

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

October 24, 2019

Auditorium room-Central Library
79 Highland Avenue, Somerville, MA
4:00 pm

The meeting began at: 4:02 pm.

Attending: FHC members, Claudia DeAndrade, Dennis Fischman, and Rona Fischman; 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 September 26th meeting that had been prepared by Bryant Gaspard. Rona Fischman made a *motion* to accept the minutes which was seconded by Claudia DeAndrade and unanimously *approved*.

Facebook page update: Dennis shared that two particular Facebook posts in the month of October were the most popular and had the most engagement (shares). One of the Facebook posts asked what is the difference between Sex and Sexual orientation in terms of protected classes under the Fair Housing Act. The response was that Sex refers to a person's gender and sexual orientation is the gender that person is most sexually attracted to. The second article was about New York City's Department of Housing Preservation and Development implementing a new policy that an applicant's rent payment history will be used instead of their credit score for affordable housing lotteries. The change in policy allows for applicants to provide 12 months of rent payment history and they will not have to provide a Social Security Number or Individual Taxpayer Identification Number for every adult in the household, allowing immigrants to apply as well.

Bryant shared that City staff in the Housing Division have had discussions about using rent payment history in the Inclusionary program rather than credit scores. Staff noted that more blacks and Latinos apply for rental programs than homeownership and the requirement of a high credit score in the screening process has forced some applicants to not even apply to a housing lottery.

Review of Calls/Issues/Complaints: Bryant informed the commissioners that a report of discrimination was emailed to him in October, but when he called and emailed to follow up with the sender he received no response. He has made several attempts to contact the sender, but to no avail.

It is unclear if it is the sender's phone number or email address that is incorrect.

Bryant also provided an update to the commissioners on a previous fair housing complaint he discussed in August regarding a tenant whose landlord discriminated against him based on his national origin.

II. Update on Specific Activities

AFFH (Affirmatively Furthering Fair Housing)-Bryant updated the commissioners that Suffolk University's Housing Discrimination Testing Program is currently conducting a test on a housing provider in Somerville. He informed them that that he will keep them updated about the test and any outcomes that may occur. Bryant decided to do a referral to Suffolk University to conduct a test on the housing provider based upon possible discriminatory language they used in their advertising.

III. Review comments submitted to HUD about proposed change to disparate impact standard

Bryant provided the commissioners a copy of the comments that were submitted to HUD based on their proposed rule to change the disparate impact standard in the Fair Housing Act. All of them agreed that changing the standard and increasing the difficulty of proving a discriminatory suit would lead to more discrimination. Rona added that the pattern is that people will get discriminated against and move on; the willingness to go to court and fight the case may dissipate as people realize the higher burden of proof needed to win a discrimination suit. Dennis expressed that in his opinion that the federal government was telling entities how to cover up and/or defend their discrimination in acceptable manner. Bryant added that most of the comments he saw in regard to the proposed rule were against any changes to the disparate impact standard. However, he added that he did see comments in favor of the rule change from people representing or working at various businesses.

IV. Announcements/Updates

Bryant informed the commissioners that the Office of Housing Stability (OHS) will hold a Tenants Rights Workshop on November 6, 2019 at Healey School Cafeteria from 6:30 to 8:00pm. Tenants will learn what rights they are entitled to and what resources are available to them. Claudia mentioned that this workshop may be useful to her neighbors and other tenants that she knows who may be experiencing various issues related to their tenancy. She shared her own experience of having to deal with bad conditions in her apartment and having to call management and maintenance several times when she first moved into her apartment until it was resolved. She added that she thought the timing and location of the event were ideal, but that the flyer could be enhanced.

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

Documents distributed at meeting:

- Somerville Fair Housing Commission comments about HUD'S proposed rule to change disparate impact standard
- Tenants Rights Workshop flyer