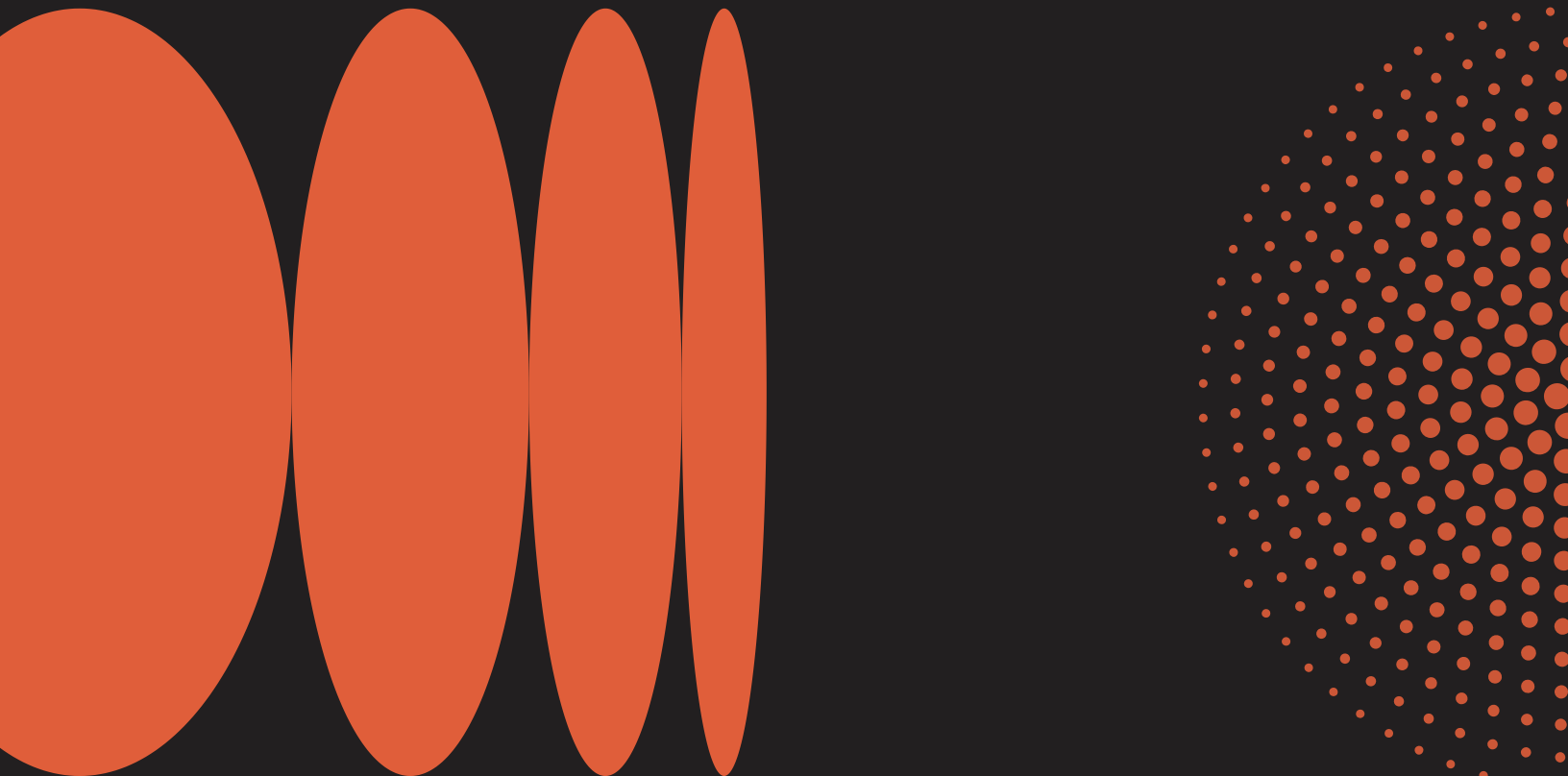




City of Somerville Anti-Displacement Task Force



Residential Displacement Committee

2025

Findings & Recommendations



To the Residential Committee:

A huge thank you to all the Residential Committee chairs, members, and staff who assisted with this endeavor and for their critical contributions to the research and analysis that went into this report.

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Anti-Displacement Task Force: Small Enterprise Displacement Committee Members

City of Somerville

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INTRODUCTION

After an extensive outreach campaign to residents, community partners, and other stakeholders, the Residential Committee of the Anti-Displacement Task Force (hereinafter referred to as “Residential Committee” or “Committee”), made up of over 20 members, had its first committee meeting in June 2023. The Committee hit the ground running by diving into work on a Rent Stabilization Home Rule Petition.

Over the course of the first six months of work, research was conducted, discussions and community meetings were held, feedback was sought and reviewed, and a Home Rule Petition was drafted and submitted to appropriate City leaders. It was passed unanimously by the City Council and was finally filed at the State House.

After completing the rent stabilization home rule petition work, the committee felt that subsequent recommendations should primarily be locally actionable items that would not need approval from the state legislature.

After conducting research, committee members drafted a list of over 40 initiatives and ideas, discussed their merits, and then narrowed the list. During this time, members were pleased to discover that the City has already put in place many initiatives to prevent the displacement of its residents.

To conclude, the final recommendations listed below are a mix of strengthening some programs already in place, tweaking others to make them more effective, and some new initiatives that members concluded could strengthen Somerville’s Anti-Displacement initiatives.

- | | |
|---|---|
| 1. Rent Stabilization Home Rule Petition | 7. Notice of Building Sale |
| 2. Expanded Local Fair Housing Enforcement | 8. Support Community Owned Land/Housing |
| 3. Deepen the Depth of Affordability in Inclusionary Zoning Units | 9. Condominium Conversion Ordinance Update |
| 4. Funding for Flexible Rental Assistance Programs | 10. Expanded Access to Counsel |
| 5. Municipal Voucher Program Growth | 11. Disposition of Public Properties for Affordable Housing |
| 6. Non-profit Housing Acquisition | |

The Residential Committee’s recommendations follow the same order as the above list but are not in order of priority. Attached to this Committee report is a description of Anti-Displacement initiatives executed by the City before the formation of the Anti-Displacement Task Force.

RECOMMENDATIONS

THE CITY SHOULD BUILD ON THE EFFORTS OF THE RESIDENTIAL COMMITTEE IN DRAFTING A RENT STABILIZATION HOME RULE PETITION FILED WITH THE STATE LEGISLATURE AND CONTINUE TO ADVOCATE FOR ITS PASSAGE AND/OR THE PASSAGE OF STATEWIDE RENT STABILIZATION ENABLING LEGISLATION.

The Committee began its work in the Summer of 2023 by taking steps to address dramatically escalating rents through the development of a draft Home Rule Petition for rent stabilization. As with many other initiatives described throughout this report, the City of Somerville lacks the power to enact and enforce an ordinance to stabilize rents without explicit authorization from the state legislature. The mechanism for obtaining this authorization is filing a home rule petition (“HRP”).

The Residential Committee of the ADTF spent its first six months working to get community input and then drafting a home rule petition for rent stabilization in Somerville. The Residential Committee drafted the substantive content of the HRP and submitted it to the City Council after a thorough process for obtaining public input (see description below). The Mayor and the City Council supported filing the HRP for rent stabilization, and the petition was filed with the state legislature in January 2024.

Initial Research

The Committee’s initial research was guided by materials the City of Boston utilized for its committee tasked with making recommendations about rent stabilization in Boston. Like Boston, Somerville formed a community task force, reviewed relevant literature, and held multiple hearings, which provided opportunities for public comment. In addition to reviewing selected materials distributed by Boston, the Committee read a wide range of relevant materials, including Somerville’s most recent Housing Needs Assessment, annual reports from the City of Santa Monica’s Rent Control Board, a nationwide study on rent stabilization conducted for the City of Minneapolis and other relevant studies and reports. These works informed Committee members about needs specific to Somerville, how rent control has impacted communities where it is long established, and projected impacts on communities enacting new rent stabilization measures.

Committee members also reviewed three key pieces of legislation: S.1299, introduced by Senator Patricia Jehlen; the home rule petition H.3744, submitted by the City of Boston; and H.1304, introduced by State Representative Mike Connolly, all during the 2023/2024 legislative term. The Committee believed evaluating these bills and others from across the country was essential to identify the most suitable components for Somerville’s rent stabilization ordinance. In making their decisions, the Committee sought to balance the need for strong rent protections for Somerville residents with the concerns of smaller landlords about rising operating costs and the practical challenge of getting any proposed home rule petition for rent stabilization passed by the state

legislature. Based on its research, Committee members identified the most critical issues to be addressed in Somerville’s Home Rule Petition.

- Annual Rent Increase Cap
- Exceptions to the Annual Rent Cap or Exception Rents
- Vacancy Decontrol
- Just Cause Eviction Protections
- Affordable Housing Exemptions
- Other Exemptions
- Rent Rollback
- Means Testing
- Administration

These topics are addressed starting on page six of this report.

Process for Obtaining Community Input

The Committee hosted three community listening sessions to receive input on these key rent stabilization issues. The sessions allowed the Committee to hear directly from community members about their opinions on rent stabilization and the form it should take in Somerville. The sessions were held in person and simultaneously via Zoom. Three sessions were held over the course of Summer 2023. The listening sessions were advertised on the City’s community website, SomerVoice. Flyers were created for each listening session and translated into five languages: Spanish, Portuguese, Haitian Creole, Nepali, and Chinese (traditional & simplified). The meetings were advertised on the City’s website, placed on the City’s community events calendar and social media pages, and emailed to all who signed up to receive the City’s email newsletters. The City released a press release. The event was also promoted through SomerViva’s community engagement specialists’ networks, which specialize in informing in-language communities of special events. The events were also advertised on the City’s public television station, GovTV. The events were promoted through the professional networks of participants who served on the committee, such as the Community Action Agency of Somerville (CAAS), Somerville Community Corporation (SCC), the local chamber of commerce, and real estate groups.

The first session was explicitly geared towards landlords and their agents. This session had 58 attendees. Over 35 of the attendees provided comments. Each speaker was allowed a two-minute window to provide feedback, and the Committee heard testimony from those in favor and against the petition. Committee members were pleased to hear that not all landlords were against the petition and that many understood and even had experience with displacement challenges. Some property owners were enthusiastic about the City using whatever tools it could to prevent displacement, including rent stabilization. In contrast, others noted that a rent cap could negatively impact their ability to reinvest in their property. Some selected owner feedback is excerpted below:

- “First, rent control deters good quality rental housing supply and leads to more crumbling properties. I look around my home in Somerville and already see enough derelict properties, we do not need more. Under such regulation, even maintaining existing properties is discouraged because landlords see no return on their investment.”

- “Most of the housing stock in Somerville comprises 100+ year old two and three-family houses. People bought these houses to have a place to live and raise their families and also to provide some rental income to help pay the mortgage, put food on the table, and build something for the future. The owners needed to accomplish this goal by providing a decent place to live for their tenants in exchange for a fair rent payment that would allow the owners to continue to maintain their property in good condition.”
- “Just because someone is fortunate enough to save enough for a down payment doesn't give them the right to turn around and transfer 100+% of those costs to a tenant, using tenant rents to build equity that owners can eventually cash out - especially considering all the "value" in the house is just a product of housing scarcity and high demand.”
- “I think the most important policy aspect of rent stabilization legislation is not stifling new housing production. Building more housing at all levels is a critical part of solving the housing crisis, and it's even more important than rent control. Exempting new construction for a set number of years could be one way of navigating this - the city should look at data from other cities to figure this out.”
- “I grew up in Somerville as the child of resident landlords in a 2-family, rented an apartment in a similar 2-family with friends as a young adult, bought a similar apartment as a condo, and have recently bought the other unit in my building, which I am renting out, making me a resident landlord. I support a strong rent control policy for Somerville. The rents, as they say, are too damn high.”

The second session was targeted at tenants and their advocates. The session was held a week after the landlord session and was also held in person and simultaneously via Zoom. Approximately 80 attendees were present, and about half spoke at the meeting. Many spoke of their personal experiences with rent increases and displacement. Some spoke of the experiences of friends or colleagues, and a teacher spoke about the impact displacement has on students. Some selected tenant feedback is excerpted below:

- “...I have lived in a city with rent control before, and I paid the same for an apartment there that I did when I moved here, while I was earning just over half of the salary. Even though I was significantly rent burdened compared to now, I felt so much less anxiety about my apartment and living situation because I knew the maximum my rent could be raised year after year and was not afraid to ask for repairs knowing that I could not be ‘penalized’ with a massive increase the following year.”
- “...prices are insanely high right now and the people who make Somerville, Somerville are at risk of being pushed out. Somerville has an amazing community and bustling culture; we're known for our arts/music scene bringing traffic to local businesses. But these artists are also community members who need to survive.”
- “...I'm in the process of starting out my own business, while working part-time, and it seems like sometimes I will have to choose between having a roof over my head or being able to work on my business.”

- “...during my time on Porter Street there were countless times when our space was uninhabitable, but I felt scared to demand basic living standards because I was afraid of retaliation through rent hikes and feeling like there was not a clear way to stay in the city if we were retaliated against by our landlord.”
- ” I believe that Somerville needs a rent stabilization policy (a home rule petition) that is stronger than Boston’s, with rent increases capped at the rate of inflation (CPI) with a maximum five-percent cap on rent increases or lower and just cause eviction protections. I also believe that this rent stabilization policy would keep more people in their homes if it included vacancy controls, meaning a landlord cannot raise the rent by whatever amount when a new tenant signs a new lease. Not having a vacancy control can incentivize landlords to evict tenants to be able to raise the rent. It also highlights why we need just-cause evictions so that a landlord cannot evict a tenant for whatever reason.”

A few property owners attended this session and were permitted to speak after all tenants had their opportunity. Once again, there was a mix of property owner testimony in favor of and opposed to rent stabilization.

The third session was targeted toward both tenants and landlords. It was meant to provide individuals who had not gotten a chance to comment at either listening session an opportunity to do so. The session was held on September 12th, 2023. The listening session had the same structure as previous sessions and was held in person and simultaneously via Zoom. Approximately 10 registered speakers provided feedback; an additional 15 were not registered beforehand and provided comments for 25 speakers throughout the night.

