

CITY OF SOMERVILLE, MASSACHUSETTS
FAIR HOUSING COMMISSION
Katjana Ballantyne
Mayor

Staff

Andres Bueno,
Acting Fair Housing Commission staff liaison

Commissioners

Claudia DeAndrade
Patrice Faulkner
Dennis Fischman
Rona Fischman
Janine Lotti

Meeting Minutes

Thursday, October 27, 2022 4:00 pm

Via GoToWebinar

Online Video Platform

Attending: FHC members Janine Lotti, Dennis Fischman, Rona Fischman
City staff- Andres Bueno, Mike Feloney
Members of the public- Bryant Gaspard

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

The meeting convened at approximately 4:07pm.

I. Introduction / Update

Interim staff liaison: Housing Director Mike Feloney introduced Andres Bueno, who is serving as interim FHC staff liaison in a parttime capacity while a hiring search is conducted. Andres shared information on recent relevant work he had done with the City of Boston Mayor's Office of Housing and, previously, with the City of Somerville Housing Division. Commissioners and staff also noted and welcomed the attendance of former Housing staff member Bryant Gaspard.

II. Review of Draft Meeting Minutes

Andres updated commissioners on the status of minutes-preparation for recent meetings as follows:

- July 7 and July 28, 2022 meeting: Andres explained that Mike had provided feedback on draft July meeting minutes within a day or two of the July 28 meeting. Andres noted that he expected to be in position to distribute draft minutes prior to the next Commission meeting.
- August 25, 2022, meeting: FHC members noted selected points for clarification, including: the Color of Law events occurred on April 9 and 11, 2022, respectively. Publication of candidate responses to the FHC questionnaire occurred in September 2022. Andres indicated he would review the August 25 meeting minutes to ensure accuracy and consistency of dates between meeting minutes and the FY21 Annual Report. Andres confirmed the Report included the "Know Your Rights" webinar.

Dennis Fischman introduced a *motion* to approve the August 25, 2022 meeting minutes as corrected. The motion was seconded by Rona Fischman and *approved* unanimously by roll call vote.

III. Standing Agenda Items

Dennis and Andres led review of the two standing updates on the agenda, Facebook page update and review of Fair Housing calls and/or complaints.

- Facebook page update: Dennis noted the Commission’s Facebook page can be found by searching “SomervilleFairHousingCommission.” He explained that he posts a question of the week on Friday and a news item on Monday.

The most popular question, posted on September 16, 2022, asked: “My realtor won’t answer basic questions like whether there are other families with kids in the neighborhood, why?” This received 108 views and seven reactions. It was discussed that realtors are trained to not answer questions as it relates to protected classes as it may be considered steering people to or away from a community. When asked questions that could reflect a bias toward a protected class (such as, “are there a lot of kids in the neighborhood?”), realtors should suggest to households to conduct their own research. Rona noted that many realtors may hand out printed demographic information at a showing. She explained that while some realtors view this as part of describing the property, it is problematic in the way such information can conflict with fair housing principles.

Rona noted that protected classes, particularly families with children, may be viewed and treated differently across rental and ownership markets. Whereas in the homeownership market, neighborhoods with children may be viewed as a good thing, in the rental market, property owners may discriminate against households with children because a unit may have lead paint, for example. Rona noted that children and Section 8 voucher holders are the most discriminated classes in the rental market.

The second most popular item, posted September 30, 2022, asked “Have you been discriminated against?”, which received 107 views and one reaction. Dennis noted his answer shared Housing Division contact information.

- Review of Calls/Issues/Complaints: Andres reported one online submission since August 25, 2022. The submission was filed on October 10, 2022, and Andres spoke with the household on October 20. The household moved to Somerville in September and reported experiencing respiratory issues within two (2) weeks moving into the apartment they rented. The household observed what looked like black mold in the unit and reported that they notified the condition to the property owner, who did not respond or attempt to address the issue. The household subsequently contacted Inspectional Services which, as reported by the household, determined the apartment to be an illegal dwelling unit.

Following the inspection, the household reported retaliation and harassment from the property owner and their adult child. The household found alternative housing for November 1st and pursued legal counsel. Andres informed the household this did not appear to be discrimination based on information shared by the household, and confirmed appropriate next steps were being taken.

IV. Update on Specific Activities

Andres reviewed six areas activities, in the following order: FY 21 FHC Annual Report, draft letter to City Council Regarding Fair Housing Enforcement, Fair Housing Anti-Displacement Taskforce, Tenant Union Organizing at the Somerville Housing Authority, FHC “Wish List” and Commission terms and meeting times:

1. Draft FHC Annual Report for FY 2021 status update: Andres explained that the FY21 Annual Report, per the Fair Housing Ordinance should be transmitted to the Mayor and City Council.

2. Draft Letter to Mayor Regarding Fair Housing Enforcement: Andres informed commissioners that Dennis' email address was added to the letter as a point of contact. Andres noted that the letter did not define the *two-year* nature of the complaint backlog at MCAD, which was a point of discussion in prior meetings. Andres asked if this omission was intended. Commissioners discussed and agreed to specify the length of the backlog in the letter and reiterated the importance of sending the letter promptly.

Dennis stressed urgency in sending this letter and explained the major enforcement mechanism of the FHC are referrals to Suffolk Law Housing Discrimination Testing Program or to MCAD. A backlog of any length is an issue and people finding a new home do not want to spend time and energy reporting fair housing violations. If somebody went through the effort of filing a complaint, and there is a backlog, there is no further recourse to pursue.

