

CITY OF SOMERVILLE, MASSACHUSETTS
FAIR HOUSING COMMISSION
Katjana Ballantyne
Mayor

Staff

Shannon Lawler-
Program Specialist, Fair Housing and
Inclusionary Housing Support

Commissioners

Patrice Faulkner
Dennis Fischman
Rona Fischman
Janine Lotti
Kay Mammo

AGENDA

Thursday October 24th, 2024 — 3:00 pm
Via Zoom
Online Video Platform

Attending: FHC members: Patrice Faulkner, Dennis Fischman, Rona Fischman, Janine Lotti
City staff: Lisa Davidson, Shannon Lawler

Call to Order

- I. Call to order and review of draft minutes from the meeting on September 26, 2024-
The meeting was called to order by roll call vote.
A motion was introduced by Commissioner Janine Lotti to approve the minutes from the Commission's September meeting, Commissioner Rona Fischman seconded, and the minutes were approved unanimously.
- II. Standing Agenda Items
 - Facebook page update- Commissioner Dennis Fischman relayed that the Somerville Fair Housing Commission has a Facebook page that posts a fair housing question of the week on Fridays and an article relating to fair housing issues on Mondays, with occasional other items.
Commissioner Dennis F. shared that the article which got the most attention was about the use of AI in screening technology and the way it can be used to discriminate against renters based on protected class, with the post receiving 63 views and 5 shares. The most popular question of the week was about the difference between sex and sexual preference as protected classes. Commissioner Dennis F. defined that sex is about gender identity as well as assigned sex at birth, while sexual preference is about the people with whom one forms relationships. Discriminating based on either of these protected classes is against the Fair Housing Act.
 - Review of calls and complaints since the last meeting- Shannon Lawler reported that there were four fair housing complaints received since the last meeting. Shannon L. spoke with the complainant referred by the Office of Housing Stability (OHS) and together they determined that it was a landlord-tenant dispute but not a violation of fair housing law, and they were referred back to OHS for assistance.
The second complaint was from a homeowner who shared a flyer with language that likely violates fair housing law on the basis of race and age. The flyer and attached QR code did not have contact information. The person submitting the complaint did not want to file a complaint with MCAD as they were not searching for housing but wanted to

make the Commission aware of the language used on the flyer and to expand educational outreach to prevent future instances of discriminatory language.

- i. Commissioner Janine L. asked if the flyer is in violation of fair housing law if it is reaching out to a specific population. Shannon L. shared that they gave specifications of who they wanted to apply based on race, color, and age in their advertising materials, and that it was an advertisement for housing specifically.
- ii. Rona F. suggested that because there is a picture of the flyer, it might be a good resource for the Commission to use at tabling to show what kind of advertising is not allowed.
- iii. Lisa Davidson added that the flyer was for cooperative housing and that she and Shannon L. looked into the rules around what housing cooperatives were allowed to do in their advertising. If the complaint were to be investigated, they would need to know if it is actually cooperative housing to understand the specific law involved.
- iv. Commissioner Rona F. shared that a cooperative has state paperwork involved, and that the word is often used for shared rental housing but that that is not its legal definition. She believes that there are not fair housing exemptions for cooperative housing and that there are examples, such as in New York, where cooperatives have been in legal trouble for discrimination.
- v. Commissioner Dennis F. asked staff to do research and clarify what the rules are around cooperative housing as well as what cooperative housing is so that it could be included on the Facebook page as a fair housing question.

Shannon L. shared that the next complaint was an OHS referral in which an applicant was denied housing by an agent on behalf of a landlord who stated over email that they are not accepting Section 8 vouchers. The agent then engaged in steering and directed the tenant to another area of Cambridge due to them having a Section 8 voucher. Because the discrimination occurred in Cambridge, which has enforcement abilities in fair housing cases, the case was referred to Cambridge HRC. Shannon L. and the OHS staff member who made the referral are following up with Cambridge HRC and the applicant.