- "...I've been working in the field of designing affordable housing for over 30 years. There is no way that you can build yourself out of this problem no matter what anybody tells you...There is nothing you can do to build cheaply enough...I myself was a tenant in Cambridge for 13 years under rent control. My income went up and down. Having a rent-controlled apartment stabilized my life and let me focus on other things and move on with my life...I worry about income qualifications. I can see how it could be necessary...There needs to be some accommodations for the fact that people's lives change, and income goes up and down. Stable housing needs to be exactly that – stable housing.”
- “We can’t let real estate interest off the hook by exempting new buildings like that would also leave too many renters out in the cold.”
- “Stabilized rent should be attached to the unit so that the unit remains affordable even if the current tenant has to move out. “
- “We should consider incentives for improvements that make our housing stock better not ‘I would like to double the price of this apartment because apartments in Somerville are worth more now ‘–not the fancy kitchen but the wheelchair ramp or the ceiling is the leaking in the bathroom. If it costs me \$20,000 to fix the bathroom, I should have some way to be doing that not out of the kindness of my heart by borrowing money from the bank. The landlord would have to do and document the improvement, but it is in our best interest to have the housing stock get better and

to encourage landlords to do things like make their apartments ADA accessible or de-leaded.... “

- “I agree with five-percent maximum five-cap across the board with no exceptions and they should only be able to raise the rent more than five percent only if they have made documented major improvements.”

In addition, the Committee solicited written comments over two months. The Committee received substantial feedback via email, mail, phone, and in-person communication. The Committee carefully considered this feedback and concerns expressed when drafting a proposed Home Rule Petition for Rent Stabilization. The most critical components of the HRP are described below.

Critical Components Of The Home Rule Petition

ANNUAL RENT INCREASE CAP

DECISION: ANNUAL CAP ON RENT INCREASES OF CPI PLUS 2% UP TO A MAXIMUM OF 5%

One of the most critical decisions for the Residential Committee was determining a maximum annual rent increase for units subject to rent stabilization. Committee members agreed that the critical factors in making this determination were what level of annual increase would:

- a) provide enough protection to tenants to prevent at least most displacement due to rent increases.
- b) provide a fair rate of return to landlords, and
- c) have at least a reasonable chance of success at the statehouse.

Annual rent limits in rent stabilization laws across the country vary widely. These limits are usually tied to a percentage of the annual Consumer Price Index (CPI), which tracks changes in the average prices of goods and services over time. For example, some strictest limits are in cities like Berkeley, where annual rent increases can be up to 65% of the CPI, and Takoma Park, where the cap is 100%. On the other hand, less strict caps focus more on preventing price gouging than on tightly controlling rent. For instance, Boston’s home rule petition allows annual rent hikes of CPI plus 6%, up to a maximum of 10%. Similarly, statewide laws in Oregon and California allow increases of CPI plus 7% and CPI plus 5%, respectively, with a 10% maximum.

The Committee received significant feedback on Somerville's appropriate annual rent cap. Tenants were especially concerned that increases above CPI would be unaffordable, as wages typically don’t keep up with inflation and rarely exceed it. At the same time, property owners raised concerns about rising taxes, labor costs for repairs, and their ability to make a fair profit.

Ultimately, the Committee decided on an annual increase of CPI plus 2%, with a maximum of 5%. For example, on a \$2,000 rental, the maximum annual rent increase would be about

\$100 per month based on 2024 numbers. While the Committee recognized that even this increase could be problematic for many tenants to absorb, it had to weigh these concerns against the legitimate challenges faced by property owners, such as rising costs and the practicality of passing any proposed measures at the state legislature.

EXCEPTIONS TO THE ANNUAL RENT CAP OR EXCEPTION RENTS

DECISION: THE CITY IS AUTHORIZED TO CREATE A SYSTEM FOR EXCEPTION RENTS THAT EXCEED THE ANNUAL CAP

Many landlords who testified about rent stabilization argued that limiting rent increases would prevent them from recouping the costs of major repairs, upgrades, or unexpected increases in taxes and other significant expenses. They claimed this could lead to deteriorating housing conditions and discourage property improvements. Through our research, the Committee found that many communities with rent stabilization allow landlords to apply for rent increases above the annual cap to cover extraordinary expenses, such as system upgrades, converting to electric heat pumps, or deleading.

The Committee acknowledges that property owners are entitled to a fair investment return. As a result, the Home Rule Petition includes a provision that gives the City the authority to establish a process for granting rent exceptions above the annual cap. The Committee also allowed annual CPI rent increases plus 2% to further address these concerns. Since the CPI measures the increase in the costs of consumer goods, it accounts for some of the rising expenses that landlords face, including costs related to repairs and maintenance.

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VACANCY DECONTROL

DECISION: RENTS REMAIN STABILIZED ON TURNOVER

“Vacancy decontrol” means that a rent-stabilized unit’s allowable rent will become deregulated between vacancies. Somerville received much testimony regarding the consequences of vacancy decontrol.

The two biggest concerns are

- (1) that vacancy decontrol creates a significant financial incentive for owners to push tenants out of controlled units, often leading to harassment, failure to make repairs, etc., and;
- (2) housing would quickly become unaffordable once again if landlords could raise rents without restriction once a unit becomes vacant.

To the extent that the goal of the City is both to prevent displacement and to ensure that the City remains diverse, with housing available to households at various income levels, rent limits must stay in place over time. For these reasons, the Committee did NOT allow units to be decontrolled on turnover.

JUST CAUSE EVICTION PROTECTIONS

DECISION: THE HRP INCLUDES JUST-CAUSE EVICTION PROTECTIONS THAT BALANCE TENANT PROTECTIONS WITH REASONABLE PROTECTIONS WHILE ALLOWING OWNERS TO END TENANCIES FOR VALID BUSINESS REASONS

In Massachusetts, for units that aren’t subsidized or rent-regulated, landlords can evict tenants without giving a reason once their lease ends or with just a month’s notice for a tenancy at will. This makes it harder for tenants to challenge evictions that may be retaliatory or discriminatory. Just cause eviction protections require landlords to provide either a fault-based reason or a valid business reason for eviction, and the burden is on the landlord to prove their case in court. These protections are often paired with rent stabilization efforts, as controlling rent increases alone isn’t enough to prevent displacement if tenants can still be evicted without cause.

The Home Rule Petition for Rent Stabilization filed by the City includes a just cause eviction provision, which sets out eviction reasons that the Committee deemed fair to landlords and tenants. The allowed reasons for eviction are:

- (a) The tenant has failed to pay the rent to which the owner is entitled;
- (b) The tenant has committed a substantial violation of a material lease term or term of the tenancy;
- (c) The tenant is causing substantial damage to the leased unit;
- (d) The tenant engages in criminal activity that threatens the health and safety of other residents or persons lawfully on the premises;
- (e) The owner seeks in good faith to recover possession of a leased unit for the owner's use and occupancy or the use and occupancy by the owner's spouse, children, grandchildren, great-grandchildren, parents, grandparents, aunts, uncles, nieces, nephews, brothers, sisters, fathers-in-law, mothers-in-law, sons-in-law, or daughters-in-law;
- (f) The owner seeks to remove the unit from the rental market to convert to a cooperative or condominium and
- (g) The owner seeks to demolish or convert to non-residential use

The Committee aimed to balance allowing property owners to proceed with evictions when necessary due to unacceptable tenant behavior threatening others or for legitimate business reasons while protecting tenants from retaliatory or unfair eviction practices. Committee members concluded that the reasons permitted in Somerville's home rule petition provide fair protection for property owners.

AFFORDABLE HOUSING EXEMPTIONS

DECISION: RENT-RESTRICTED HOUSING WITH RENTS BASED ON INCOME IS EXEMPT FROM RENT STABILIZATION REGULATION, BUT MARKET-RATE UNITS OCCUPIED BY TENANTS WITH TENANT-BASED VOUCHERS ARE NOT EXEMPT

The Committee debated whether affordable housing units already rent-restricted by various affordable housing programs should be exempt from the proposed rent stabilization ordinance. Exempting the most affordable housing from rent control is generally accepted, as including them would create conflicting rules. However, a more controversial issue was whether to exempt housing units without rental subsidies or restrictions occupied by tenants with mobile Section 8 or other tenant-based vouchers.

On the one hand, exempting units with Section 8 tenants from rent restrictions could encourage landlords to rent to voucher holders, helping to reduce discrimination based on the income source. On the other hand, rent caps allow limited Section 8 funding to serve more eligible households and keep the owner's potential profit the same, whether a market tenant or a voucher holder occupies the unit. After weighing these factors, the Committee decided that, given the significant gap between the demand for affordable housing and the

availability of affordable units, it was more important to support a policy allowing more vouchers.

OWNER-OCCUPANT EXEMPTION

DECISION: OWNER-OCCUPIED ONE, TWO AND THREE-UNIT BUILDINGS ARE EXEMPT FROM RENT REGULATION

The Committee considered and included several exemptions in the home rule petition, which are common in areas with rent stabilization ordinances. These exemptions include university-owned dormitories, hotels and motels, housing in hospitals or care facilities, and units where the tenant shares a kitchen or bathroom with the owner. Much of the testimony from Somerville property owners focused on the potential harm that rent stabilization could cause to small property owners who lack the real estate and financial resources to absorb the expected losses. The Committee reviewed this testimony and researched the owner-occupant exemptions in past and current rent stabilization laws. Additionally, the Committee gathered data on the percentage of Somerville rental units exempt from rent stabilization based on size and owner occupancy. The data reveals the following:

Fig. 1¹

	Units	Percent of Somerville Rentals
Owner-Occupied, Two Units or Less	2708	12.22
Owner-Occupied, Three Units or Less	4246	19.16
Owner-Occupied, Four Units or Less	4267	19.25

After attempting to balance the need for rent stabilization to apply to as many rental units as possible with the concerns of small landlords, the Committee decided that exemptions would be allowed for properties with three or fewer units where the owner occupies one of the units as their principal residence.

¹ City of Somerville FY2023 tax parcels. Analysis by Committee member and MIT professor Eric Robsky Huntley.

EXEMPTION FOR NEW CONSTRUCTION:**DECISION: NEW CONSTRUCTION WILL BE EXEMPT FOR FIFTEEN YEARS FROM CERTIFICATE OF OCCUPANCY**

As co-chair of the Metropolitan Mayors' Coalition and understanding the need to increase the housing supply in the region, Mayor Ballantyne wanted to ensure that the Committee carefully avoided policies that could hinder the development of new residential units while drafting the home rule petition for rent stabilization.

To determine an appropriate exemption period for new construction in Somerville, the Committee took several steps:

- (1) researched academic articles,
- (2) interviewed a real estate developer,
- (3) examined new construction exemption periods in rent control jurisdictions across the country,
- (4) spoke with sponsors of the enabling legislation and
- (5) consulted Professor Edward Goetz from the University of Minnesota's Center for Urban and Regional Affairs, who authored a 2021 study on the impact of rent stabilization on new residential construction.

From Professor Goetz's research, it was clear that there was little empirical evidence linking rent stabilization to a reduction in new housing production. The only study he was aware of found little to no difference in housing starts when rent stabilization was in place compared to after it ended. However, many reports and statements from real estate interests expressed concern that rent stabilization would discourage new construction. Experts generally recommend that exemptions be tied to "holding periods," which are the time it takes for investors in new housing development to recoup their investment and generate enough profit before selling or redeveloping the property. It is widely believed that rent stabilization after this holding period would not affect a developer's ability to secure funding or decide to move forward with a project. While holding periods vary, most experts suggest that five to ten years is typical and offers the best return on investment.

Given the importance of this issue, the Committee decided to take a cautious approach by adopting a more extended exemption period of fifteen years, which was also adopted in the City of Boston's Home Rule Petition.

RENT ROLLBACK

DECISION: RENTS WILL BE ROLLED BACK TO THOSE IN PLACE TWELVE MONTHS BEFORE THE PASSAGE OF ANY RENT STABILIZATION ORDINANCE.

Understanding that introducing a rent stabilization ordinance may lead landlords to increase rents to lock in a higher base rent, the Committee's draft HRP pegs base rents to the rent in effect a year before any ordinance takes effect.

MEANS TESTING

DECISION: ALL NON-EXEMPT UNITS WOULD BE REGULATED AND WOULD NOT BE TIED TO THE OCCUPANT'S INCOME

While a few comments received during the engagement process suggested that only units rented by those with limited income should be rent-stabilized, this was not a sentiment heard frequently. Most rent stabilization programs do not require means testing. If only units rented to low- or moderate-income tenants were rent-stabilized, owners would have a significant incentive not to rent to these tenants, making access to rentals for low- and moderate-income tenants even more difficult. The Committee does not recommend that any means testing be instituted if Somerville is authorized to stabilize rents.

ADMINISTRATION

DECISION: HOW THE RENT STABILIZATION ORDINANCE WILL BE ADMINISTERED WILL BE DETERMINED AFTER THE HRP IS APPROVED BY THE LEGISLATURE AND AFTER ADDITIONAL OPPORTUNITIES FOR COMMUNITY INPUT

The Committee does not recommend how the rent stabilization ordinance should be administered. Instead, it included broad language in the Home Rule Petition, enabling the City to designate an administrator or a board to create regulations to implement rent stabilization in Somerville. If the City is granted authorization to regulate rents, there will be additional opportunities for public input to inform both the final content of any future ordinance and to determine the mechanisms for administering any such ordinance.

Consider Expanded Local Fair Housing Enforcement If Necessary.

In housing circles, it is commonly reported that there is widespread unlawful discrimination against people with Section 8 vouchers or other housing subsidies, as well as families with children under six when trying to access rental housing. The Committee identified improving fair housing enforcement as a top priority for research. As of September 2023, data from the Somerville Housing Authority (SHA) showed that out of 1,038 mobile Section 8 vouchers issued through the SHA, only 295, or about 28%, were used in Somerville. The rest were used in other cities or towns. SHA prioritizes mobile Section 8 vouchers for people who live or work in Somerville at the time of issuance. While it's hard to know how many voucher households left Somerville by choice, many were likely unable to find landlords in Somerville willing to rent to them. It's also reasonable to assume that some of these rejections were discriminatory.

At the time of the Committee's research, the main way to address housing discrimination in Somerville was by filing a complaint with the Massachusetts Commission Against Discrimination (MCAD), the state agency responsible for enforcing housing discrimination laws. Complaints could be filed with the Somerville Fair Housing Commission (SFHC) or MCAD. A major concern with fair housing enforcement was the long filing process with MCAD, where tenants rarely had access to the apartment when the case was resolved. It was widely reported that MCAD had a large backlog of cases. After getting updated information from MCAD, the Committee learned that it could take up to two years for MCAD to address a new housing discrimination complaint from Somerville.

