City to build affordable housing units, is beginning to result in more affordable housing options and more units are on the way. Requirements for 7-20 units: 15%; for 21-99 units: 17.5%; and for 100+ units: 20%. New 5-year review initiated in 2024.

<https://www.newtonma.gov/home/showpublisheddocument/87296/637937324849270000>

MBTA Communities Law: <https://www.newtonma.gov/government/planning/plans-policies-strategies/multi-family-zoning-requirement-for-mbta-communities>

Accessory Apartments: <https://www.newtonma.gov/government/planning/development-review/accessory-apartments> Implemented an accessory apartment ordinance allowing some development of smaller and more affordable units.

Newton reduced local preference requirements in affordable housing lotteries from state allowed 70% to 25%. A study commissioned by the city showed that there were significantly fewer people of color and people with disability who were successful in affordable housing lotteries than there were applicants.

Newton’s Stability/Mobility Initiative <https://www.newtonma.gov/government/health-human-services/social-services/community-needs-assessment> in partnership with

EMPath, a nonprofit organization with a mission of moving people out of poverty, is designed to use ARPA funds to support fifty low-income Newton families with children with intensive one-to-one economic mobility coaching over two years. The emphasis is on people of color who were disproportionately harmed by the pandemic and those who are homeless or at-risk of homelessness, living in subsidized housing, or who are otherwise struggling. The focus is on family stability, well-being, education and training, financial management and employment and career management. After the two years, participants will continue to work with EMPATH and will also receive monthly cash incentive for active participation.

State and Federal

My Mass Home. Newton posts available affordable homeownership opportunities on this site

https://www.mymasshome.org/?gad_source=1&gclid=Cj0KCCQjw2a6wBhCVARIsABPeH1v9bflatC-ndcukXzR0HLHRdo02XdOOCFaXkvfLT20UcNxyF-djRREaAjiUEALw_wcB

Housing Navigator. Newton and the Newton Housing Authority post available affordable rental opportunities on this site

https://search.housingnavigatorma.org/navigator?hasLottery=true&loc=Massachusetts&locType=all&page=1&seed=602&hasFcfs=true&gad_source=1&gclid=Cj0KCCQjw2a6wBhCVARIsABPeH1uNp4t_MV3ulAS2zZzLwP7-Kimhdy9bxRc_736iDzCuzcvzPkNKjlkaAp10EALw_wcB

Metrolist Boston. Newton posts available income-restricted rental and ownership housing: <https://www.boston.gov/metrolist>

Housing Choice Best Practices (EOHLC): <https://www.mass.gov/doc/2023-housing-choice-best-practices/download>

Fair Housing Planning Toolkit (HUD):

https://www.hud.gov/program_offices/fair_housing_equal_opp/fhp_toolkit

ADA and Section 504 Self-Evaluation and Transition Plan Guide (EOHLC):

<https://www.mass.gov/files/documents/2016/07/wj/ada-504.pdf>

State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Department of Justice): <https://www.justice.gov/opa/file/912366/dl>