The final complaint came from a current renter on behalf of three applicants to his unit, two of whom have Section 8 vouchers and one who has RAFT, who were denied renting the unit by his landlord. It is unknown whether other applicants without vouchers were denied, and the landlord is not an owner occupant. The complainant was referred to Suffolk University's testing program, and Shannon L. will follow up afterwards to determine if calling the landlord is necessary to educate them about fair housing law as well as to determine if the denied applicants would like to file a complaint with MCAD.

Commissioner Rona F. informed the Commission that there was a large fair housing lawsuit in Alabama that involved a national mortgage company that also practices in Somerville. She provided the article to the Commission

(<https://www.justice.gov/opa/pr/justice-department-secures-8m-fairway-independent-mortgage-corporation-address-redlining>).

- Commissioner Dennis F. asked Shannon L. to share the typical spread of fair housing complaints received throughout the year. Shannon L. shared that she looked through the past five years for data, not including the current fiscal year. July had the most complaints with 13 between fiscal year 2020 and 2024. January had 10 complaints in the same timeframe and June had 9 complaints. The lowest month was December, with only 1 complaint over the past five years, and April had 3 complaints.
- Commissioner Dennis F. asked about the status of the lead abatement program. Shannon L. shared that the lead abatement program is now part of the new Home Improvement Program which focuses on health and safety in housing. There is currently a waitlist which is prioritized based on need, with lead abatement as a high priority.

Lisa D. added that the former program focused on individual units with lead paint abatement needs. The new program uses CDBG funds, and the entire property needs to be determined income eligible. Every participant in the HIP program, even those not in the program for lead specifically, has to be inspected for lead paint.

Commissioner Dennis F. asked what types of assistance are available. Lisa D. shared that code violations are the top priority, followed by lead paint abatement with children under the age of 6, then health and safety such as roof repair. The program recently launched.

Shannon L. added that tenants and owners can apply, but that owners will need to sign the mortgage for the loan. The program is income restricted and has limits on the amount of rent that can be charged for the life of the loan. The type of loan is based on the work done, with health and safety repair loans being up to \$50,000 per unit with a loan term of 50 years. Lead paint abatement loans are up to \$7,500 per unit in the form of 5-year forgivable loans, forgiven at a rate of 20% per year. Heating system replacement and repair loans are lower priority and are for 5-year, forgivable loans up to \$15,000.

Commissioner Janine L. expressed concerns that the property, rather than the unit, needs to be income qualified, and Commissioner Rona F. shared that issues are occurring with a program in Cambridge with similar rules because the properties need to be lead abated in order to participate, including the exterior.

III. Continued Business

- FY24 Annual Report – Shannon L. shared that the anticipated completion date is January 2025.
- FY23 Annual Report – Shannon L. submitted the report to City Council through Legistar. It is sent by Housing Division to the Mayor and City Council. Shannon L. and Housing Division Director Mike Feloney are hoping to get it into the next City Council meeting.

IV. Updates on Specific Activities

- Future events for Fair Housing education
 - Commissioner Dennis F. introduced the three topics: planning for April, which is Fair Housing Month, planning for tabling events, and online education and outreach. Commissioner Rona F. shared that the Commission should consider reapplying for the marketing help that they signed up for in 2024. Shannon L. should be able to find the previous year's application so that the Commission can update it. She also suggested that a date should be fixed for April by the December meeting. Commissioner Patrice F. suggested that the Commission's activity should be planned to avoid the City's Civic Day. Commissioner Rona F. responded that there is not a date set for Civic Day and that it could be better to do the book discussion on two weekday evenings rather than a weekend day. Commissioner Patrice F. asked the Commission if they prefer that the discussion be virtual or hybrid and suggested having it at the library with hybrid technology. Commissioner Janine L. asked whether the talk hosted by the Commission last year was hybrid. Commissioner Rona F. responded that the library may not have the technology needed, such as an Owl Meeting Camera, to make a hybrid meeting with conversation run smoothly. Commissioner Dennis F. added that the previous year, the library staff checked the chat for questions which were then brought to the panel. Commissioner Patrice F. suggested using two laptops with one for the screen and one for the camera facing the in-person audience.
 - Commissioner Rona F. asked whether the Commission wants to continue using *The Color of Law* for the book discussion and Commissioner Patrice F. suggested that they choose a new book that is boundary pushing in a way that provokes deeper discussion, such as the sequel to *The Color of Law*. Commissioner Rona