While the Committee was conducting its research, a Council order was submitted by the Fair Housing Commission (FHC) to gather data about whether its authority should be expanded to allow it to investigate and adjudicate complaints locally, where MCAD had overlapping jurisdiction. City staff gathered data from MCAD about the backlog of Somerville cases as of January 2024. As of that time period, it was found that there were only four backlogged housing complaints from Somerville, none of which involved source-of-income discrimination, including voucher-based discrimination.

The Committee agreed that expanding the FHC's authority to investigate and adjudicate complaints would require a change in ordinance and more staffing. At the same time, the FHC and staff determined that due to the relatively low number of housing complaints and the newly identified enforcement options described in Section f, it was not the right time to expand the FHC's work significantly. Instead, the FHC should focus on education and outreach to better inform residents of their rights, responsibilities, and available resources.

Initiation of Survey regarding fair housing enforcement in Somerville

Survey of housing and human service staff working with Somerville residents on housing search:

Nineteen (19) fair housing complaints were filed with the Fair Housing Commission in FY22, the last year for which there is definitive data.² To determine why so few fair housing complaints had been filed with the Fair Housing Commission, the Committee prepared a survey to distribute to local partners working with Somerville residents to obtain or retain housing. The survey asked how frequently their clients experienced housing discrimination, the kinds of complaints they had, and, why complaints were not filed if they were not.

The survey had 15 questions, many of which permitted open-ended answers to allow for explanations that multiple-choice responses may not easily capture. A list of protected classes in the City of Somerville was provided and is reprinted below, and respondents were asked about any possible violations related to these.

- Race
- National origin
- Sex
- Military status
- Sexual orientation
- Source of income (e.g. Section 8)
- Marital status
- Ancestry
- Color
- Religion
- Gender identity
- Age (except minors)
- Family status (e.g. have children)
- Disability
- Genetic information

SURVEY TAKEAWAYS:

The survey results confirm the Committee members' understanding of the nature of housing discrimination and its relative lack of enforcement. Notably, about 60% of survey responses indicate that participants had seen fair housing discrimination over the previous twelve months. At the same time, only 24% had filed fair housing complaints. However, in most of these cases, staff were aware of how to pursue fair housing complaints, but either the issue was handled informally, or the applicant did not wish to pursue a formal complaint. This is fully consistent with the observations of the Committee members; tenants who are desperately searching for housing often do not have the time or inclination to engage in a legal battle when they must continue to pursue their housing search aggressively.

Additionally, anecdotal evidence shows that applicants often do not want to start a new landlord/tenant relationship that is adversarial. Of note, however, is that for those respondents who did not assist a client with filing a complaint, 25% did not file because they did not think it would do any good. Survey results indicate that fair housing violations occur regularly, but the slow process for remedies and a renter's vulnerable position when seeking housing make positive

² After drafting this report, data was generated for FY23 regarding fair housing complaints. In FY23, only thirteen fair housing complaints were filed with the Somerville Fair Housing Commission.

outcomes difficult to obtain. Increasing education among landlords and tenants is a good method to prevent issues from occurring in the first place.

Fig.2

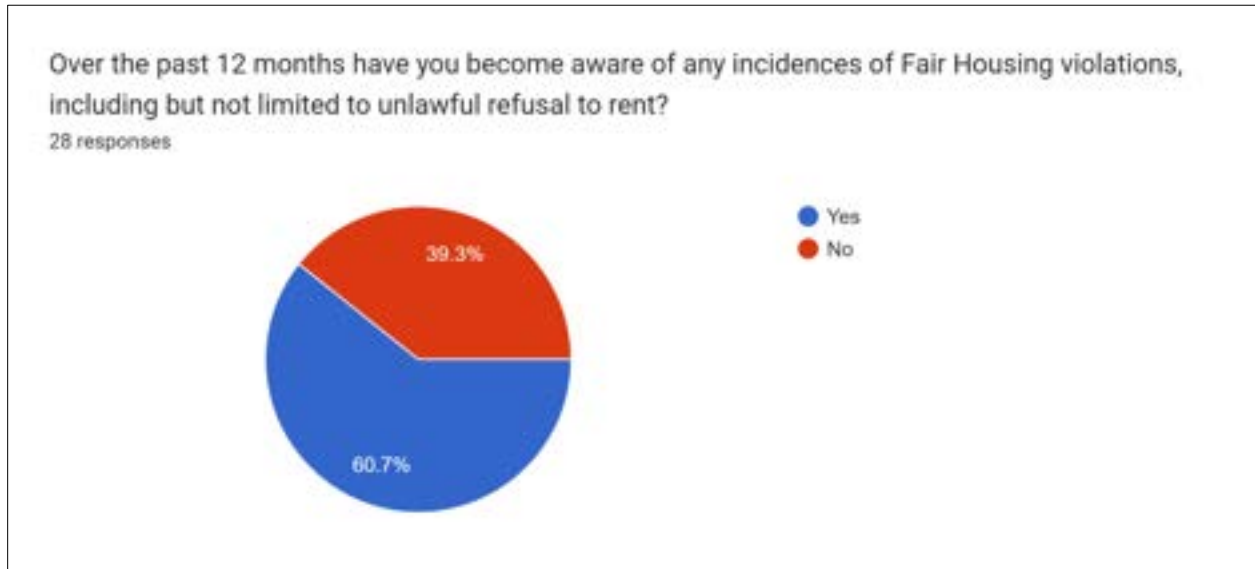


Fig. 3

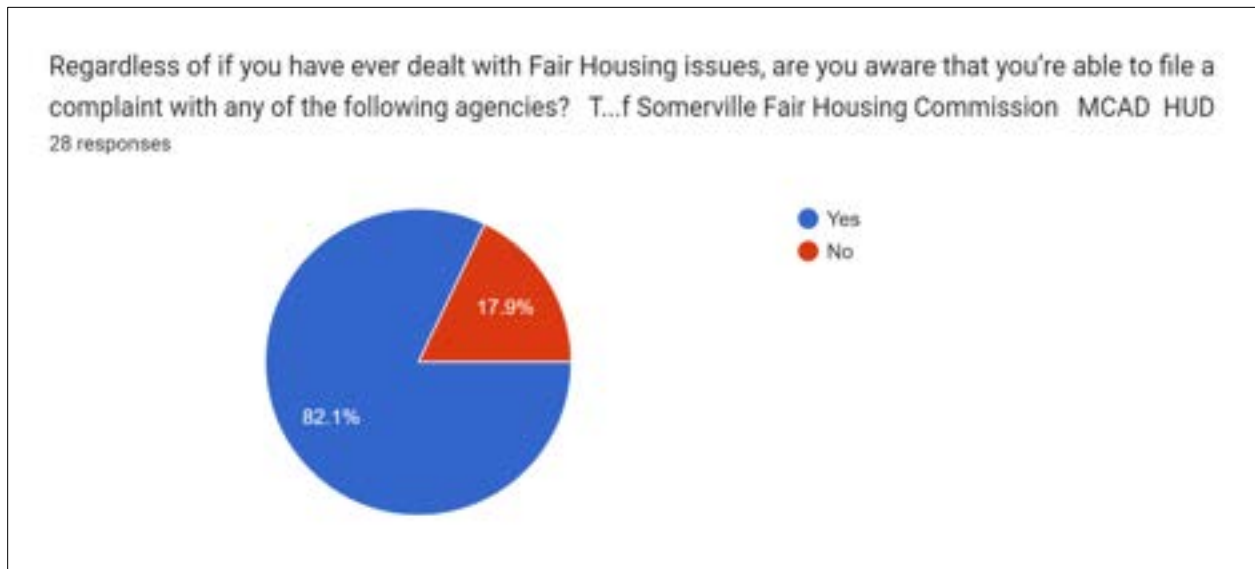


Fig. 4

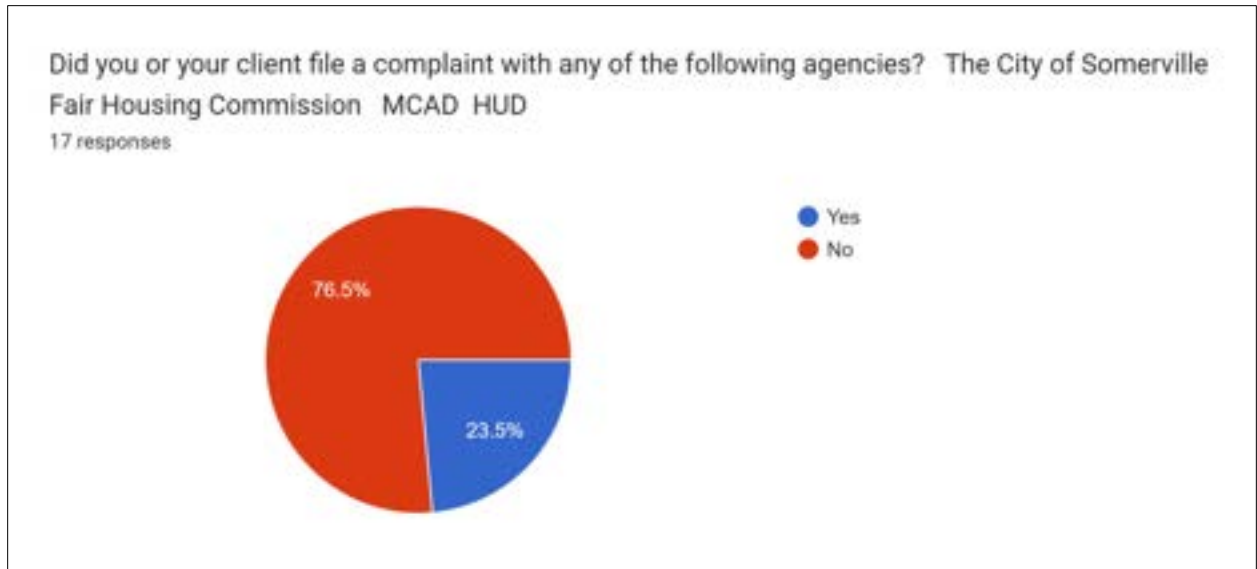
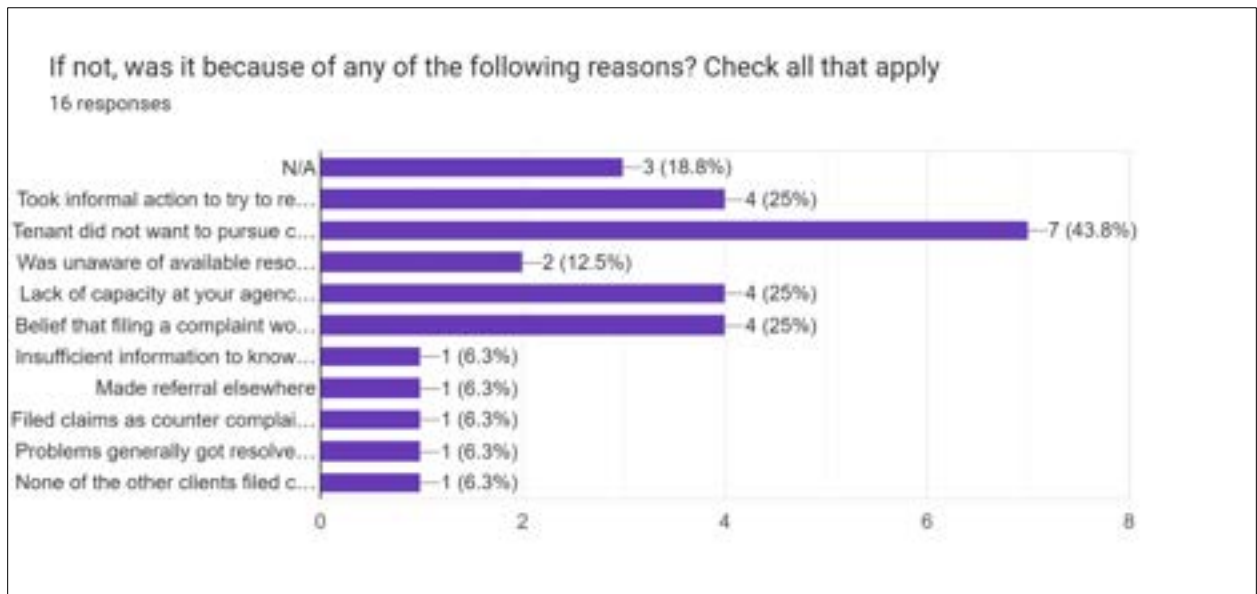


Fig. 5



Summary of information obtained through the review of existing laws and reports and interviews conducted by members of the ADTF Residential Committee

Review of existing local Fair Housing Ordinance and staffing issues

The Somerville Fair Housing Ordinance is found in Chapter 7 Article III Sec 7-41 (“the ordinance”). The ordinance sets out the duties of the Fair Housing Commission. The ordinance provides that the Fair Housing Commission should prepare and transmit complaints to MCAD where complaints are within, or appear to be within, the jurisdiction of MCAD. This includes all protected classes covered by Somerville’s local ordinance except “family or relationship structure” which was a protected class added to the categories of protected classes protection in 2023.

Under Sec 7-47 of the ordinance, the Fair Housing Commission’s duties are far more extensive, and complaints appear to be within the scope of local fair housing protections but not within the jurisdiction of MCAD. These abilities include more robust powers of investigation, the taking of sworn evidence, the ability to summon witnesses, to attempt mediation, and to make a final written report regarding the adjudication of the complaint. However, the Fair Housing Commission has not taken such an expansive role to date. The expansion of the Commission’s duties will require a higher level of staff capacity than is currently available, but if there is demand, it could be highly beneficial to the city’s residents and potential residents.

HISTORY OF FAIR HOUSING ENFORCEMENT IN SOMERVILLE

ADTF member Rona Fischman met with Melissa McWhinney, former director of the Mayor’s Office of Human Services, during the Joe Curtatone administration. Melissa informed Rona that there had previously been a half-time fair housing investigator position in the City, which conducted investigations for MCAD. Having someone in this position allowed complete investigations to be submitted to MCAD along with the fair housing complaint. This sped up the process for people in Somerville seeking recourse through MCAD.

