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July 2024

FAIR HOUSING COMMISSION ANNUAL REPORT: FY 2024

This document serves as an annual report on Fair Housing Commission (FHC) activities for FY 2024 (July 1, 2023 - June 30, 2024) as per the Somerville Code of Ordinances. Ordinance Chapter 7 – Housing, Article III Section 7-47 calls for staff “to render each year to the mayor and city council a full written report of all its activities and of its recommendations.”¹ As local fair housing issues occur within national and state-level contexts, the discussion of Somerville FHC activities that follows begins with background information on national and state fair housing issues during the report period.

Background

While some of the national and state level issues discussed below were reviewed in prior year reports, they remain relevant to local fair housing efforts in Somerville.

Federal context. The Affirmatively Furthering Fair Housing (AFFH) rule, originally issued by the Department of Housing and Urban Development (HUD) under the Obama administration in 2015, continues to inform Somerville’s approach to fair housing. The AFFH rule called for municipalities to foster inclusive communities by addressing persistent segregation and housing discrimination. The rule did so by requiring municipalities receiving federal housing and community development funds to submit an “Assessment of Fair Housing” (AFH).² City of Somerville Housing Division staff submitted an AFH for Somerville in October 2017. (Footnote 3 below includes a link to the assessment.³)

AFFH was first suspended by HUD in 2018 and then repealed in 2020.⁴ The Biden administration announced it would work toward reinstating the AFFH rule and a modified version with simplified requirements was proposed in February 2023 and completed its public comment period in April 2023. It would have mandated that recipients of HUD funds submit Equity Plans, similar to the previous

¹ Somerville Ordinance (Code 1963, § 17-7)

² Affirmatively Furthering Fair Housing Notice of Proposed Rulemaking <https://www.hud.gov/AFFH>

³ City of Somerville AFH s3.amazonaws.com/somervillema-live/s3fs-public/assessment-of-fair-housing-2017.pdf

⁴ AFFH Interim Final Rule and Proposed Revision to Equal Access Rule Listed at OIRA <https://nlihc.org/resource/affh-interim-final-rule-and-proposed-revision-equal-access-rule-listed-oira>

“Assessment of Fair Housing” submitted under the 2015 rule.⁵⁶ The final rule was not issued by the end of FY 2024. In the meantime, HUD continued to encourage municipalities to identify

State context. The FHC worked on state-level issues in FY24 focused on the Massachusetts Commission Against Discrimination (MCAD), the entity that enforces anti-discrimination laws in the Commonwealth. MCAD is charged with investigating discrimination complaints in employment, housing, and public accommodations among other areas. Due to media reports of people facing multi-year delays after filing complaints, FHC members explored potential means of addressing this issue on the local level and are prioritizing proactive educational regarding fair housing within the City, as the Commission does not currently have enforcement abilities (See FY24 FHC Activities for detailed information on that work).⁷ This work has continued in FY24 with both the Fair Housing Commission and the Anti-Displacement Task Force discussing solutions to these issues. In FY23, the State Legislature increased the appropriation for MCAD by \$3,360,000. The FY23 budget was \$7,600,000, which meant the agency was no longer reliant on federal funding.⁸ MCAD received 439 housing-related complaints in FY24.⁹

Local context. Somerville’s Anti-Displacement Task Force’s Residential Division submitted a home rule petition to the Somerville City Council to allow rent stabilization in Somerville.¹⁰ On November 9th, 2023, Mayor Ballantyne’s administration submitted it to the City Council, and it was unanimously passed by City Council on December 18th, 2023.¹¹ The home rule petition was referred to the state legislature Joint Committee on Housing on January 4th, 2024. The Committee’s reporting date was extended to July 10th, 2024, pending concurrence.¹²

FY24 FHC Activities

This section describes three primary areas of FHC activity in Fiscal Year 2024.

Enforcement. MCAD considers complaints to be backlogged when they have been in process for more than 100 days. In Somerville, this affects people looking to rent or buy as they cannot count on a timely response. While MCAD received an increase in funding in 2022 to assist in addressing these delays, the problem continued to persist throughout Fiscal Year 2024. Although they were able to reduce the number of old cases, the number of new cases increased, as did the backlog.⁹

Commissioners shared concerns about the MCAD backlog and suggested exploring steps to see if it would be possible to become what is known as a “substantially equivalent agency” to HUD as a way to address these issues. This approach would allow the City of Somerville to enforce federal protections against discrimination in housing. Their letter to City Council, which also advocated for the allotment of additional funds to MCAD to help address the backlog, prompted a series of follow-up discussions which have continued into the current fiscal year.¹³ Becoming a substantially equivalent agency was determined

