

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 25, 2019

Conference room-Somerville Library

79 Highland Avenue, Somerville, MA

4:00 pm

The meeting began at: 4:05pm.

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

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

I. Standing Agenda Items

Meeting Minutes: Members reviewed draft minutes from the March 28th meeting that had been prepared by Bryant Gaspard and reviewed by Mike Feloney. Dennis Fischman made a *motion* to accept the minutes which was seconded by Rona Fischman and unanimously *approved*.

Facebook page update: Dennis shared that the Facebook post that was the most popular in terms of views was an article about automated background checks. ScorePLUS is described as a “statistical lease screening model” that calculates “a single score” to determine the potential risk of someone signing a lease. A landlord might also turn to a product called CrimCHECK, which conducts a database search for criminal records. The algorithms used are based on an average person’s profile, but the process may have unintended consequences such as not taking into account the totality of someone’s circumstances.

Review of Calls/Issues/Complaints: Bryant shared with the commissioners that he recently received several fair housing complaints for the months of March and April. It was not possible to review complaints at the March meeting due to time constraints. Consequently Bryant reviewed complaints for March as well as April.

In March there were four fair housing-related complaints.

- The first complaint was from a tenant who has a mice infestation in her apartment and believed the lack of response from management was because of her race and disability. Bryant is working with a Somerville nonprofit, to ensure the property manager addresses the infestation, and afterward will speak with the tenant to determine if she wants to proceed with a fair housing complaint.

- The second communication was more of an inquiry than actual complaint, regarding whether a Somerville property owner met an exemption under fair housing law. The prospective tenant had called an apartment ad he saw on craigslist, and was told by the owner of the house that the owner's aunt (who lived in the property) had cancer and that the owner therefore would not rent to a household with children. The prospective tenant called about this exemption; staff verified that under MGL151B there is an exemption for a dwelling that is three apartments or less and in which one of the units is occupied by an elderly or infirm person for whom the presence of children would constitute a hardship. Bryant followed up with a staff member at the Massachusetts Commission Against Discrimination (MCAD), regarding the possibility of any property owner simply telling a prospective tenant that they have an elderly or infirm person residing in one of the units to avoid having to rent to families with children. The staff member shared it would be difficult to prove because it is based on the owner's word.
- The third complaint involved another prospective tenant who believed they were discriminated against because of use of public assistance. The tenant was going to lease up at the property using funds from HomeBase. However, the requirements of the program (mainly the unit passing inspection) and the owner's insistence to get paid for the full month apparently resulted in the realtor informing the prospective tenant that they were no longer going forward with a lease up. Bryant spoke with the prospective tenant and her case worker at Project Hope, and determined that it would be best to refer the complaint to the Housing Discrimination Testing program at Suffolk University. That referral is based on the owner's and/or realtor's decision not to rent to the prospective tenant and may be a violation of fair housing law by discriminating against someone who receives public assistance.
- The fourth complaint involved an applicant applying for a housing subsidy. The applicant was denied the housing subsidy, and believed he was being "given the run around" and being discriminated against based on his race and disability. The applicant will have another meeting where he can appeal the denial. The applicant shared with Bryant that he will hold off on filing a complaint until his appeal is finished.

For the month of April there was one housing complaint and one inquiry by a property owner if their actions were in violation of fair housing law.

- The first complaint was from a current tenant who shared with Bryant that her landlord (owner-occupied) had illegally entered her apartment/room and was yelling several things to her including "to go back to [her] country." The tenant temporarily vacated the apartment for a couple of days before returning due to safety fears based on her landlord's actions. She has returned to the apartment, but recently received an eviction notice.
- Lastly, a Somerville property owner called Bryant with a question regarding her tenants' guest. The property owner lives on the first floor of a two family house and her tenants live upstairs. The tenants recently had a guest visit them who happened to be disabled and was using a service dog. The owners have a provision in their lease with the tenants that states that the tenants must get permission from the owners to have any pets/animals on the premises because of health issues that affect several members of the owner's family. The

tenants never asked for permission and when the dog was heard barking the owners spoke with the tenants who claimed that the guest needed the dog.

The guest eventually left the apartment, but the owners are fearful it may result in a discrimination complaint. Bryant informed the owner that based on Massachusetts tenant/landlord law the provision about animals in the lease was legal - that the guest was not a tenant and did not have to be afforded the same protections as a tenant for state disability laws. Bryant also checked with the Massachusetts Office on Disability, which confirmed that the guest was not afforded any protection under state disability laws.

II. Update on Specific Activities

AFFH (Affirmatively Furthering Fair Housing)-updates

Debrief /discussion of April 24th Property Owner Workshop-The commissioners who attended the event shared their opinions on how the event went. Dennis expressed that it was a great effort to plan the event because there had not been a workshop geared to property owners in quite some time. He added that it was a positive sign that all the city staff presented a united front at the workshop and conveyed that they were there to help Somerville property owners and provide them with information and resources. Dennis also shared that in his opinion it took too long to discuss certain programs for homeowners specifically in regards to housing rehabilitation, energy assessment and heating system replacement. These were the last topics discussed during the workshop.

Rona expressed that in her opinion the workshop overall was a good endeavor but did provide some feedback on some of the speakers. She shared that in her opinion Bryant had “buried the lead” when he spoke, but overall had a good presentation. She added that the staff person (Brooke Murphy) from the Office of Housing Stability also had a great presentation.

III. Overview/summary of 2019 Fair Housing and Civil Rights Conference

Bryant shared his experience at the April 12th Fair Housing and Civil Rights conference in Springfield, MA. He attended two workshops, one that included fair housing testing with staff from the U.S. Department of Housing and Urban Development (HUD) and a workshop about healthy housing. The fair housing testing workshop was informative regarding HUD’s process to determine if discrimination has taken place, settlements with respondents and how long they follow up with a respondent that engaged in discriminatory behavior.

The workshop about healthy housing consisted of a speaker from Worcester discussing his City’s plans to have a rental registry and properties would be inspected every two to three years. During the workshop it was expressed by several attendees the concern about a rental registry is the potential for unintended consequences, specifically negative consequences, such as an increase in rents due to units having to be in a certain condition to pass inspection and illegal units (often basement units) being taken off the market.

IV. Announcements/Updates

No announcements were made or updates provided.

A motion to adjourn was introduced by Rona and seconded by Patrice and approved unanimously. The meeting was adjourned at 5:00 pm