CURRENT FAIR HOUSING ENFORCEMENT IN CAMBRIDGE

ADTF member Ellen Shachter, Director of the Office of Housing Stability, Hanalei Steinhart, then staff to the Fair Housing Commission, and Lisa Davidson, Deputy Director of the Housing Division, met with Cambridge Human Rights Commission (CHRC) Director Carolina Almonte to discuss fair housing enforcement in Cambridge. The City of Cambridge has special authorizing legislation allowing it to perform investigations, mediation, and enforcement activities, including levying substantial fines for violations of federal and local fair housing laws. During this conversation, the Committee learned that the CHRC had no direct relationship with MCAD. Instead, it was confirmed as a “substantially equivalent” service to the U.S. Department of Housing and Urban Development (HUD) for investigations

of its Cambridge-based federal fair housing complaints. The CHRC investigator, who is required to be a licensed attorney, investigates complaints, makes findings of probable cause, has settlement conferences, and ultimately, if need be, can hold public hearings with the power to award monetary compensation to complainants. Investigations are required to be performed within 100 days of filing. If there is a finding of probable cause, there is also a possibility that cases may go to the Office of the Attorney General for further enforcement. HUD pays the CHRC \$3,000 to \$5,000 per case to perform these services. Ms. Almonte estimated that CHRC receives 15-35 complaints per year, but not all these complaints are about housing, and there have been no public hearings in the last 13 years.

AUTHORITY NEEDED TO EXPAND FAIR HOUSING ENFORCEMENT

The Committee asked the Law Department whether an approved Home Rule Petition would be required to expand the investigatory and fact-finding powers and duties to cases where enforcement of the local Fair Housing Ordinance would overlap with MCAD jurisdiction. As summarized above, the FHC only has these powers regarding cases without MCAD jurisdiction.³

The Law Department concluded that the City could expand the investigatory and fact-finding duties to cases within the jurisdiction of MCAD without first needing approval from the state legislature. However, in their opinion, the only penalties that could be issued for failure to comply with the local Fair Housing Ordinance without new home rule authority would be those fines permissible under M.G.L c. 40 Section 21 with a maximum of \$300 per day per violation. All parties concluded that it could be difficult for the Inspectional Services Department (ISD) to enforce this ordinance because it depends on individuals to file complaints, and cases relying on verbal evidence can be difficult to prove. The FHC and its staff would need to work closely with ISD and the Law Department to determine how the staff role should change if the authority of the FHC is expanded.

³ At present the only class of persons protected by local fair housing laws that are not also protected by state law enforced by MCAD are those discriminated against based on "relationship structure." This additional protected class was added to the fair housing ordinance pursuant to Ordinance No. 2023-12.

RESOURCES AT SUFFOLK LAW SCHOOL FAIR HOUSING CLINIC AND ACCELERATOR TO PRACTICE PROGRAM AT SUFFOLK LAW SCHOOL

Residential Committee members met with Suffolk Law School’s Director of Fair Housing Enforcement at the Housing Discrimination Testing Program (HDTP), Ashley Grant, and Assistant Clinical Professor of Law and Faculty Director of the Accelerator-to-Practice Program (A2P), James Matthews. The meeting was productive, and the Committee learned that, if they have capacity at the time of referral, the Suffolk team can accept cases where injunctive relief is necessary to preserve an apartment wrongfully denied to a tenant when the facts warrant taking the case to court. In making this assessment, the HDTP would evaluate whether tenants are “otherwise qualified” for the housing unit they are applying for in that they meet all tenancy criteria except paying rent with a voucher or rental assistance. This ability of HDTP advocates to seek injunctive relief would greatly improve the chances that a tenant would get to move into and rent an apartment subject to a discrimination complaint. Due to the nature of this clinical program, primarily staffed by student lawyers, capacity is limited during the school year and even more so during the summer. However, the Committee was glad to hear of another resource available to residents facing discrimination.

NEWLY IDENTIFIED FAIR HOUSING ENFORCEMENT RESOURCES

The Residential Committee, during its investigation, has identified the following new resources available to Somerville residents to enforce fair housing laws:

- (1) De Novo Center for Justice and Healing has confirmed its willingness to represent tenants in fair housing cases under its existing contract with the City of Somerville;
- (2) the Suffolk Law School fair housing enforcement team has indicated a willingness to go to Court on fair housing cases on behalf of Somerville residents where:
 - a. the facts warrant injunctive relief, and
 - b. resources allow; and
- (3) the Housing Division’s Fair Housing staff’s duties have been expanded to include informal advocacy to resolve fair housing complaints positively.

In addition, House 4138, the Affordable Homes Act, passed by the state legislature and signed into law by the Governor in July 2024, provides for establishing a new statewide “Office of Fair Housing.” Assessing the services provided through this new Office will be important when considering whether Somerville needs to expand its enforcement resources.

Based on all the information gathered and analysis described above, including the newly available resources for fair housing enforcement and the few fair housing complaints filed with the City and MCAD, the Residential Committee recommends a monitoring approach as the Fair Housing Commission focuses on community education.

RESEARCH AND EVALUATE OPTIONS TO INCREASE THE DEPTH OF AFFORDABILITY REQUIRED FOR RENTAL HOUSING UNDER THE INCLUSIONARY ZONING ORDINANCE.

Inclusionary housing is one of the most effective tools Somerville must use to create new affordable housing for its residents. Inclusionary units can be rental or homeownership, but this recommendation only focuses on rental units. While there is generally strong demand for inclusionary units, those aimed at higher Median Incomes (AMIs) are harder to fill. For rental units, the highest AMI is 110% (moderate income), meaning a family of four could earn up to \$179,520 and still qualify for this “affordable” unit type.⁴

Somerville’s Inclusionary Zoning (IZ) Ordinance was established in 1990 and updated in 2016 to increase the percentage of inclusionary units. Under the 2016 rules, buildings with 18 or more units must set aside 20% of their units as inclusionary, buildings with 8-17 units must set aside 17.5%, and buildings with 6 or 7 units must provide one unit or a fractional payment in lieu of a unit.⁵ There was no inclusionary requirement for buildings with fewer than six units. In 2019, the zoning ordinance was further updated to lower the threshold for the inclusionary requirement, applying it to projects with at least 4 residential units. These units are divided into tiers based on income levels: “very low income,” “low income,” and “moderate income” AMIs.

As shown in *Fig. 6* below, moderate-income units are the least common in inclusionary projects, as they only appear starting at the fifth unit in development and then every fourth unit thereafter. Although there are fewer moderate-income units than lower-income units, they help make IZ financially feasible for developers by balancing out the lower rents they receive from more deeply affordable units.

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⁴ A household of four would need a minimum of approximately \$117,928 in annual income to afford a two- bedroom unit at 110% of AMI or approximately \$132,666 in annual income to afford a three-bedroom unit at 110% of AMI.

⁵ See [Ordinance No. 2016-06 | Zoning Ordinances | Somerville, MA | Municode Library](#)

Fig. 6⁶

Table 12.1.5 (a) ADU Price Tiers

ADU	Price Tier
1 st ADU	Tier 1
2 nd ADU	Tier 2
3 rd ADU	Tier 1
4 th ADU	Tier 2
5 th ADU	Tier 3
6 th ADU	Tier 1
7 th ADU	Tier 2
8 th ADU	Tier 1
9 th ADU	Tier 3
10 th ADU	Tier 2
11 th ADU	Tier 1
12 th ADU	Tier 2
13 th ADU	Tier 3

Repeating

For units permitted before the 2019 update of the ordinance, very low (50% AMI) and low (80% AMI) unit rents were calculated based on HUD’s low and high HOME rents.⁷ Moderate (110% AMI) unit rents were calculated for each household based on 30% of that household’s gross income. This changed with the 2019 update; now, a formula is used for all income tiers, which calculates rent based on the regional Median Family Income, number of bedrooms in the unit, and income tier. It assumes the occupant household’s income to be 10% lower than the maximum limit for that tier. For example, rent for a 110% AMI unit is calculated assuming that the household occupying the unit makes 100% of the AMI. It also assumes that households can spend 30% of their gross income on housing expenses (housing, utilities, and amenity fees). This new calculation method has benefited renters in the very low and low AMI tiers, but rents for the moderate-income (110% AMI) units have not proven as beneficial for renters. Rents for units permitted under the 2019 ordinance at 110%AMI are shown in Fig. 7:

Fig. 7

Unit Type	Studio	1- Bedroom	2- Bedroom	3- Bedroom	4- Bedroom	5- Bedroom
Tier 3/110% AMI	\$2,234	\$2,606	\$2,978	\$3,350	\$3,723	\$4,095

A Somerville Housing Authority utility allowance is deducted from these rents, as applicable.

While rents for 110% AMI inclusionary units in new, modern apartment complexes are lower than market-rate units, they are often not significantly cheaper than other rents available in the Somerville market. In fact, 110% AMI rents are often comparable to market rents; in some cases, they may even exceed them. As a result, these units are often difficult to fill. Even when there is a sufficient pool of applicants, renters in this income group may be less willing to complete the

⁶ Somerville Zoning Ordinance 12.1.5 <https://online.encodeplus.com/regs/somerville-ma/doc-viewer.aspx#secid-810>.

⁷ https://www.hud.gov/program_offices/comm_planning/home “HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.”

application process and submit all the required documentation to rent a unit. Anecdotally, the income certification and recertification processes may not seem worth it when similarly priced units are available on the open market without the need for such documentation. These units often take longer to fill than those at lower AMIs, which may need to be re-marketed and generally receive fewer responses from applicants than the lower-tiered units.

Research Conducted

Any changes to the Inclusionary Zoning Ordinance have the potential to benefit the intended beneficiaries greatly but can also have unintended consequences, especially at a time of market instability. To mitigate those effects, the Committee, through the City's Housing Division, contracted with the Metropolitan Area Planning Council (MAPC) and asked them to research creative ways other jurisdictions nationwide accomplished their goals of deepening affordability while minimizing any negative impacts on development. To help guide this research, the Committee provided MAPC with the following scope:

Project Goals

- Understand how municipalities across the country have required the creation of more deeply affordable housing units (30% AMI) through inclusionary zoning or other related policies
- Understand the limitations and opportunities for how policies from municipalities in other states might apply in Massachusetts
- Provide the Residential Displacement Committee with concrete mechanisms to incorporate a deeply affordable (30% AMI) tier in Somerville's inclusionary zoning policy while maintaining development feasibility
- Provide the Residential Displacement Committee with concrete mechanisms to reduce the current 110% AMI tier to a lower middle-income tier (90% AMI) while maintaining development feasibility

In addition to the scope, the Committee shared information that Grounded Solutions had previously gathered⁸ They also requested that they look at peer cities identified by the City's SomerStat Division. These cities are geographically diverse but have characteristics like Somerville, which makes them great case studies if they already have plans in place.

List of Peer Cities

- Redondo Beach, CA
- Santa Monica, CA
- Evanston, IL
- Brookline, MA
- Cambridge, MA
- Bayonne, NJ
- Hoboken, NJ
- Jersey City, NY
- West New York, NJ
- Alexandria, VA
- Arlington, VA

⁸ <https://inclusionaryhousing.org/designing-a-policy/affordability-preservation/>

MAPC’s initial report based on documentary research has now been received, and the Committee will include it as an appendix to the final report. They will also conduct several follow-up interviews with the programs that may be the most useful for our purposes. Additionally, this research will also inform the City’s Housing Needs Assessment (HNA). A new HNA and accompanying Financial Feasibility Analysis (FFA) are required by ordinance to be undertaken every five years. The FFA looks at the financial feasibility of proposed affordability requirements to maximize the number of affordable units generated and targeted at the lowest AMIs without stifling development which would have an overall negative impact on the housing market. The consultant for the two reports will use the research gathered by MAPC to conduct financial modeling for the City to project which mechanisms could best be used to incentivize deepening affordability in IZ units. The HNA & FFA are expected to be completed in Spring 2025.

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ENSURE THE LONG-TERM VIABILITY OF A WELL-FUNDED FLEXIBLE RENTAL ASSISTANCE/HOMELESSNESS PREVENTION PROGRAM NOW KNOWN AS FLEX-SAHTF (SOMERVILLE AFFORDABLE HOUSING TRUST FUND) WITH USE OF GENERAL FUNDS, FREE CASH, OR OTHER AVAILABLE FUNDING SOURCES ON AN ANNUAL BASIS. FUNDS ARE RECOMMENDED BE AT LEAST \$2,000,000 ANNUALLY.

The Office of Housing Stability (OHS) produced and submitted a business plan to the City Council in early 2019 which identified critical programming necessary to support the anti-displacement work of OHS and the City of Somerville. OHS at that time identified the crucial need for new flexible sources of rental assistance that could fill gaps where other programs were ineffective in serving some of Somerville’s most vulnerable residents. A flex fund was subsequently established and funded by the City Council.

From approximately March 2020 until the expiration of the state-funded Emergency Rental Assistance (ERAP) program on April 15, 2023, housing advocates from around the state identified flexibilities that were necessary to make a rental assistance program work effectively, especially in areas with significant immigrant populations and resultant overcrowding like Somerville. Some of the critical flexibilities identified were

- (1) the ability to pay rent that is owed to “primary tenants” or “encargados” without the need to provide a W-9, which is often impossible to get from a primary tenant;
- (2) the ability to provide self-affidavits for cash earnings; and
- (3) the ability to pay prospective rent where necessary.⁹

The state ERAP program allowed these flexibilities until the ERAP program ended in April 2022.

OHS and local non-profits identified flexible funding for homelessness prevention as a top priority for using Federal American Rescue Plan Act (ARPA) funds. In response, the ARPA team allocated \$4.3 million to OHS for a new flexible rental assistance program called Flex-ARPA. This program provides flexibility to cover various expenses, including non-rental costs to prevent eviction or assist with rehousing. It also allows for payment of prospective rent for up to six months, with the possibility of renewal if necessary. The Community Action Agency of Somerville (CAAS) and the Somerville Homeless Coalition (SHC) were selected as partner agencies to manage the new funds. These funds have been essential to homelessness prevention efforts in Somerville. According to the August 2024 mid-year ARPA report, between July 2022 and July 2024, 385 households were able to avoid eviction through the Flex-ARPA program. However, as of November 2023, SHC had fully

⁹ Prospective assistance is often necessary to stabilize tenancies as many tenants do not only face one-time shortfalls but lack the income to pay their rent, get work authorization, find roommates or take other steps to stabilize their tenancies.

obligated its Flex-ARPA funds and could no longer process applications without additional funding. CAAS expects to fully spend or commit its Flex-ARPA funds by October 31, 2024.

In addition to showing how many evictions were prevented through Flex-ARPA, Somerville has experienced significantly lower rates of evictions, called executions which are final court orders for physical removal, due to non-payment of rent compared to neighboring communities. *Fig. 8* below compares the number of residential evictions based on non-payment of rent in Somerville and surrounding areas between January 2020 and August 2024.