⁵ Department of Housing and Urban Development - Federal Register / Vol. 88, No. 27 / Thursday, February 9, 2023 / Proposed Rules <https://www.govinfo.gov/content/pkg/FR-2023-02-09/pdf/2023-00625.pdf>

⁶ HUD to Withdraw Proposed Affirmatively Furthering Fair Housing Rule <https://www.novoco.com/news/hud-to-withdraw-proposed-affirmatively-furthering-fair-housing-rule>

⁷ “Ballooning case backlog at the state’s anti-discrimination agency forces people to wait years for justice”, Boston Globe Article

⁸ MA Legislature Sets Its Sight On Discrimination <https://www.mass.gov/news/ma-legislature-sets-its-sight-on-discrimination>

⁹ MCAD 2024 Annual Report <https://www.mass.gov/doc/mcad-fy24-annual-report/download>

¹⁰ <https://www.somervillema.gov/news/ballantyne-administration-submits-rent-stabilization-home-rule-petition-city-council>

¹¹ <https://somervillema.legistar.com/LegislationDetail.aspx?ID=6052840&GUID=B1200E05-4FD4-4563-B914-18D5E2EE3C18>

¹² <https://malegislature.gov/Bills/193/S2545/BillHistory>

¹³ FHC Letter to City Council sent December 20th, 2022

not to be a feasible approach at this time as it would require a Home Rule Petition. Home Rule Petitions can take several years to pass through the state legislature and may not be approved. Due to concerns about the delay, the FHC and other City offices they are collaborating with have elected to focus on education and prevention. The other benefit to focusing on prevention instead of enforcement is that it will likely increase housing stability and reduce some of the stressors of finding a new apartment to lease. Very few tenants want to rent a unit where they have already experienced discrimination.

Educational and Outreach Activities. The Fair Housing Commission promotes community knowledge of fair housing rights and responsibilities in several ways. The most prominent of these are the events run for Fair Housing Month, presentations at First Time Homebuyer Classes, and tabling at community events.

For National Fair Housing Month in April, the Fair Housing Commission held two events, both of which were promoted in collaboration with the Somerville Public Library. One event was a discussion of Richard Rothstein's book *The Color of Law* and a screening of the short film, *Segregated by Design*. The film was available in English with Spanish subtitles. A Spanish interpreter was present at the event to increase access. This event was held in person at the Central Branch of the Somerville Public Library and was a joint effort between The Fair Housing Commission, Housing Division Staff, and the Somerville Public Library Head of Adult Services Kerry O'Donnell.

The other event was held in a hybrid format at the Somerville Public Library Central Branch and on Zoom. Attorney Todd Kaplan, from Cambridge and Somerville Legal Services, shared information on best practices for tenant screening, especially in regard to varying sources of income and the use of credit scores, then opened to a discussion. This was a new event held for Fair Housing Month, and it received positive feedback from attendees.

The Commission worked closely with Somerville's Anti-Displacement Task Force in FY24 with an FHC member sitting on their residential section. This task force submitted a home rule petition for rental stabilization during this fiscal year. The task force is continuing to identify and address housing needs in the City of Somerville. One of their main goals after the submission of the home rule petition is researching how to prevent fair housing discrimination and enforce fair housing laws.

The Housing Division's Program Specialist for Fair Housing and Inclusionary Housing presents at the Somerville Community Corporation's First Time Homebuyer Classes (FTHB) on a monthly basis. These classes are open to anyone who would like to learn about the homebuying process. The Fair Housing Specialist's presentation covers the rights and responsibilities of tenants, purchasers, landlords, and sellers in Somerville.

The presentation outlines what discrimination is and who is protected as well as what individuals and families can do if they experience discriminatory behavior. The presentation also covers items relating to the City's Inclusionary Housing Program and Closing Cost Assistance Programs. A First Time Homebuyers Certificate is a prerequisite for applying to an Inclusionary unit or receiving Closing Cost Assistance.

The Fair Housing Commission and staff liaison expanded their outreach to tabling at Civic Day. At the event, the Commission had a fair housing fact sheet on the table which attendees were encouraged to take a picture of to know their rights. There was also an activity with a mock advertisement on which attendees would point out the discriminatory language, after which they would discuss examples of and learn more about what constitutes fair housing discrimination, tailored to their personal experiences as renters or owners. Because this was a city-wide event with other tables also doing outreach, the Commission was able to reach a broader range of community members than at fair housing-specific events. They plan to table at more community events in FY25.