Rona shared a Boston Globe article to include in the letter regarding the backlog at MCAD.

Dennis clarified that the recently approved additions regarding the Boston Globe article and the "two-year" do not need to be reviewed by the FHC. Mike directed Andres to prior meeting minutes and other materials drafted to determine the next steps required in sending out the letter.

Mike noted that the Fair Housing Ordinance cites HUD as an alternative recourse to file complaints and asked if this would be a viable option. Rona did not recall instances of a fair housing complaint that originated in Somerville, being filed with HUD. Rona confirmed that Somerville cases would typically be referred to MCAD. Mike recalled that HUD's usual means of follow-up to a filed complaint would consist of a referral to the Suffolk Law Housing Discrimination program to conduct a test, however Mike recognized this may not always be feasible.

Bryant Gaspard, former Housing Division Fair Housing Specialist, was recognized by commissioners. Bryant explained that HUD has a partnership agreement with MCAD classifying them as a FAP (Fair Housing Assistance Program) and a substantially equivalent agency to HUD. Complaints filed with HUD would typically be referred to MCAD if jurisdiction is Massachusetts. MCAD may file a dual complaint with HUD if a complaint was to involve a federal Protected Class. Bryant noted that HUD has seven protected classes compared to the State of Mass. which recognizes 15 protected classes, notably source-of-income. Bryant pointed out that Suffolk University's testing program contracts with HUD and classified as a FIP (Fair Housing Initiative Program) for conducting testing.

3. Fair Housing Anti-Displacement Task Force Meeting Update: Andres reported that he had asked Legislative Liaison Hannah Carrillo about the status of the Anti-Displacement Task Force and the Housing and Zoning subcommittees. Hannah did not have updates to offer. Andres noted that Patrice Faulkner was a member of the ADTF meetings and hopefully can provide updates next at the next meeting, 4PM, Thursday, December 1, 2022.
4. Follow-up Status on Tenant Union Information Posting to City Website: Janine Lotti reported that a tenant organization started at the SHA Mystic development with assistance from an MA-based organization specialized in tenant union organizing. A committee was established, and their first event was scheduled for the second week in November.

Dennis wanted to ensure that materials announcing the tenant union and subsequent activities, would be translated into multiple languages. Andres stressed the importance of interpretation services being available. Janine outlined SHA's language services including a language access line and funds to hire interpreters. Janine agreed to connect with her supervisor regarding announcements to be published on the City's website regarding tenant union meetings and how interested parties may contact union organizers.

Dennis confirmed that Janine works for the SHA and reiterated that SHA is the owner and manager of the Mystic development. Dennis highlighted and inquired about SHA's role as the landlord and manager of the Mystic development, in the organization and establishment of the tenant union. Janine clarified that the SHA's role in initial tenant union meetings was limited to assist union organizers with community engagement and attendance.

Once the union is functioning, the SHA's role would be limited to receiving union requests and complaints.

5. FHC "Wish List": Rona stated that the FHC desires to have an annual "Color of Law" events in partnership with the Somerville Public Library during Fair Housing Month in April. She noted that last year's event did not provide language services due to changes in how SOIA receives translation requests. In the December meeting, Rona wanted to begin setting dates by which to request SOIA assistance ahead of the next "Color of Law" event. Andres noted he would ensure translations request instructions be readily available for future staff. Rona noted the FHC board service is voluntary and so requires staff assistance to help execute their work.

Dennis noted that 2023 is an election year. During the prior election cycle in 2021 a questionnaire was sent out to City Council and mayoral candidates. Responses were published in local media. Dennis expressed interest in another questionnaire and proposed altering questions for incumbents. He stated for the record that questionnaires are non-partisan and unbiased. Questionnaires mark the importance of fair housing issues for the City and its residents and allow candidates to highlight their positions, knowledge, and experience. Patrice took the lead on the 2021 questionnaire.

Lastly, commissioners discussed reconsidering tabling at community events in the summer as a method of community engagement to raise awareness about fair housing and the work of the FHC. National Night Out was called out as an opportunity to table in the past. Mike noted that tabling appeared to be starting up again.

6. Commissioner Terms and Meeting Time: Rona shared that prior discussions expressed interest in having FHC meetings on Thursday evenings (after 5PM) to make meetings more accessible to households working full-time (9AM-5PM). Rona continued that this conversation should include Patrice.

IV. Announcements / Updates

Andres introduced four items including

1. The upcoming "How To Be an Ethical Landlord" event: Rona urged FHC attendance to this event, scheduled for October 30, 2022, at the Somerville Armory at 6:30PM. Andres shared the advertisement on his screen so that the public may view the registration link, which was also read aloud: <https://tinyurl.com/EthicalLLPanel> Speakers include Todd Kaplan from Greater Boston Legal Services and housing consultant, Jay Rose.
2. Evicted exhibit, birthdays and the next FHC meeting date. Rona noted this will be up at the Armory for two more weeks (November 6, 2022). She noted there is a quiz at the end of the exhibit and an exhibit about eviction is not necessarily depressing.
3. Birthdays: Commissioners and City employees acknowledged upcoming and past birthdays.
4. Next FHC Meeting: Rona noted that the FHC is not meeting in November and Dennis reported that past meeting minutes indicate Thursday December 1, 2022 as the next scheduled meeting.

A *motion* to adjourn was introduced by Rona, seconded by Janine, and *approved* unanimously by roll call vote. The meeting was adjourned at 5:27 pm.