



City of Somerville, Massachusetts

Legislation Details (With Text)

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File created: 11/9/2022 **In control:** City Council

On agenda: 11/10/2022 **Final action:** 6/1/2023

Enactment date: 5/25/2023 **Enactment #:** 215519

Title: Amending Sections 7-41, 7-43, 7-44, and 7-47 of the Code of Ordinances, related to Fair Housing.

Sponsors: Willie Burnley Jr., Jefferson Thomas (J.T.) Scott

Indexes: Law

Code sections: Ordinance Not Zoning -

Attachments: 1. Amendment to Fair Housing Secs. 7-41, 7-43, 7-44, 7-47, 2. 02.14.23 LM Approved Amendments Chapter 7 Article III Fair Housing, 3. 05.25.23 CC Amendment Chapter 7 Article III Fair Housing

Date	Ver.	Action By	Action	Result
6/1/2023	1	City Council	Mayoral Approval	
5/25/2023	1	City Council	Ordinance ordained	Pass
5/16/2023	1	Legislative Matters Committee	Recommended to be approved	Pass
3/28/2023	1	Legislative Matters Committee	Kept in committee	
3/14/2023	1	Legislative Matters Committee	Kept in committee	
2/14/2023	1	Legislative Matters Committee	Kept in committee	
11/10/2022	1	City Council	Referred for recommendation	Pass

Agenda Summary

Amending Sections 7-41, 7-43, 7-44, and 7-47 of the Code of Ordinances, related to Fair Housing.

Official Text

That the Code of Ordinances be amended by making the changes noted within.

ARTICLE III. FAIR HOUSING⁴

Sec. 7-41. Fair housing policy.

It is hereby declared to be the public policy of the city that each individual regardless of race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, **relationship status**, and/or national origin shall have equal access to housing accommodations, facilities, services and financial aid, and to encourage and bring about mutual understanding and respect among all individuals in the city by the elimination of prejudice and discrimination in the area of housing.

(Code 1963, § 17-1)

Sec. 7-43. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the City of Somerville Fair Housing Commission, its agents and employees.

Discriminate includes designing, promoting, implementing or carrying out any policy, practice or act which by design or effect segregates, separates, distinguishes or has a disproportionate impact according to race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, **relationship status**, and/or national origin.

Handicap means any condition or characteristic that renders a person a handicapped person as defined in Title 45, Subtitle 84.3(j) of the Code of Federal Regulations.

Housing accommodation includes any building or structure or portion thereof or any parcel of land, developed or undeveloped, which is occupied or to be developed for occupancy as the home, residence or commercial business for one or more persons.

Person includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and the city and all boards, commissions, offices and agencies thereof.

(Code 1963, § 17-3)

Cross reference(s)-Definitions and rules of construction, § 1-4.

Sec. 7-44. Unlawful housing practices.

It shall be an unlawful housing practice:

- (1) For any owner, lessee, sublessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those:

⁴State law reference(s)-Unlawful discrimination, M.G.L.A. c. 151B.

- a. To discriminate or directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, creed, religion, sex, handicap, marital status, sexual preference, military status, age, ancestry, **relationship status**, and/or national origin of any prospective purchaser, occupant, or tenant of such housing accommodations;
- b. To discriminate or directly or indirectly to refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual, such housing accommodation because of race, color, creed, religion, sex, handicap, marital status, children, sexual preference, military status, source of income, age, ancestry, **relationship status**, and/or national origin;
- c. To discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed, painted or oral communication, notice or advertisement relating to the sale, rental, lease, or let of such housing accommodation which indicates any preference, denial, limitation, specification, qualification, or discrimination, based upon race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age,

ancestry, relationship status, and/or national origin;

- d. To directly or indirectly discriminate against any person because of race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, relationship status, and/or national origin in the terms, conditions or privileges of the sale, rental, lease, or letting of any such housing accommodation or in the furnishing of facilities or services in connection therewith;

(2) For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured:

- a. To discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, creed, religion, sex, handicap, marital status, sexual preference, military status, age, ancestry, relationship status, and/or national origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation;
- b. To discriminate directly or indirectly in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance because of race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, relationship status, and/or national origin;
- c. To discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of an appraiser's evaluation, whether independent or not, of the property or neighborhood under consideration, when such evaluation is based on race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, relationship status, and/or national origin;