Fig. 8¹⁰

City	Population	Rate of Executions Issued	Executions per 1000 residents (rounded)
Cambridge	118,488	317	3.7
Everett	50,318	240	4.8
Malden	64,712	420	15.4
Medford	65,000	147	2.3
Somerville	79,762	135	1.7

This comparison of rates of execution/eviction is further evidence that the interventions put into place, including the critical Flex-ARPA program, have been highly successful in preventing involuntary displacement in Somerville.

In FY23, the CAAS Renters’ Committee and other housing advocates asked the Mayor to appropriate FY23 “free cash” to ensure the ongoing funding of the Flex-ARPA program. The Mayor fully supported this request and asked the City Council to allow \$3,000,000 in free cash to be used for this purpose, the City Council. In July 2023, these funds were then transferred to the Affordable Housing Trust Fund for the express purpose of funding this critical flexible rental assistance program. An RFP for flexible rental assistance was released on October 11, 2023. The Somerville Homeless Coalition and the Community Action Agency of Somerville were each awarded \$900,000 in Flex-SAHTF. After making these initial grants \$1,500,000 remained in the Flex-SAHTF account. In June 2024, the Mayor requested, and the City Council approved, an allocation of \$2,000,000 in FY24 free cash to be added to this fund.

Despite the current balance of \$3,500,000 available for future funding of the Flex-SAHTF program, at current rates of expenditure, this fund would be depleted by mid-calendar year 2026.

¹⁰ Data on executions generated from: [Massachusetts Trial Court, Summary Process Executions Issued | Tableau Public.](#)

ENSURE THE LONG-TERM VIABILITY AND GROWTH OF THE MUNICIPAL VOUCHER PROGRAM WITH THE USE OF GENERAL FUNDS, FREE CASH, OR OTHER AVAILABLE FUNDING SOURCES ON AN ANNUAL BASIS.

While implementing rental assistance programs, OHS, the School Department's Office of Housing and Basic Needs, and local housing non-profits have observed that immigrant households make up a disproportionate percentage of housing-unstable families in Somerville. These households are excluded from many federally funded affordable housing programs, including federal public housing and the Housing Choice Voucher Program (commonly known as Section 8). OHS data shows that about 61% of residents receiving rental assistance through OHS speak a primary language other than English.¹¹ Similarly, the Community Action Agency of Somerville and the Somerville Homeless Coalition also assist a disproportionate number of immigrant households with rental assistance programs. It quickly became clear that many of these families, who rely on seasonal and fluctuating cash income and face barriers like lack of work authorization, limited English skills, or disabilities, would struggle to stay in their homes without long-term rental assistance. While the state-funded Massachusetts Rental Voucher Program (MRVP) and state public housing programs are available regardless of immigration status, applicants often face years of waiting if they don't meet strict emergency criteria.

Regina Bertholdo, Director of Basic Needs and Housing Support Services at Somerville Public Schools, effectively highlighted the long-term harm caused to students forced to move due to eviction or housing instability. These harms included a decline in academic performance, the loss of special education services, and the disruption of friendships and relationships with trusted adults. These observations align with extensive research.¹² Somerville needed to find housing solutions for as many housing-unstable families as possible to prevent these and other negative outcomes from displacement. To address this, OHS began researching municipally funded housing voucher programs, including those in Boston and Martha's Vineyard. The two programs had different objectives: in Boston, vouchers helped move extremely low-income homeless families out of shelters or City-funded hotels, while in Martha's Vineyard, vouchers supported moderate-income families facing severe rental pressure, enabling them to stay as year-round residents in seasonal communities.

After discussions with the Mayor and the City's finance director, who were very supportive, it was decided that any funding for municipally funded vouchers in Somerville would go through the Somerville Affordable Housing Trust Fund (AHTF). Around this time, significant federal funding became available for housing programs through the American Rescue Plan Act (ARPA), passed by Congress in response to the COVID-19 pandemic. The City's ARPA team approved OHS's funding

¹¹ Statistics based on the August 24, 2024, semi-annual ARPA program report for rental assistance advocates.

¹² See, e.g., "Effects of school displacement on academic achievement and well-being on ethnic minorities, Labour Economics, Volume 79, December 2022 102226; Housing is Health: Prioritizing Health Justice and Equity in the U.S. Eviction System, Yale Journal of Health, Policy, Law and Ethics, 22:2 (2024).

request for \$1,911,600 for the Municipal Voucher Program (MVP) for 2023 and 2024. A key factor for the program's long-term success was ensuring it had enough financial support to continue for at least five years. To address this need, the Mayor went before the AHTF in October 2022,¹³ asking the Trust to accept approximately \$1.8 million in City funds and to commit an additional \$1.8 million in AHTF funds¹⁴ for MVP use through 2027. The AHTF approved both requests and with the ARPA funds already secured, the MVP was initially funded with \$5,608,348.

Current Status

A request for proposals for the administration of the MVP and support services (housing search and stabilization) was launched on February 15, 2023. After a competitive process, the Cambridge Housing Authority (CHA) was selected as the vendor to administer the program, and the Community Action Agency of Somerville (CAAS) was selected as the vendor to provide housing search and stabilization services.

During a limited application window, applications for the MVP were accepted by Somerville homelessness prevention organizations.¹⁵ Among housing insecure households, priority was given to applicants with children in Somerville Public Schools and those ineligible for, or poorly served by, federal housing programs. The program received 98 applications during the application period. Eight units in Somerville Community Corporation (SCC) properties were the first to be leased. Leases for these units began on March 1, 2024. As of September 2024, the CHA has leased or was imminently leasing twenty-six MVP households. An additional three families are working with CAAS to find housing where they can use their vouchers.

The following chart, *Fig. 9*, prepared by the Somerville Public Schools Office of Housing and Basic Needs, shows a dramatic increase in at-risk families placed in permanent housing between SY22-23 and SY23-24. Those moved into permanent housing went from a total of eight in SY22-23 to 38 in SY23-24 which is attributable in significant part to the start of the Municipal Voucher Program.

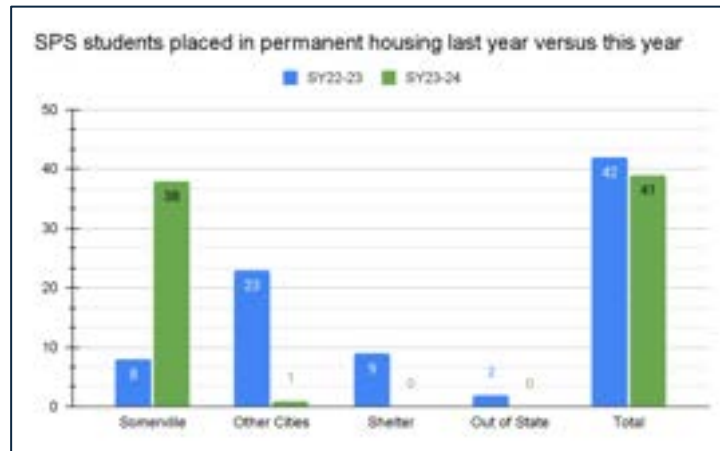
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¹³ See memo to the Affordable Housing Trust dated October 13, 2022, from Mayor Ballantyne, OHS Director Ellen Shachter, and Morena Zelaya, Housing Policy Coordinator.

¹⁴ The AHTF receives funding from a variety of sources, with most funds coming from linkage payments paid as a result of new development and from Community Preservation Act funds.

¹⁵ Applications were accepted from OHS, CAAS, SHC, the School Department, and the Somerville Office of Immigrant Affairs (SOIA).

Fig. 9



Funding for Growth

The Committee used data available as of September 2024 to estimate the need for annual funding to sustain the MVP. At present the Committee estimates that approximately \$1,300,000 will be needed annually to maintain the existing pool of 29 households who are current MVP voucher holders. The Committee recommends some program expansion and estimates it will cost an additional \$50,000 per tenant household per year to fund expansion. If MVP is expanded to offer vouchers to five additional households, the estimated cost will be approximately \$250,000 extra per year. This would bring annual program funding needs to a total of \$1,550,000.¹⁶ Existing funds, \$3.6M, for the post-ARPA period beginning in December 2025 are projected to be depleted by mid-year 2028, assuming no expansion of the number of voucher-households assisted. Funds could be depleted earlier in the event of expansion and no additional funding.

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¹⁶ Regardless of the decision on any MVP expansion funding will depend on both City revenues such as general revenue or free cash and additional funding from the Affordable Housing Trust Fund.

INCREASE OPPORTUNITIES FOR THE SALE OF BUILDINGS TO AFFORDABLE HOUSING DEVELOPERS.

Prioritize funding for the Early Acquisition Fund

In July 2022, the City of Somerville reallocated over \$8,000,000 in funds originally budgeted for the Green Line Extension Fund to the Somerville Affordable Housing Trust Fund to develop an Early Action Acquisition Fund (the Fund). The purpose of the Fund is to help enable affordable and/or mixed-income housing developers to acquire properties on the open market and compete with the market and all cash developers. The funds are awarded as low-interest loans and expected to be paid back once the awardee has other financing but can be converted into forgivable grants if necessary.

The Early Action Acquisition Fund has already been successfully used to purchase properties in the city, which are then deed-restricted to require the property's use as affordable housing. Of the over \$8M initially allocated, \$5M has already been used to assist with the purchase of two properties, 12 Pleasant Ave and 136 School Street. The Pleasant Ave property is likely going to be converted to condominiums by the Somerville Community Land Trust, with almost all the existing tenants purchasing their units at costs much lower than the market rate. The School Street property is a long-term redevelopment opportunity with approximately 100 affordable units projected to be built by the time the project is completed. While the total cost of the School Street project will be much higher than the initial \$2.5M awarded by the Early Action Acquisition Fund, between the two properties, the \$5M will have assisted in generating over 100 affordable units! The success of the EAAF is apparent and the City should seize the momentum and continue providing funding for this initiative that is making affordable housing a reality for many in the city.

Employ strategies that will encourage sellers to sell to affordable housing developers

To maximize opportunities for non-profit purchases of residential buildings for use as affordable housing through the Fund or otherwise, it is important that the City and/or affordable housing developers are notified of buildings that will be going up for sale as soon as possible in the sale process and that timelines for such purchases are sufficient to put funding in place.

Recommendation #7 below summarizes state and local efforts to pass legislation to ensure timely notice of building sales and timeframes for purchases that will enable affordable housing development.

There is some interest among property owners, particularly small property owners, in selling their properties to affordable housing developers. However, there may be instances where a property owner is unaware of this option. Committee members recommend that the City reach out to Somerville property owners and invite the owners to notify the City if they intend to sell their building and want to explore non-profit purchases.

Partner with a real estate agent to access market listings in real time

Working with a realtor to identify buildings going up for sale and notifying potential developers of affordable housing of such opportunities could increase the likelihood of successful purchases

Continue advocating for TOPA Home Rule Petition and/or enabling legislation

The Tenant Opportunity to Purchase Act (TOPA) provides a right of first refusal to tenants or designee non-profits to purchase buildings at market price, is a critical component of any strategy to take buildings off the speculative market for use as affordable housing. The campaigns for state and local TOPA legislation are described in Recommendation #7 below.

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DRAFT A LOCAL ORDINANCE REQUIRING OWNERS TO NOTIFY TENANTS OF INTENDED BUILDING SALES WHEN THEY LIST THEIR HOME ON THE MULTIPLE LISTING SERVICE (MLS) OR OTHER REAL ESTATE SALES PLATFORM.

It has become increasingly clear that the loss of units through building sales significantly contributes to residential displacement in Somerville. Once buildings are sold – at ever-increasing prices,¹⁷ the operating costs for buildings skyrocket, and new owners often either seek to empty buildings for renovations or impose very large rent increases to meet now inflated carrying costs and maximize their return on investment.¹⁸

Having an opportunity to impact the trajectory of a sale before it occurs is a critical component of successful anti-displacement strategies. Ideally, if tenants know early that their landlord intends to sell their building, there is time to explore whether a non-profit purchase of the building might be possible. This strategy, when successful, removes the building from the speculative market and maximizes the number of tenants that can remain in their homes and communities. One challenge in using this strategy to prevent displacement is that “scattered site management,” where a management company or non-profit developer manages several smaller properties in different parts of a City, is expensive and challenging, lacking the economies of scale available in large developments. Often, buildings smaller than four or six units don’t “pencil out,” meaning that the costs of purchasing and managing the building exceed available subsidies and anticipated operational revenue (such as rents). However, the Committee is aware of several examples of when this strategy was successfully implemented in Somerville. The combination of tenant activism, OHS assistance, legal assistance and organizing assistance provides the best chance for creating a successful intervention.

Committee members with deep experience with displacement in Somerville have confirmed that while some tenants do learn that their building will be put up for sale at an early stage, others do not learn about an impending sale until the sale goes through and/or they are served with a Notice to Quit and thus prompted to seek out assistance from OHS, legal services or other Somerville housing agencies.

Prompt notice of the intent to sell a building will increase the opportunity for tenants and/or non-profit housing providers to explore a sale to the tenants or a non-profit. In addition, increased notice of an impending sale gives tenants more time to explore options for their relocation if that becomes necessary. Tenant advocates around the state and country have been looking for strategies to help tenants and non-profit providers purchase available buildings.

¹⁷ <https://www.boston.com/real-estate/spring-house-hunt/2024/04/11/boston-multifamily-rising-prices-diminishing-dreams/>

¹⁸ <https://www.boston.com/real-estate/local-news/2024/04/03/should-mass-ban-corporate-home-buyers/>

State legislation and “TOPA” – Tenant Opportunity to Purchase Act

Washington, D.C., was the first large city to adopt a Tenant Opportunity to Purchase Act¹⁹ (TOPA) to provide tenants and their allies with a right of first refusal to purchase their buildings before they could be sold on the open market.²⁰ Among other things, TOPA legislation provides a timeline for tenants to be informed of an intended sale and time for tenants and/or non-profits to evaluate whether the purchase is possible.

In Massachusetts, the first statewide TOPA legislation filed that the Committee is aware of was H.1315, “an Act to preserve affordable housing through a local option tenants’ right to purchase,” filed by Somerville state Rep. Denise Provost in 2017. “TOPA” or “Right to Purchase” bills have been filed every session since. This type of legislation, known as “enabling legislation,” allows those municipalities that want to do so to enact laws locally but does not require any city or town to do so. In FY2022, TOPA legislation was passed by the legislature but ultimately vetoed by then-Governor Baker. The most recent version of statewide TOPA enabling legislation is S.880/H.1350²¹ filed by Somerville Senator Pat Jehlen. The legislation allows cities and towns that choose to do so to pass a law requiring landlords to notify their tenants when their buildings are being sold and to provide the tenant or their designee a right of first refusal to purchase the building, providing that the building is not exempt. While this legislation was still pending with the legislature but had not been acted on, language enacting a TOPA law was put into a larger bill called the Affordable Homes Act by the House of Representatives. Unfortunately, the Affordable Homes Act ultimately did not include enactment of TOPA, and the enabling legislation died by the end of the 2024 legislative session. TOPA enabling legislation is being refiled for the 2025/2026 legislative session.