Fair Housing Inquiry and Complaint Procedures. Any report from a resident, prospective tenant, or buyer stating they were discriminated against in attempting to rent or purchase a property in Somerville is

considered to be a fair housing complaint. By that standard, seventeen (17) complaints were submitted to the Fair Housing Commission during FY24. It should be noted that this total does not include those that a Somerville resident, prospective tenant, or buyer may have filed directly with any other Fair Housing agency, including MCAD, HUD, or the Massachusetts Attorney General’s office. People who have experienced housing discrimination may go to one of these agencies directly; in such cases Housing staff do not have access to that data due to privacy practices.

Inquiries and referrals regarding fair housing discrimination can be made by filling out the fair housing form on the City’s website or by directly contacting Housing staff via phone, in person, or email. Reports may also come by referral, such as from the Office of Strategic Planning and Community Development’s (OSPCD) Office of Housing Stability (OHS). OHS staff work on issues such as assisting constituents with landlord tenant conflicts or connecting tenants with resources like rental assistance; their work often overlaps with fair housing concerns raised by Somerville constituents. When a report is made to the Fair Housing Commission, it is recorded in an electronic log and the Fair Housing Program Specialist assists the individual with filing their complaint with relevant enforcement agencies as defined in the ordinance.¹⁴

When a complaint is submitted, the Fair Housing Specialist assists the individual with filing complaints with all relevant enforcement agencies. In many cases, the situation described in the complaint is under both state and federal jurisdiction, so the complaint is referred to both levels of government. The practice of referring complainants to as many organizations as may be helpful to them can mean there is a discrepancy between the total number of referrals and the number of complaints.

Multi-year Trends and Visual Representation of Fair Housing Complaint Data FY18 - FY24

The data presented below encompasses a seven-year review of complaints received by the Fair Housing Commission, followed by data from Fiscal Year 2023 alone. (Interested parties can view prior annual reports on the Fair Housing Commission website linked in the footnotes.¹⁵). Readers can also see Appendix 1 for a breakdown of complaints received, based on the City Ward in which the alleged discriminatory action took place.

Table 1 below describes the number of complaints received by the Fair Housing Commission over the past 7 fiscal years. The table reflects an increase in complaints received between FY18 and FY20, a decrease in reports for FY21, and a sharp increase in FY22. The number of complaints in FY24 was higher than those in FY23. The number of complaints received remains within the range of complaints received in prior years for which data is available.

Table 1: Fair Housing complaints received by Fiscal Year (FY 18 - FY 24)

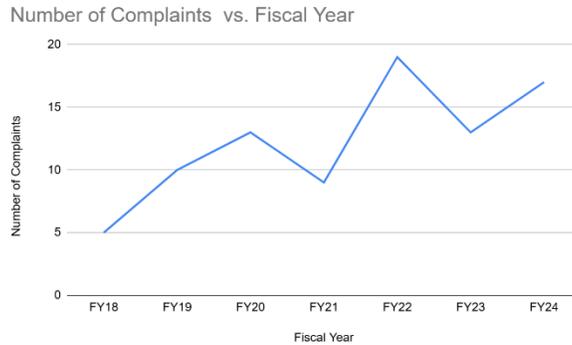
| FY18 (July 1, 2017- June 30, 2018) | FY19 (July 1, 2018- June 30, 2019) | FY20 (July 1, 2019- June 30, 2020) | FY21 (July 1, 2020- June 30, 2021) | FY22 (July 1, 2021- June 30, 2022) | FY23 (July 1, 2022 – June 30, 2023) | FY24 (July 1, 2023 – June 30, 2024) |
|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|-------------------------------------|-------------------------------------|
| 5 | 10 | 13 | 9 | 19 | 13 | 17 |

Chart 1 below provides a graphical depiction of complaints received in fiscal years over the same period covered in Table 1. As noted in Table 1, more complaints were received in FY24 than in FY23.

Chart 1: Fair Housing complaints received vs Fiscal Year (FY 18 - FY 24)

¹⁴ Somerville Ordinance (Code 1963, § 17-7)

¹⁵ Somerville Fair Housing Commission somervillema.gov/departments/fair-housing-commission



The 17 complaints received in FY24 fell within nine (9) of the 15 categories of protected classes in Massachusetts. Note that some complaints received by the Commission were determined to not be Fair Housing complaints; they are not included in the preceding table and chart. Additionally, if a complaint involves more than one protected class, they are counted in each relevant category in the list below. A summary of the classes identified in association with complaints received in FY24 follows below.

