

CITY OF SOMERVILLE, MASSACHUSETTS
FAIR HOUSING COMMISSION

Joseph A. Curtatone
Mayor

Staff

Bryant Gaspard

Commissioners

Claudia DeAndrade
Patrice Faulkner
Dennis Fischman
Rona Fischman
Natasha Sierra

Meeting Minutes

April 30, 2020

Via GoTo Webinar

Online Video Platform

04:00 pm

The meeting began at 4:15 pm.

Attending: FHC members Patrice Faulkner, Dennis Fischman, Rona Fischman and Natasha Sierra (call in); City staff, Bryant Gaspard.

Minute distribution (upon acceptance) to: FHC members and others attending; also posted to City website.

March 26, 2020 meeting was cancelled due to the onset of the COVID-19 Pandemic.

I. Standing Agenda Items

Meeting Minutes: Members reviewed draft minutes from the February 27, 2020 meeting that had been prepared by Bryant Gaspard and reviewed by Michael Feloney. Rona Fischman made a *motion* to accept the minutes which was seconded by Patrice Faulkner and unanimously *approved*.

Facebook page update: Dennis discussed a couple of Facebook posts that were the most popular and had the most engagement (i.e., shares). One of the Facebook posts discussed if it is legal for a landlord not to rent to anyone under the age of 25. Dennis explained that Age is a protected class under federal and state law and it is illegal to do so. However, there are exceptions where a landlord does not have to rent to a Minor (under 18 years of age) or in buildings meant for only seniors.

The other Facebook post discussed if a landlord wants to increase the rent what are the appropriate and legal procedures they must follow. The post explained that if a tenant has a lease with no escalator clause the landlord cannot increase the rent during the lease term, but may provide a renewal notice that contains the new and increased rent if the tenant decides to renew. If a tenant is at will (does not have a lease) then the landlord must give a 30 day notice in writing of the rent increase. In either case, with or without a lease, a tenant must agree to the rent increase for it to be valid.

Review of Calls/Issues/Complaints: Bryant informed the commissioners of two fair housing complaints he received in April. The first complaint was based on the protected class of familial status. A family believes their lease was not renewed because they had a baby and required the landlord to remove lead hazards from the apartment based on state law. The landlord felt misled because he did not know the wife was pregnant when he first rented to them and begrudgingly

removed lead hazards from the unit. As a result, he declined to renew their lease and he mentioned to the family that it was because of all the “issues they caused.” The family subsequently moved out, but did speak with Bryant and filed a fair housing complaint with him and MCAD.

The second fair housing complaint came from a tenant with a Section 8 voucher who has not been receiving call backs or responses from landlords and realtors. She believes she has been discriminated against because she has a Section 8 voucher and is a member of a protected class based on receipt of public assistance. Attempts have been made to call the tenant back to follow up, but she has not responded to the calls or voice messages. Rona shared that someone she knows may have been discriminated against in another city based on familial status (having children) and Bryant added that he would follow up with her and provide the intake number for Suffolk’s program.

II. Update on Specific Activities

Bryant informed the commissioners of a virtual brown bag conference call with Suffolk University’s Housing Discrimination Testing Program (HDTP). The conference call is designed to get updates, relevant information and guidance on fair housing law and issues from various staff working in municipalities and agencies in Massachusetts due to the COVID-19 pandemic. One of the items discussed was a situation where an individual was denied housing at a lodging house because they were exhibiting symptoms of COVID-19 (fever and cough) and there were no private bathrooms/bedrooms available. These sorts of congregate housing accommodations have been very careful in who they admit due to fears of the virus spreading among the tenants.

Another item discussed was that some landlords were resorting to self-help eviction tactics because the courts are closed during the pandemic. The landlords will change the locks on doors without their tenant’s knowledge and in some cases were harassing them to leave their apartment. It was reiterated during the call that under Massachusetts General Law it is illegal for a landlord to engage in self-help eviction and they must serve a notice to quit, file a summary process complaint and seek a writ of execution through the courts (Housing or District Court) to evict a tenant. One of the last items discussed was that domestic violence shelters have been exploring alternative arrangements for families in their shelters. New families entering the shelter system have been relocated to empty hotel rooms.

Bryant shared that the Somerville Board of Health and Mayor Curtatone passed an emergency order in late March related to an eviction moratorium. The moratorium details that a resident could not be physically evicted and removed from their premises during the pandemic and can deny the landlord from entering the premises except for emergency repairs. Subsequently, the state passed and the Governor signed into law a housing security bill on April 20, 2020 which prevents landlords from serving notices to quit, assessing tenants late fees, reporting to credit bureaus and preventing sheriffs from enforcing executions for possession. The moratorium will last for 120 days or 45 days after the Governor lifts the COVID-19 state of emergency. Dennis shared that tenants with no immigration status and are in need of financial assistance should reach out to the Welcome Project for the immigrant relief fund. Those residents with no immigration status are ineligible to receive funds such as the federal government stimulus checks. Patrice added that she does know some people who received federal government stimulus checks and that assistance has been helpful in paying bills and other living expenses.

Bryant also shared that he reached out to staff at Somerville Housing Authority (SHA) and they informed him that they are giving voucher holders an additional 60 days after the expiration of their voucher due to the pandemic. Natasha shared that a fair amount of voucher holders have been able to find landlords willing to take their voucher, possibly due to a lack of competition and many people choosing not to move at this time. She added that there is some concern with new residents moving into SHA properties during the pandemic. Dennis shared his experience as a landlord renting to tenants with vouchers at the SomerVIP (Voucher Incentive Program) event. SomerVIP is a program created by the Office of Housing Stability (OHS) to provide financial incentives to landlords to rent to Section 8 voucher holders. Dennis thought that the landlords that attended the event seemed interested and hoped there would be more interest and participation in the future. Rona opined that the current housing market in the Greater Boston Area during COVID-19 has been more of a buyer's market (due to the pandemic) because there are units that are empty and demand may be down.

III. Announcements

Bryant announced that the application deadline and lottery date for the four income restricted condominiums at Cedar Place (17-25 Murdock) has been pushed back. The new application deadline is May 28, 2020 before 2pm and the lottery will be held on June 23, 2020.

A *motion* to adjourn was introduced by Rona and seconded by Patrice and *approved* unanimously. The meeting was adjourned at 5:09 pm.