(3) For any person, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by:

- a. Implicit or explicit representations regarding the existing or potential proximity or real property owned, used or occupied by persons of any particular race, color, creed, religion, sex, marital status, sexual preference, handicap, military status, age, ancestry, relationship status, and/or national origin;

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- b. Implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity including, but not limited to, the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities;
- c. Implicit or explicit false representations regarding the availability of suitable housing within a particular neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale, rent, lease, or let within a requested price range, regardless of location, on the basis of race, color, creed, religion, sex, marital status, sexual preference, source of income, children, handicap, military status, age, ancestry, relationship status, and/or national origin;

(4) Except where based on a valid affirmative action program or recordkeeping or reporting requirement approved by the state or federal government or adopted pursuant to a court decree:

- a. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex or development, whether commercial or residential, to directly or indirectly make or keep a record of any applicant's, prospective tenant's or existing tenant's race, color, creed, religion, sex, handicap, children, marital status, sexual preference, military status, age, ancestry, relationship status, and/or national origin;
- b. To use any form of housing or loan application which contains questions or entries directly or indirectly pertaining to race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, relationship status, and/or national origin;
- c. To establish, announce or follow a pattern, practice, or policy of denying, excluding or limiting by any means whatsoever housing accommodations because of race, color, creed, religion, sex, handicap, children, marital

status, sexual preference, source of income, military status, age, ancestry, **relationship status**, and/or national origin;

- (5) For any person to discriminate in any manner against any individual or to otherwise deny to or withhold from such individual housing accommodations because he or she has opposed any practice forbidden by this article or because he or she has made a charge, testified, or assisted in any manner in any investigation or proceedings under this article;
- (6) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this article to be an unlawful housing practice, or to obstruct or prevent any person from complying with the provisions of this article or any regulations or orders issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(Code 1963, § 17-4)

Sec. 7-47. Fair housing commission duties.

- (a) Whenever the commission receives a complaint that is or appears to be within the jurisdiction of the Massachusetts Commission Against Discrimination (hereinafter "MCAD"), the commission shall:

- (1) Prepare an MCAD complaint in the form and manner prescribed by MCAD and have such complaint signed under oath by the complainant;
 - (2) Transmit such complaint to MCAD for filing within three days of its preparation by the commission.

- (b) Whenever the commission receives a complaint that is not within the jurisdiction of MCAD, the commission shall:

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- (1) Prepare a complaint in the form and manner prescribed by the commission;
 - (2) Investigate such complaint. In connection with any investigation, the commission may hold hearings, summon witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the protection of any evidence relating to any matter in question or under investigation by the commission. The power to summon witnesses as defined herein shall be limited to those powers and procedures set forth in Chapter 233, Section 8 of the General Laws. At any hearing before the commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel. However, unavailability of counsel is not an adequate basis for requiring a delay of any hearing or proceeding;
 - (3) Attempt by mediation to resolve such complaint and recommend to all appropriate governmental agencies, federal, state or local, such action as it feels will resolve such complaint;
 - (4) After completion of the investigation of any such complaint not resolved by mediation, make a written report of its findings and recommendations to the mayor and the city council, and to any court or other governmental agency having jurisdiction of the matter in question and, in all cases, urge and use its best efforts to bring about compliance with its recommendations.
- (c) In addition to the aforementioned complaint-processing responsibilities, the commission shall have the following additional functions, powers and duties:
 - (1) To make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote goodwill and minimize or eliminate discrimination in housing because of race, color, creed, religion, sex, handicap, children, marital status, sexual preference, source of income, military status, age, ancestry, **relationship status**, and/or national origin;
 - (2) To develop courses of instruction for presentation in public and private schools, public libraries, and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination in housing and showing the need for

mutual self-respect and the achievement of harmonious relations among various groups in the city;

(3) To render each year to the mayor and city council a full written report of all its activities and of its recommendations;

(4) To create such subcommittees from the members of the commission as, in the commission's judgment, will best aid in effectuating the policy of this article;

(5) To enter into cooperative working agreements with federal, state and city agencies, and to enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in the city to effectuate the policy of this article.

(Code 1963, § 17-7)