- 8 based on the protected class of Disability,
- 5 based on the protected class of Sex or Gender,
- 4 based on the protected class of Race,
- 3 based on the protected class of Source of Income/Recipient of Public Assistance,
- 2 based on the protected class of Child/Lead Paint,
- 2 based on the protected class of Age,
- 2 based on the protected class of Sexual Orientation
- 1 based on the protected class of Color,¹⁶ and
- 1 based on the protected class of National Origin.

Fiscal Year 2024 Complaint Outcomes

The following is summary information on resolution of complaints at the City level during Fiscal Year 2024.

In FY24 Fair Housing staff submitted (or helped complainants submit) 8 complaints to MCAD; 5 were referred to the Somerville Office of Housing Stability (OHS); 4 were referred to community or legal aid services, 2 were resolved between the tenant and landlord, and 8 were unresolved due to a lack of response from the complainant. Several complainants were referred to more than one organization or service. Several complaints were submitted after a property owner or agent did not return calls or refused to rent a unit after the prospective tenant disclosed membership of a protected class, especially having a service dog to assist with their disability.

In FY24, unlike in previous years, Housing Division staff did not refer any complaints to Suffolk University Law School’s Housing Discrimination Testing Program (HDTP). This option was not used in FY24 because the complaints received did not necessitate testing.

Several people described feeling unsafe at home due to actions of their landlords or property management companies, but being unable to remain in Somerville if they were to move at the conclusion of the lease term. The households most affected by this, as represented in the breakdown of complaints by protected

¹⁶ Race discrimination involves treating an applicant or apprentice differently because of his or her race, while color discrimination involves differential treatment because of skin color, pigmentation, complexion, shade or tone, regardless of race. (U.S. Department of Labor <https://www.dol.gov/agencies/eta/apprenticeship/eco/protected/race-color>)

category above, included people with disabilities and women. While in previous years source of income (such as use of a Section 8 housing voucher) has been the basis of most Fair Housing complaints, FY24 saw a rise in complaints on the basis of disability and sex discrimination. The pressures experienced by people experiencing housing discrimination and subsequent housing instability places some of Somerville's most vulnerable residents in acutely stressful circumstances, often without adequate support.

Progress Toward AFH Priorities and Other Efforts

Three priorities were included in the Assessment of Fair Housing (AFH) submitted to HUD in 2017: ensuring that the Fair Housing Commission is fully seated and staffed, increasing outreach to Somerville constituents on fair housing issues, and collaborating with local and statewide fair housing agencies. Below is information regarding work in these areas during FY24.

1. *Ensuring the Fair Housing Commission is fully seated and staffed.* The Fair Housing Commission was not fully staffed in Fiscal Year 2024. Members included Patrice Faulkner, Dennis Fischman, Rona Fischman, and Janine Lotti. Claudia DeAndrade stepped down from the Commission on July 18th, 2023, and Kay Mammo was approved by the City Council and Mayor on April 22, 2024, but had not yet been sworn in to the Commission by the end of FY24. Despite the Commission not being fully populated, quorum was not an issue, and the Commission continued to meet regularly.
2. *Increasing outreach to tenants and landlords on fair housing issues.* The Fair Housing Commission and City staff continued to manage Fair Housing outreach in primarily virtual settings such as Zoom and the Commission's Facebook page. The Commission continued to meet virtually in FY24 and transitioned to Zoom. All meeting information is added to the City calendar to allow and encourage the public to attend the monthly meetings. The Commission also used online platforms such as the City of Somerville Fair Housing webpage and the Fair Housing Commission Facebook page to promote Fair Housing outreach.

The Commission hosted virtual and in person events on discrimination in housing for Fair housing Month. Commissioners hosted a book discussion about *The Color of Law* by Richard Rothstein and held a screening of the short film, *Segregated by Design*. Resources for people renting, selling, or buying property in Somerville can be found on the City of Somerville Fair Housing webpage (linked in the footnote¹⁷). The Fair Housing resources published on the City's website are available in multiple languages. The Fair Housing Commission also hosted a conversation with attorney Todd Kaplan on tenant screening practices and source of income discrimination.

The Commission's Facebook page is maintained by Commissioner Dennis Fischman and remains another source of community engagement. Commissioner Fischman posts topics, articles and questions related to fair housing and landlord/tenant law on a weekly basis. At monthly meetings, Dennis reported on the Facebook page activity and which posts had the highest engagement from community members. Some of the most shared posts shared examples of discriminatory actions and resources to contact Housing Division, an article about the 1968 Fair Housing Act, and an article describing how tenants fighting an eviction can cite their landlords' discriminatory conduct as a means to stay in their home.

The Commission engaged with the community by tabling at Civic Day.