Work to adopt a local ordinance

In addition to the TOPA enabling legislation described above, the City of Somerville also filed a home rule petition to enact a form of TOPA. Unfortunately, the home rule petition was also not passed during the 2023/2024 legislative session. As no statewide enabling TOPA legislation or Somerville home rule petition for TOPA was passed during this legislative session, the Residential Committee considered whether the City could take any action without needing home rule authorization. The Committee recommends seeking passage of a local ordinance requiring notification to tenants when a building is put on the market to be sold. The Committee hopes this can accomplish some of what TOPA is intended to achieve.

¹⁹ DC Law 3-86 the “Rental Housing Conversion and Sale Act of 1980., as amended.”

²⁰ TOPA in Washington was different than it would be if adopted in Massachusetts because Washington D.C. still has a fairly robust system of rent control which in and of itself changes market dynamics. Other areas with TOPA or similar laws are (<https://www.policylink.org/topa-copa-map>) San Francisco, CA; Chicago, IL; Philadelphia, PA; Montgomery County, MD; Baltimore, MD; Takoma Park, MD, and Prince George’s County, MD.

²¹ In addition, Somerville filed its own Home Rule Petition for Right to Purchase legislation H.4074. Unfortunately, this Home Rule Petition was not passed by the end of the legislature’s formal session on July 31, 2024.

Authority needed

Committee members met with the Law Department to determine whether an ordinance requiring notice of intent to sell could be adopted without the need for home rule authority from the state legislature. The Law Department's opinion is that a local ordinance can be enacted without further authority from the state, provided the notice coincided with the time frame the owner would otherwise need to follow to sell the building. The Department agreed that the City could propose an ordinance requiring an owner to provide tenants with a Notice of Intent to Sell their building concurrently with when the building is listed on MLS or similar real estate sites. In terms of enforcement, the ordinance would need an enforcer - most likely the Inspectional Services Department - who could issue citations for law violations under M.G.L. c. 40 Section 21.

Steps for implementation

Because no TOPA-like bill passed the legislature in the FY23-FY24 legislative session, the following steps for implementation of this recommendation, assuming sufficient staff capacity, are as follows:

- OHS and Housing to draft a proposed Notice of Intent to Sell Ordinance;
- Discuss with necessary constituencies (OHS, Housing, Mayor's Office, ISD, etc.)
- When ready, introduce legislation to the City Council
- If approved,
 - a. plan for outreach to landlords with Somerville properties subject to the Ordinance;
 - b. plan for tenant outreach.

The Committee would note that any outreach strategy to inform residents about this type of law should, at a minimum, include a mailing to all residents and owners of Somerville property. Any such mailing would require funding for this purpose.

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CONTINUE TO SUPPORT THE EXPANSION OF COMMUNITY-OWNED LAND AND/OR HOUSING AND TO PROVIDE MONETARY, TECHNICAL, AND PHYSICAL RESOURCES TO ORGANIZATIONS THAT CREATE COMMUNITY-OWNED PROPERTY.

The Somerville Community Land Trust (SCLT) was established following recommendations from the 2015 Sustainable Neighborhoods Working Group that the City should explore the community land trust (CLT) model. After completing their work in 2018, they recommended the City support the startup of an independent, community-led land trust. The City responded by providing initial support, including staff assistance and a grant for technical expertise. Thanks to this early investment in time, resources, and expertise, the SCLT has successfully acquired two properties and is potentially acquiring a third.

Though the SCLT has been growing, its capacity remains limited due to a lack of resources. To continue its expansion, the organization requires additional support from the City. Committee members met with the SCLT's Executive Director to discuss the most beneficial assistance. Apart from financial support, two key needs were identified: regular access to technical expertise from the Planning Preservation and Zoning (PPZ) and the Inspectional Services Division (ISD), and affordable office space.

The technical assistance request will help the SCLT determine if a prospective project is feasible under zoning and permitting requirements. Given that the SCLT is a small organization—consisting of the Executive Director, one part-time staff member, and volunteers, they lack the in-house expertise to evaluate project feasibility efficiently. After hearing this need, Committee members contacted both City divisions and secured a commitment for staff to aid, offering support in reviewing potential plans and answering questions. City and SCLT staff have already begun collaborating on the SCLT's next potential acquisition.

Regarding office space, the SCLT noted that the lack of dedicated, affordable space for operations was hindering growth. Currently, both staff members work from home and must find other venues for meetings. Having a designated, affordable space would provide the organization with a formal place to meet with community partners, property sellers, prospective tenants and homeowners, and other stakeholders, thus facilitating their work. Commercial rental spaces in Somerville are often even more unaffordable than residential units, and as the SCLT expands, they will need the flexibility to adjust to their future space requirements. While the SCLT's mission is focused on residential housing, it operates as a small business with small business needs. This need for affordable commercial space was also highlighted by the Small Enterprise Displacement Committee and the Creative Displacement Committee. In response, the Small Enterprise Displacement Committee has initiated a temporary “swing-space” program, helping businesses find short-term rental spaces.

UPDATE THE REQUIRED RELOCATION PAYMENTS IN THE CONDOMINIUM CONVERSION ORDINANCE TO MORE ACCURATELY REFLECT THE ACTUAL COST OF RELOCATION IN SOMERVILLE.

Somerville's Condominium Conversion Ordinance is intended to protect tenants facing displacement because of rental units being taken off the market because they are to be sold as condominiums. One of the ways the ordinance protects tenants is by ensuring that tenants are provided with the financial resources necessary for successful relocation. Increases in rental housing costs have far outpaced the overall rate of inflation according to a report by StreetEasy, a Zillow company.²² The 2019 update to the Condominium Conversion Ordinance significantly increased the relocation amounts that needed to be paid when a household was being displaced for condo conversion. A new updated base amount, which would again then be pegged to inflation, is needed to better assist displaced renters in acquiring housing in Somerville.

Research Conducted

Generally, when renting a new apartment, tenants can expect to pay the first month's rent, last month's rent, a security deposit, and a broker's fee equivalent to one month's rent. This requires payment of four months of rent just to move into the new unit, not including moving costs such as materials, truck rentals, moving company fees, etc. This is a sum of money that a tenant may not be able to pay so unexpectedly. Also, while tenants will presumably be reimbursed some of their costs when vacating their current unit, like the security deposit, with the swift rise in housing costs and the costs of goods and services, these reimbursements are likely lower than the cost of moving itself. To get a better sense of the actual costs, the Committee conducted research via web searches of rental listings, rent data collected by the Metropolitan Area Planning Council (MAPC), comparisons of rent payment standards used by the Somerville Housing Authority, and phone calls to local area moving companies to help determine the actual cost of moving.

Committee member Rona Fischman collected rental price data from Zillow and Zumper for two and three-bed units available for rent in June 2024. Fischman also looked at the Housing Choice Voucher Program, widely referred to as Section 8, payment standards for Somerville. Additionally, she contacted four area moving companies and requested rate information for in-town moving for two-bedroom and three-bedroom units.

Residential Committee Co-Chair Morena Zelaya, who also serves as staff to the Condominium Review Board as part of her city staff duties, reviewed data received from MAPC for two-bedroom and three-bedroom unit rental rates in June 2024. This data is collected from Craigslist and PadMapper and is provided monthly by MAPC as part of a separate regional collaboration group.

²²<https://www.boston.com/real-estate/real-estate-news/2024/05/08/rents-increase-wages-decrease-boston-renting-housing/>

Increase recommended

According to the data gathered through Zillow, Zumper, Craigslist, and PadMapper, the median rent for a two-bedroom or three-bedroom unit in Somerville was approximately \$3500. The Committee then multiplied this figure by four to represent the typical upfront costs that tenants face when moving units: first month's rent, last month's rent, security deposit, and broker's fee.²³ Members calculated an adjusted relocation amount of \$14,000 for units with tenants who do not qualify for enhanced protections and \$18,000 for units with tenants who qualify for enhanced protections, meaning units with households who are low-moderate income, elderly, or disabled. Tenants face significant disruptions when forced to move due to condo conversion and frequently face ever-increasing costs. These recommended permanent relocation amounts are designed to help ease these disruptions.

Along with these updated relocation payment amounts, the Residential Committee recommends that the ordinance be reviewed to determine if there are any ways to further tenant protections. Committee members are aware that most units being converted are vacant when they go before the board. Given the low vacancy rates in the city and region it concerns members that the vacancy rate of converted units is so high. Somerville City Council members share this concern and, at their December 12, 2024, meeting, ordered: "That the Director of Housing assist this Council in drafting changes to the Condominium Conversion Ordinance to enable the Condominium Review Board to fulfill its intended function and prevent circumvention of tenant's rights." The Condominium Review Board voted at their November 2024 meeting to form a working group to review potential changes, and the working group had its first meeting in January 2025.

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²³ At its November 26, 2024 meeting the city council voted to order that "That the City Solicitor draft a Home Rule Petition to prohibit the forced imposition of brokers' fees onto renters." If brokers' fees are prohibited the relocation amounts calculation would need to be readjusted.

RETAIN AND MAINTAIN, AT MINIMUM, EXISTING LEVELS OF FUNDING FOR LEGAL SERVICES TO REMAIN ABLE TO OFFER REFERRALS AT THE CURRENT CAPACITY AND CONTINUE TO SUPPORT STATE ACCESS TO COUNSEL LEGISLATION AND ADVOCACY FOR INCREASED FUNDING.

Many eviction cases are filed every year in Massachusetts, and many of these cases end with tenants losing their homes, either because tenants vacate their houses following a case being filed or because city marshals or deputy sheriffs evict them. Those advocating for tenants' rights have long been aware of a tremendous imbalance of power in eviction cases with approximately 90% of landlords being represented and approximately 10% of tenants being represented statewide in eviction cases. In its 2024 report, the Mass Trial Court reported that in 2023 only 3.5% of tenants facing eviction for non-payment of rent were represented, while 90% of landlords had counsel. This imbalance of power means that tenants often fail to appear in court due to fear of appearing in court without representation, sign one-sided agreements, and are unable to raise legal defenses or file counterclaims because they don't know or understand their legal rights and options.

Access to counsel (also known as right to counsel) is a movement seeking to ensure that low-income households facing eviction have access to representation from an attorney similar to the right to counsel afforded to low-income criminal defendants. Eviction can have disastrous effects for many of these tenants, such as job loss, health problems, financial difficulties, student attrition, and forced moves into areas with greater crime and concentrated poverty. An eviction record often results in the tenant being "blacklisted" as a troublesome renter, making it much harder for them to find new accommodation. The increased use of landlord reporting services has exacerbated this problem as these reporting services routinely scour publicly available eviction data, and even no-fault evictions or eviction cases where the tenant prevails can lead to denials of housing.²⁴

Somerville, like many other Massachusetts cities, is facing a crisis of evictions that disproportionately affects low-income women and BIPOC (Black, Indigenous, and People of Color) citizens. Implementing a right-to-counsel (RTC) policy is a significant step that the City of Somerville may take to address widespread evictions and housing instability by protecting tenants' rights and ensuring more equitable access to legal representation in covered proceedings. By granting Somerville's tenants the right to legal representation, the City will uphold the values of justice and fairness for them. This will also prevent evictions from spiraling out of control and causing a host of detrimental effects that will affect not just the evicted families but the entire city.

²⁴ Beginning May 2025, because of the Affordable Homes Act, some tenants will have the right to seek the sealing of eviction records. However, sealing will not be automatic and will require affirmative action from the tenant seeking to seal their eviction record.

Current Efforts – State Budget and Legislation

There are currently over 250 organizations endorsing access to counsel legislation in Massachusetts. In the recent 2023/2024 legislative session lead sponsors Representatives David Rogers and Michael Day and Senator Sal DiDomenico filed a bill based on drafts from the Access to Counsel Coalition with bill numbers H.4360 and Senate S864. Typically, in the statehouse, bills are sent to a committee where the bills are generally either voted out of committee with a favorable recommendation or sent to “study,” which means they are highly unlikely to be passed. H.4360 and S. 864 were sent to the Judiciary Committee which voted out the bills favorably! Unfortunately, the bills were not included in the large housing bill called the Affordable Homes Act which passed in August 2024 and did not pass this legislative session.

In the meantime, \$2,500,000 was included in the state’s FY25 budget for a pilot Access to Counsel program. While \$2,500,000 million is not enough to fund full statewide access to counsel initiative it will be a great opportunity to start what will need to be an extended phase-in of the Access to Counsel program. One thing the Committee learned during COVID when the state put in place an Access to Counsel-like program, was that it takes years to hire and properly train new housing attorneys. The Committee also learned lessons from places like New York City about the importance of phasing in Access to Counsel and incorporating lessons learned as the program expands. The Office of Housing Stability is on the steering committee for this state legislation and will continue to work with the Access to Counsel Coalition on the planning for the successful implementation of this state pilot.²⁵

Current Efforts – Local Funding

Increased funding for legal services for tenants has also been identified as a top priority for furthering anti-displacement efforts in Somerville. The Mayor supported, and the City Council approved, funding for a full-time housing attorney to supplement those legal services already available to City residents. An RFP was issued, and Greater Boston Legal Services (Cambridge and Somerville Legal Services Office) was awarded funding for this position. The contract for these funds was extended and awarded a second time. At present, there is a contract with Greater Boston Legal Services for \$97,500.00, which expires on August 31, 2025. In addition to increasing the capacity for housing-related legal services generally, this contract increased income eligibility limits and narrowed asset-related restrictions on legal representation so that representation can be provided for a wider range of Somerville residents than could be served absent this funding. Lastly, there is a direct referral mechanism from OHS to GBLS, and OHS referrals are prioritized for representation.

While Somerville’s contract with GBLS has been critical to keeping Somerville tenants in their homes or allowing for their successful relocation, it quickly became apparent that additional resources were needed to meet the needs of legal representation in housing matters for low- and

²⁵ As of the drafting of this document the Massachusetts Legal Assistance Corporation put out a Request for Proposals RFP for the funding of new attorneys to implement the Access to Counsel Pilot Program and is in the process of reviewing proposals.

moderate-income residents. To provide enhanced legal services, OHS has put out an RFP for the use of ARPA funds to pay for additional legal services. A contract for ARPA-funded legal services was awarded to the De Novo Center for Justice and Healing (De Novo), and they are currently funded at \$190,000 annually. Without this contract De Novo would not be able to provide ANY legal services to non-elders in Somerville. All this capacity is desperately needed to provide representation for Somerville residents and tenant groups.