F. brought forward another book, *The Sum of Us* by Heather McGhee, that, while not specifically about fair housing, discusses the racism that has led to the destruction of unions and social safety nets, which could be related to housing. Lisa D. added that in the new application for assistance with marketing, the Commission could include that they are looking for new ideas and topics that will expand the audience for Fair Housing Month activities.

Commissioner Patrice F. suggested tying together the sequel to *The Color of Law* and taking excerpts from relevant passages of *The Sum of Us*. This may involve getting permission from the authors to distribute a few pages of reading materials together ahead of time. Commissioner Rona F. shared that the City has conducted conversations about racism since the 1990s and that there are action items and interactive activities around addressing racism that could be linked back to fair housing. She agreed with setting up a study guide with about 25 pages of reading to make the event more accessible. Commissioner Patrice F. suggested reaching out to the Somerville Department of Racial and Social Justice to partner for a joint event as they may have a larger reach to expand the event's audience, and Commissioner Rona F. will put an inquiry letter together for the Department.

- Commissioner Dennis F. introduced the topic of tabling and encouraged the commissioners to add events to the tabling spreadsheet. He added that current online education and outreach might reach an audience that is older and more White than other media, therefore it would be beneficial to look at other forms of outreach beyond the Facebook page, which were suggested by new Commissioner Kay Mammo in the application process. Commissioner Dennis F. acknowledged that in the previous year, the focus was around feasibility of fair housing enforcement and that the Commission helped the Massachusetts Commission Against Discrimination by providing resources and materials to become more up to date, but that the focus is now on broader educational outreach.
- Commissioner Janine L. suggested tabling on Election Day in future years at sites with large turnout and Commissioner Rona F. recommended checking with the Election Commission for the rules around doing so. Lisa D. shared that Nick Salerno is the Elections Commission Chairman.
- Lisa D. asked whether the Somerville Housing Authority has activities at which the Commission could table, particularly with education around source of income discrimination for voucher holders, and Commissioner Janine L. responded that she would look into it, but that events are usually celebratory and could incorporate information.
- Commissioner Dennis F. asked that these events be put on the spreadsheet and added that the 2025 elections will be municipal, which may have lower turnout but more engaged voters.
- Commissioner Patrice F. asked whether there is any fair housing related legislation coming up that the Commission could support and suggested that this be a topic at future meetings. Commissioner Rona F. shared that there is a potential zoning change around parking that could be related to age discrimination.
- Commissioner Rona F. confirmed that herself and Commissioner Patrice F. will meet and communicate through Shannon L. and requested that she find the materials that Commissioner Rona F. and former Fair Housing Specialist Hanalei Steinhart worked on in 2024.
- Lisa D. shared that she is looking into Housing Division obtaining a tent for fair housing tabling events.

V. Announcements

- Shannon L. shared that the consultants working on the Housing Needs Assessment want to conduct a stakeholder interview with someone on the Fair Housing Commission.
- The Commission discussed when to hold the next meeting, as Housing Division staff have a retreat on the planned meeting date and the final Thursday in November is a holiday. Commissioner Rona F. proposed December 5, 2024, with January 2, 2025 as the following meeting. The next meeting would be on January 23 or 30, 2025. Lisa D. asked if staff had provided an annual calendar of meetings in the past and suggested that staff put together a calendar of the next year's Commission meetings. Commissioner Dennis F. requested that staff check for holidays before scheduling.
- The Commission agreed that the next meeting be scheduled for December 5, 2024 at 3:00 PM.

VI. Adjournment

- The meeting was adjourned at 4:15 PM by roll call vote.