3. *Exploring regional collaborations with local fair housing agencies.* FHC also continued to collaborate with local housing organizations. This included ongoing participation in First Time

¹⁷ Somerville Fair Housing Commission <https://www.somervillema.gov/departments/fair-housing-commission>

Homebuyer (FTHB) classes offered by the Somerville Community Corporation (SCC). Those presentations cover the basics of Fair Housing law and resources available if someone feels that they may have encountered discrimination, and current Inclusionary homeownership opportunities. At present, the First Time Homebuyer Classes offered through SCC are primarily held in English, with 1-2 classes held in Spanish each calendar year. Other agencies throughout the Greater Boston Area offer classes in other languages, for more information please see the footnote.¹⁸

Class attendees are encouraged to contact the Fair Housing Program Specialist through the complaint portal on the Somerville Fair Housing Webpage or by calling their City phone extension if they suspect they have experienced a violation of their fair housing rights. As noted, the Specialist refers complainants to enforcement agencies depending on the kind of Fair Housing violation reported, which can determine whether it would qualify as a local, state, and/or federal violation. As also noted, the Fair Housing Specialist also connects households with resources such as the Office of Housing Stability and/or legal services for concerns that are determined not to be of a fair housing nature.

The FHC also has taken steps to raise awareness of the statewide backlog of fair housing complaints with the Massachusetts Commission Against Discrimination (MCAD). As noted previously, Commissioners drafted and submitted a letter regarding the backlog with the Somerville City Council in December 2022. The City of Somerville ordinance requires that fair housing complaints are referred to MCAD when discrimination appears to be present. Commissioners, a City Councilor, and City staff met through Fiscal Year 2024 to discuss how the City of Somerville can address and enforce Fair Housing law. The conclusion of these meetings was that prevention through expanding the Commission's educational outreach, as mentioned above, is a more effective strategy for preventing displacement than enforcement, however both should be increased as possible. The commission will continue to connect with other local and state agencies invested in fair housing, such as Cambridge and Somerville Legal Services, Attorney General's Office, MCAD, and Citizens' Housing and Planning Association (CHAPA) in FY25.

Other Fair Housing Efforts and Concluding Information

The Fair Housing Commission and staff continued to facilitate use of the City's Language Access Plan, by providing materials in several languages commonly spoken by Somerville residents including Spanish, Portuguese, Haitian Creole, Mandarin, Cantonese, and Nepali. The fair housing complaint intake form was updated in April 2024 to the languages listed above. The newly available translation increases direct access to fair housing knowledge and enforcement and addresses gaps in knowledge between the City's English-speaking residents and those who rely on translated resources. Fair Housing staff continue to collaborate with the Somerville Office of Immigrant Affairs (SOIA) to conduct outreach to non-English speaking residents who may not otherwise submit Fair Housing violation reports due to a lack access to the complaint process or concerns around immigration status and retaliation.

The Fair Housing Commission and staff remain committed to its AFFH goals of informing, educating, and responding to Fair Housing complaints from all current or prospective Somerville residents affected by housing discrimination. Questions or requests for information regarding this report may be directed to the Program Specialist for Fair Housing and Inclusionary Support at 617-625-6600, extension x2569.

¹⁸ Citizens' Housing & Planning Association (CHAPA) Upcoming First Time Homebuyer Workshops <https://www.chapa.org/housing-courses/homebuyer-workshops>

Appendix 1- Fair Housing complaints received by Ward in FY24

Appendix 1 shows Fair Housing complaints received in FY24 by City ward. Note that the addresses used to determine the Ward for the data in this table are the address of the incident reported in the complaint, even if that address is not the current residence of either party. There does not appear to be a clear distribution pattern based on ward.

Fair Housing complaints received by Ward in FY24

| Ward | # of complaints | Protected Class(es) |
|-----------------------|------------------------|---|
| 1 | 2 | Disability, source of income |
| 2 | 2 | Race, sex, gender |
| 3 | 3 | Sex, gender, child under 6, age |
| 4 | 1 | Age |
| 5 | 1 | Race, color, national origin |
| 6 | 3 | Disability |
| 7 | 1 | Disability |
| Unknown ¹⁹ | 4 | Disability, child under 6, race, sex, gender, sexual orientation |
| Total | 17 | Representing 9 out of 14 protected classes under Massachusetts anti-discrimination law. ²⁰ |

¹⁹ The category “unknown” indicates that the address was not specified.

²⁰ Overview of Types of Discrimination in Massachusetts <https://www.mass.gov/info-details/overview-of-types-of-discrimination-in-massachusetts#housing->