This committee is strongly recommending that the current annual funding of \$287,500 for housing related legal services be preserved once ARPA funding is exhausted and for it to be adjusted as needed for increased labor and related costs.

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FORMALIZE THE PROCESS FOR THE DISPOSITION OF PUBLIC PROPERTIES WHICH PRIORITIZES AFFORDABLE HOUSING OR MIXED-USE DEVELOPMENT WITH AFFORDABLE HOUSING WHEN DETERMINING THE ULTIMATE USE OF SITE(S).

Housing and the affordability of housing are repeatedly listed as an issue of great concern for people in Somerville. In the City’s recently conducted happiness survey, of 969 respondents to the question 70% indicated that they were “concerned” or “very concerned”²⁶ about being priced out of Somerville even as 66% of respondents reported a household income of \$100,00 or more compared to 43% of respondents in 2017. Housing and housing affordability is a concern that is broadly shared across the various demographics in the city and one of the tools the City has at its disposal is public properties that aren’t being utilized or are underutilized.

Using public properties to develop affordable housing has occurred sporadically in the past but is also gaining traction in this time of extreme housing unaffordability. Governments at all levels, up to the federal government, are turning an eye toward land and property under their control. The Federal Government, the City of New York and the City of Boston, to name a few, are directing their agencies, or have already conducted, to take stock and assess surplus property and determine which may be redeveloped for affordable housing.

The City of Somerville is planning to undertake a survey of its properties and will be seeking recommendations on how to best use them. The Committee recommends that the City commit to prioritizing affordable housing, or mixed-use affordable housing when determining the ultimate use of sites that are available for disposition. The Committee understands that there aren’t significant numbers of properties that will be available, that determinations will need to be made on the appropriate uses of the properties, and that communities in which these sites are located will want to have input on their future uses. However, housing affordability is a concern that spanned all three Committees in the Anti-Displacement Task Force. Business owners expressed concerns about being able to live near their businesses or employing staff that could, artists feel increasingly pushed out by rising rents and, as seen in the results from the Happiness Survey, residents across income tiers are concerned about their futures in Somerville. For these reasons, the Committee recommends a priority for affordable housing or mixed-use affordable housing in the disposition of public property. As stated on the Task Force’s website: The purpose of the Anti-Displacement Task Force is to develop programming and policy recommendations that aim to equitably reduce the rate of displacement of people who live in, have businesses in, or make up the cultural fabric of the City. Prioritizing affordable housing on City-owned land will serve that purpose.

²⁶https://public.tableau.com/app/profile/cityofsomerville/viz/SomervilleHappinessSurvey_17174319838040/QuestionsOverTime

APPENDIX: ANTI-DISPLACEMENT INITIATIVES BEFORE FORMATION OF ANTI-DISPLACEMENT TASK FORCE

The Housing Division hires a Sustainable Neighborhoods Coordinator to implement recommendations from the 2015 Sustainable Neighborhoods Working Group (SNWG)

In July 2017, the City of Somerville’s Housing Division hired a Sustainable Neighborhoods Coordinator to coordinate the implementation and development of the recommendations made in the SNWG Recommendations Report. The group’s recommendations, by category, are in the following tables with brief status updates as of January 2025. After the departure of the coordinator, the position became Housing Policy Coordinator, which ADTF Residential Committee Co-chair Morena Zelaya currently holds.

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Status of Recommendations from Sustainable Neighborhoods Working Group²⁷

Table 1: RECOMMENDATION CATEGORY: RESOURCES	Recommendation text from SNWG Report	Status
<i>Real Estate Transfer Fee</i>	Recommendation "... for an approximately 1% fee on all real estate transactions, except for certain exempt transactions."	The transfer fee was not included in the 2024 Affordable Homes Act, but the City's Home Rule Petition is due to be refiled.
<i>Ch. 40R Smart Growth Zoning Overlay</i>	Qualified recommendations " to pursue 40R overlay district only if the SomerVision goal is increased and commercial/ open space goals can be achieved and if as-of-right development is allowed in transformative districts."	Citywide Affordable Housing Overlay District
<i>District Improvement Financing (DIF) Set Aside Policy for Affordable Housing</i>	Qualified recommendation: "to explore policy for future DIFs."	Set aside determined not viable, but DIF used for infrastructure work related to Clarendon Phase 1 funded with \$3.6M
<i>Linkage Fee</i>	Recommendation: "... to adjust the fee based on new nexus study to be commissioned; also propose indexing linkage rate and reducing threshold size of projects to 20,000 square feet. Projects between 20,000 and 30,000 SF would have lower linkage rates than those above 30,000."	The current housing linkage fee is \$22.91, and in 2023, the project threshold was reduced to 15k sq ft. Projects between 15-30k sq ft pay half the linkage amount.
<i>Short-term Rental Policies</i>	Recommendation: "calls for forming a 'new economy' task force, with the first task to be a review of regulatory policies for short-term rentals, particularly short-term rentals that remove units from the conventional rental market. Also, we recommend levying lodging tax on short-term rentals once state law allows it."	May 2019 new regulations passed effective January 2020

²⁷ <https://s3.amazonaws.com/somervillema-live/s3fs-public/sustainable-neighborhoods-working-group-recommendations-report-2015.pdf>

Table 2: RECOMMENDATION CATEGORY: PROGRAMS	Recommendation	Status
<i>SomerVision Housing Production Goals</i>	Recommendation: "...increase SomerVision Housing Goals was expressed contingent on OSPCD Planning, Preservation and Zoning Division's study on the physical feasibility of the increase and provided that SomerVision Jobs and Open Space Goals can be met. Increased housing goals should be informed by the MAPC study and other data indicating the need for family-sized housing and affordable housing."	SomerVision2040 aims to increase the housing supply and the proportion of affordable housing.
<i>Affordable Housing Design Competition</i>	Recommendation: "...pursue community-driven competition that incorporates preferences for proposals that emphasize energy efficiency, affordability, and family-sized units, as well as a combination of rental and homeownership units."	Not identified as a priority action.
<i>Financial Support Program for Tenants in Inclusionary (IZ) Units</i>	Recommendation: "...for a pilot program for up to 6 tenants, using targeted funding to expand the existing tenancy stabilization program. The idea is proposed in response to eviction risk and possible displacement experienced by Inclusionary tenants. Inclusionary rents are not adjusted due to loss income, unlike the Section 8 program participants, for whom such an adjustment is possible."	No financial support program specific to inclusionary unit tenants was developed, but a city-wide program for rental assistance was developed and is available to IZ tenants.

<i>Benevolent Property Owner Tax Credit</i>	Recommendation: "... against pursuing this proposal due to projected administrative burden and fiscal impact. Support was noted for an alternative proposal - to explore a pilot program making a limited number of residential tax rebates available through an application and lottery process, to mitigate cost and administrative impact."	SNWG recommended against pursuing this.
<i>Affordable Tenancy and Energy Efficiency Program</i>	Recommendation: "...for a new program to provide forgivable loans for energy efficiency improvements in exchange for affordable rent restrictions. Duration of restrictions would be proportional to the amount of forgivable loan."	Somerville Home Improvement Project (HIP) is now accepting applications.
<i>100 Homes Initiative</i>	Recommendation: "Continue work on this program, which was initiated before SNWG meetings began."	The City's stated goal is for 2000 homes.
<i>Financial Support for Income-Eligible Homeowners Facing Foreclosure</i>	Recommendation: "The City should explore further by creating a task force. (Proposal made late in the committee deliberation process.)"	No task force was created, but Flex-SAHTF funds are currently being used for this purpose. In addition, the state's RAFT program now covers mortgage arrears and other foreclosure-prevention resources
<i>Community Land Trusts</i>	Recommendation: "for a task force to explore strategy further."	SCLT completed the first purchase in 2022 and the second purchase in 2024

	Table 3: RECOMMENDATION CATEGORY: POLICY	Recommendation text from SNWG Report	Status
1	<i>Right-of-First Refusal Programs</i>	Recommendation: "A Right-to-Offer program would give tenants or third-party non-profit developers a legal right to make an offer on a property before other buyers may purchase it."	TOPA was not included in the 2024 Affordable Homes Act but has been refined for the new legislative session.
2	<i>Revisions to the Condominium Conversion Ordinance</i>	Recommendation: "... that further the task force should pursue discussion on amendments to the condo conversion ordinance convened to discuss the Right-to-Offer program."	The requirement that tenants in place at the time intent to convert was formed was sustained by Somerville District Court in the decision on <i>Bremis v City of Somerville</i> in 2023.
3	<i>Housing-related Zoning Ordinance Changes</i>	Recommendation: "... an increased percentage requirement for inclusionary units. SNWG recommends a minimum 20 percent requirement..." "... differentiating the weights given to different elements to incent certain practices and recommends adding an additional density bonus for provision of green space on site."	An inclusionary Zoning requirement of 20% was added in the 2019 Zoning Ordinance update
4	<i>Housing for the Lowest Income Households</i>	Recommendation: "... that the City collaborate with the Somerville Housing Authority (SHA) to increase the usability of Section 8 vouchers." "... that the Affordable Housing Trust and City direct funds target extremely low-income households (i.e., below 30% AMI), without creating policies that, in turn, mandate excessive specificity that can delay projects. "	50% of IZ units are rented to Section 8 voucher holders.
5	<i>Alternative Home Ownership Models & Housing Assistance Center</i>	Recommendation: "...expand its housing assistance role to offer technical assistance to potential buyers and current renters or homeowners. As part of this technical assistance program should enhance capacity and expertise to create a "tool kit" of resources to support the following types of purchases: Joint Purchase & Co-op Housing"	Not identified as a priority action.
6	<i>University Housing</i>	Recommendation: "...no formal recommendation was made concerning university housing..."	No concrete recommendations were made. The City struck down the prohibition on more than 4 unrelated tenants in a unit in 2023

Formation of the Office of Housing Stability in 2018

The first Director of the Somerville Office of Housing Stability (OHS) was hired in August 2018. She was first tasked with identifying priority areas for the City of Somerville (“the City”) to take action to prevent residential displacement in the City and to present those recommendations to the Mayor and City Council. As originally conceived, the OHS staffing was a staff of five: a Director, a Deputy Director, one intake worker, and two case managers. The OHS had a dual mission of providing direct services to those at risk of displacement and identifying and pursuing policies and programs to mitigate the displacement of Somerville residents. Complicating this task was the legal framework for local adoption of landlord/tenant laws in Massachusetts, which requires the passage of Home Rule Petitions to obtain authorization from the state government before enacting most forms of tenant protection. The OHS business plan can be found [here](#) and was presented to the City Council in approximately January 2019. This section of the Residential Committee Report is written to describe the activities undertaken by the City of Somerville and its partners prior to the formation of the Anti-Displacement Task Force in May 2023 as they impact the scope of the recommendations stated within this report for further Anti-Displacement initiatives.

Legal Services:

It became apparent early on that to assist those at imminent risk of displacement, tenants seeking help from OHS needed access to attorneys to represent them in evictions and other housing matters. The City ultimately contracted with Cambridge and Somerville Legal Services, a Greater Boston Legal Services branch, to provide legal services to OHS clients and advise OHS staff on legal matters. OHS contracted for services that relaxed, to some degree, traditional income and asset limits on services as it became apparent that many tenants over income for traditional legal services could not afford their own lawyers. This contract began in 2019 and has continued to date. Quickly, OHS determined that this contract was insufficient to meet the needs of OHS clients and staff. When ARPA funds became available, OHS contracted with a second legal services provider, De Novo Center for Justice and Healing, with relaxed income and asset restrictions. This ARPA-funded contract has now been extended through 2025. The availability of attorneys to assist Somerville tenants has been critical to preventing displacement from the City.

Housing Search capacity:

At the time of the OHS launch, few housing search services were available for Somerville residents at risk of displacement who were not already homeless. One exception to this was that the Council on Aging did, at that time, assist seniors sixty and older with affordable housing applications. The need for assistance for Somerville residents to navigate the highly complex web of affordable housing opportunities was critical. Many tenants at risk of displacement from the City were low-income, non-English speakers, elderly, and/or disabled, and even those without these barriers were generally unable to navigate these complex systems on their own successfully. The federal government provided funding for housing searches for those who met HUD’s definition of homelessness (on the street, in a car, or a place unfit for human habitation) but not for those at risk

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of homelessness. OHS wanted to act more preventively and provide services to prevent residents from becoming homeless. As a result of this critical gap in services, OHS decided to make housing search a primary function of OHS and to contract with a City non-profit to expand our ability to meet the need for housing search assistance. In 2019, the City entered a contract with the Community Action Agency of Somerville for housing search services, which has continued to date. OHS has expanded its staff over time, so we now have three intake staff and five case managers. The combined housing search resources of OHS and CAAS go a long way to meeting the need for housing search services in Somerville, but the need for housing search assistance is so large that, at times, it still represents a capacity challenge.

Tenant Education, Outreach and Organizing:

Another gaping hole in eviction prevention at the time of OHS' formation was the lack of area non-profits working on tenant education, outreach, and organizing. While non-profits such as Cambridge and Somerville Legal Services, the Community Action Agency of Somerville (CAAS), and others did provide some training on tenants' rights, and the Housing Division's Fair Housing Coordinator provided some education and advocacy around fair housing issues, there was no organization funded to do affirmative grassroots outreach to tenants and to assist tenants in organizing joint campaigns to prevent displacement. OHS ultimately contracted first with the Somerville Community Corporation and later with CAAS to provide these critical services.

- 1. Creation of SomerVIP and Flex funds:**
- 2. Flex Funds:**

Significant gaps exist in local and state rental assistance programs, which need to be filled if Somerville is to really make gains in the fight to prevent displacement. Toward this end, the "Flex Fund" was established to plug existing gaps by

- (1) allowing for more flexibility in the types of payments that could be made to prevent prevention,
- (2) requiring less rigid documentation to obtain assistance and
- (3) allowing for direct payment to tenants in subtenancies or where owners refused to provide necessary documentation.

The Somerville Homeless Coalition administers the Flex Fund and continues to be a critical component of the housing safety net in Somerville.

SomerVIP:

For several years after the opening of OHS, the Somerville Housing Authority was issuing a significant number of mobile Section 8 vouchers, some available only to specific populations such as people with disabilities. As OHS obtained data about the number of Somerville households with vouchers forced to rent outside of Somerville, OHS and non-profit partners launched a voucher incentive program to pay for realtor's fees and lease-up incentives and for landlord incentives for Somerville property owners willing to rent to Somerville residents with housing vouchers. At the time of this program's creation, rent ceilings for the Section 8 voucher programs administered by

SHA were far lower than the market medians. While payment standards have recently increased due to the application of “small FMRs,” which allow for differentiation of rents in different neighborhoods, incentives are still critical to encourage lease-ups. While this program has certainly not resolved the lack of access to rentals for voucher holders, it is another tool in the toolbox that helps voucher holders compete in the open housing market.

Initiation of a Guaranteed Basic Income Program

While the Committee was working on its anti-displacement recommendations, Mayor Ballantyne launched an OHS and the Somerville School Department’s Office of Housing and Basic Needs implemented a Guaranteed Basic Income (GBI) Program. This ARPA-funded program identified approximately 200 housing unstable Somerville families to receive \$750/month in unrestricted funds. Funding under the program started in July 2024 and will culminate in June 30, 2025. The City is working with UMass Boston on evaluating the program. While there are restrictions on the City’s ability to use general funds (non-ARPA) in this manner, the City is exploring possibilities for grant funding to see if it might be possible to relaunch a GBI program sometime in the future.

Somerville Affordable Housing Trust Community Preservation Act (CPA) Usage

The first CPA appropriation was transferred to the Somerville Affordable Housing Trust in FY15 and included an application from FY14. In FY18, the Trust received an additional \$6,000,000 in CPA funding through a bonding process. The proceeds from that bond issuance were exclusively used to fund acquisitions for the 100 Homes Program.

A total of **242** affordable housing units have been/will be created by using and/or leveraging Trust CPA funds. Those units are noted in Table 4.

Table 4: CPA Funded Affordable Housing Units

# of units	Initiative/Program/Project	Area Median Income (AMI)
58	100 Homes Initiative (rental)	50% to 80% AMI
25	Mystic Waterworks development (rental)	30%-50% AMI
6	163 Glen Street (home ownership)	80%-100% AMI
38	Clarendon Hill (rental)	80% AMI
115	299 Broadway (rental)	30%-60% AMI

In November 2024, Somerville voters approved a measure to double the CPA surcharge from 1.5% to 3%.

Creation and funding of the Somerville Affordable Housing Trust's Early Action Acquisition Fund

In July 2022, the City of Somerville reallocated over \$8M in funds originally budgeted for the Green Line Extension Fund to the Somerville Affordable Housing Trust Fund to develop an Early Action Acquisition Fund. The Early Action Acquisition Fund has already been successfully used to purchase properties in the city, which are then deed-restricted to require the property's use as affordable housing. Of the over \$8M initially allocated, \$5M has already been used to assist with purchasing two properties. The funds are awarded as low-interest loans, which are expected to be paid back once the awardee has another financing in place. However, they can be converted to forgivable grants if necessary.

Creation of 637 units of new affordable housing since 2015 Sustainable Neighborhoods Report

There is no question that in the long run, the most important thing Somerville can do to help low- and moderate-income residents remain in Somerville is to produce as much permanent affordable housing in the City as possible. Somerville has made great strides in this area, adding 637 permanently affordable units to its affordable housing portfolio since 2015 – these include both rental and homeownership units, including deeply affordable, tax credit, and inclusionary units. While the 423 inclusionary rental units that were created are targeted to households between 50% of Area Median Income (AMI) and 80% of AMI, with a small number targeted at households at 110% of AMI, approximately 15% of Somerville's inclusionary units are occupied by mobile Section 8 and other voucher holders, most of whom are our lowest income residents under 30% of Area Median Income. The rental of inclusionary units to voucher holders aids in retaining an economically diverse Somerville by housing the lowest-income households in Somerville.

Consolidated waitlist for Inclusionary Housing and modification of screening criteria to prevent barriers to admission for vulnerable residents

When applicants apply for Inclusionary units in Somerville, they must complete an application for each building with new rent-restricted units opening at a particular location. There is a lottery and sorting of applicants and eligibility screening before applicants can be offered a unit. Having to apply for every new opportunity and the City conducting a lottery for every new building is time-consuming for Housing staff, applicants, and advocates. In addition, current preferences are limited to residency, and no priorities are designed to target available rent-restricted units to those most at risk of displacement. In an exciting development after several years of planning and working with consultants, the Housing Division will launch a new consolidated waitlist for inclusionary housing applications around late winter or early spring 2025. This consolidated waitlist will do several important things to prevent displacement in Somerville, including:

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1. ensuring that applicants can apply **once** and will then be on the waitlist for all inclusionary openings;
2. ensuring that units will go to those most at risk of displacement within income categories and
3. Changing modified screening rules will ensure that only credit relevant to rent-paying history will be relevant for tenant screening.

This new system will enable those working with applicants, including the Office of Housing Stability, to better understand whether a tenant at risk is likely to be housed through the inclusionary housing program and, if so, when. The Housing Division is in the final stages of working with its consultants to design the system to implement this new waitlist system.

Legislative Action to Enhance Tenants' Rights:

Concerning legislative action, OHS identified three critical components of its legislative work. First, OHS sought to identify and act in any areas where Somerville could legislate to enhance tenants' rights **without** needing state legislative approval. Second, where appropriate, OHS would work to draft Home Rule Petitions seeking approval for the expansion of Tenants Rights from the legislature. Last, it would work with statewide coalitions for the passage of State Enabling Legislation to expand tenants' rights statewide or as local options. **OHS worked closely with the Housing Division's Sustainable Neighborhood Policy Staff to develop and further the initiatives described below.**

Local Initiatives which did not require state authorization:

Updated and strengthened Condominium Conversion Law

In 1983, the state legislature enacted "enabling legislation," which allows all cities and towns to regulate the conversion of units from rental units to condominium ownership. In 1985, Somerville submitted and approved a home rule petition providing additional, expanded authorization for Somerville to regulate condominium conversions and evictions incident thereto. The city now has a condominium conversion ordinance in place. In 2019, the Administration and the City Council drafted and enacted a replacement ordinance, which is generally considered among the strongest residential protection in the Commonwealth. The new Somerville Ordinance, as amended, lengthened the notice period that tenants are entitled to considerably and increased the payments for relocation expenses. As part of the Residential Subcommittee, the ADTF is again looking to update this Ordinance.

Passage of the Housing Stability Notification Act and Amendments

To further its mission to provide tenants with information about their' rights and responsibilities, the Administration and City Council drafted and enacted a new law

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requiring landlords to provide all tenants facing eviction or non-renewal of their lease with a document summarizing tenants' rights and resources to prevent eviction. In 2022 the Ordinance was amended also to require owners to provide new tenants with documents explaining their tenancy rights and responsibilities as new tenants. A citywide mailing notified all Somerville residents and property owners in Somerville about the new law.

Statewide initiatives: Creation of Transfer Fee Coalition and steering committee participation in Coalitions for Access to Counsel, Eviction Record Sealing, Tenant Opportunity to Purchase Act (TOPA), and Coalition for Housing Bridge Subsidies for Older Adults.

Transfer Fee

Somerville has been a key player in the statewide coalition working to pass enabling legislation relating to housing stability. In 2019, OHS and a few other housing advocates convened an initial roundtable to discuss the creation of a coalition to work on state-enabling legislation that would allow municipalities that chose to do so to enact real estate transfer fees to fund affordable housing. A coalition was formed and at present has over 130 endorsing organizations including several Somerville organizations. OHS and the Housing Division chaired this coalition, and several Somerville City Councilors also actively participated. Mayors Curtatone and Ballantyne testified in support of this legislation on various occasions. Before the 2023/2024 legislation session, it became evident that a statewide housing group would be highly preferable to chair the coalition, which needed to represent the interests of diverse Municipalities throughout the state. The chairmanship of the transfer fee coalition was shifted to the Mass Law Reform Institute (MLRI) and the Metropolitan Area Planning Council (MAPC). Somerville staff remain on the Steering Committee and continue to play a lead role in this coalition.

Housing Bridge Program for Older Adults

New research shows that the number of retirement-age households that are housing cost-burdened has reached an all-time high²⁸ and that homelessness among older adults is

²⁸ Joint Center for Housing Studies at Harvard University. (2019). Housing America's older adults 2019. Harvard University. https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Housing_Americas_Older_Adults_2019.pdf

expected to triple by 2030²⁹. Massachusetts older adults are at more risk of economic insecurity than seniors living in any other state in the US³⁰.

To meet the challenge of keeping Massachusetts older adults housed, the Massachusetts Coalition for the Homeless (MCH) convened a statewide steering committee to advocate for a housing subsidy program to keep older adults (60+) in their homes until they can access permanent, affordable housing. MCH invited OHS to the steering committee for this exciting new effort. In the 2024/2025 legislative session, the Coalition asked the legislature for \$60,000,000 in funding to create a statewide program to fund up to 6,000 new subsidies for older adults at risk of losing their homes solely due to insufficient income while they were waiting to get into public or other affordable housing.

While the coalition was very disappointed that statewide funding for this new program was not approved, Senator Jehlen successfully got an earmark for \$100,000 for the City of Somerville to do a pilot program. While this level of funding will only allow us to assist a small number of older adults, we are thrilled to be part of a pilot to establish the critical importance of this program. As of January 2025, we received the signed contract with the state, and we hope to launch the program in February 2025 along with our partners in this effort, the Community Action Agency of Somerville.

Sealing Eviction Records

Evictions can be brought against tenants for many reasons, including empty buildings for sale, to renovate and seek higher rents, or because tenants are unable to afford the rent that is being charged. Landlords and their agents are now often working with Landlord Screening Services that, among other things, search court records to report on any prior eviction record that an applicant for an apartment may have. This can then mark a tenant negatively, making it very difficult for them to relocate to new housing. Until a very recent change in the law, there was no way for tenants in Massachusetts to seal eviction records – regardless of the reason for eviction-while tenants in many other cities and states in the U.S. had the right to do so.

Massachusetts has prided itself on second chances. This has been demonstrated, for example, by the passage of laws allowing those convicted of certain crimes to seal their records under specified circumstances. This allowed those who completed probation or served their sentences for lesser crimes to have a better chance of obtaining housing or employment after serving their sentence or completing probation.

²⁹ Byrne, T., Culhane, D., Doran, K., Johns, E., Kuhn, R., Metraux, S., & Schretzman, M. (2019). The emerging crisis of aged homelessness. Actionable Intelligence for Social Policy, UPenn. <https://aisp.upenn.edu/wp-content/uploads/2019/01/Emerging-Crisis-of-Aged-Homelessness.pdf>.

³⁰ Center for Social and Demographic Research on Aging, UMass Boston. (2023). Living below the line: Economic insecurity and older Americans, insecurity in the States, 2022. <https://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1065&context=demographyofaging>

OHS was part of a group of advocates that came together from around the state to form a coalition led by the Massachusetts Law Reform Institute to pass legislation to allow specified eviction records to be sealed. The coalition ultimately was supported by over 120 organizations and religious institutions, Attorney General Campbell and Suffolk District Attorney Hayden. OHS was and remains a member of the steering committee for this coalition.

After working on this legislation for multiple sessions, we were thrilled that the eviction record sealing provisions were incorporated into the 2024 Affordable Homes Act with the right to petition for sealing in certain circumstances allowable as of May 2025. The Coalition is now involved in working on implementation. Ultimately, we would like to see the law improved to allow for some eviction records, like dismissals or cases where a tenant prevails in the eviction action, to be automatically sealed without needing the tenant to petition the Court.

Access to Counsel

Statewide, as of 2023, approximately 90% of landlords had legal representation in eviction cases, while tenants were represented only 3-4% of the time. This represents a huge imbalance in court proceedings with far-reaching consequences. While the discrepancy in representation in Somerville is somewhat smaller given our local work on access to counsel (with contracts with De Novo Center for Justice and Healing and Greater Boston Legal Services/Cambridge and Somerville Legal Services), there is still a big gap between the percentage of tenants represented and the percentage of landlords represented in eviction cases in Somerville. Eviction cases statewide are currently exceeding those filed pre-COVID, and an attorney can make a tremendous difference in the outcome of an eviction case.

Efforts of the Access to Counsel Coalition are described in the Recommendations Section of this Report, so they will not be fully repeated here. Since its formation, the Office of Housing Stability has been a key player in the Access to Counsel Coalition chaired by the Mass Law Reform Institute. Multiple Somerville housing non-profits are also part of this campaign. In 2024, the Governor and the legislature included \$2.5 million in the state budget to fund a new line item for an Access to Counsel pilot program. While we are thrilled that \$2.5 million has been allocated for this new program, this is not nearly enough to make the substantive difference necessary to restore some of the balance of power in eviction proceedings statewide. The campaign will continue to work to increase funding significantly and to have an Advisory Board established to help shape the future of this program. One critical element of the Access to Counsel Program is that representation will be full representation as opposed to limited representation on one day in Court, such as that provided by the Lawyer of the Day Programs. We believe full representation is critical to keeping tenants in their homes or ensuring sufficient time to relocate successfully.

Tenant Opportunity to Purchase (TOPA)

Since TOPA legislation is addressed in the Committee's recommendations, we will only summarize it here. TOPA allows tenant associations and their non-profit designers to purchase larger residential buildings when they are put up for sale before they can be sold on the private market. TOPA can be an important tool for tenants seeking to prevent displacement due to building sales. State enabling legislation has been filed since 2017 and has been filed for the 2025/2026 legislative session. In addition, the City of Somerville has also filed a Home Rule Petition seeking state authorization to enact a TOPA law. OHS sits on the TOPA steering committee, and we will continue to work on its passage. In addition, since TOPA is a way for non-profits to purchase buildings, TOPA is a perfect match for the transfer fee, which would raise significant revenue for Somerville's Affordable Housing Trust Fund, which could be made available to these non-profits.



Mayor Katjana Ballantyne | City of Somerville

ANTI-DISPLACEMENT TASK FORCE

RESIDENTIAL DISPLACEMENT COMMITTEE

OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

DEPARTMENT OF
**RACIAL &
SOCIAL JUSTICE**



CITY OF SOMERVILLE, MA



somerville arts council

SOMER VIVA

OFFICE OF
IMMIGRANT
AFFAIRS

WE SPEAK YOUR LANGUAGE
HABLAMOS SU IDIOMA
FALAMOS A SUA LÍNGUA
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我们会说您的语言

