



January 19, 2024

The Hon. James Arciero, Chair  
The Hon. Lydia Edwards, Chair  
Joint Committee on Housing  
State House  
Boston, MA 02133

**Re: Support for, and recommendations for strengthening, the Affordable Homes Act, H.4138**

Dear Chair Arciero and Chair Edwards:

I am writing on behalf of One Family, Inc., to provide written testimony in support of Governor Healey's Affordable Homes Act, H.4138, and to offer recommendations for strengthening this historic legislation.

**Background - One Family**

One Family, Inc. ([onefamilyinc.org](http://onefamilyinc.org)) was established in 2000, with a mission to prevent homelessness and break the cycle of family poverty in Massachusetts, by promoting pathways to economic independence through advocacy, education, and innovation. We currently serve about 500 families across Massachusetts through three direct service programs - One Family Scholars, Credential to Career Coaching, and Family Self-Sufficiency. The underlying philosophy of all three programs is that long-term housing stability is built on a foundation of education and career success. Through each, we help parents with low incomes throughout Massachusetts identify and pursue education and career goals, and increase their income, to achieve economic independence and housing stability.

In addition to our direct service work, we also help state agencies and nonprofit organizations incorporate coaching focused on education and career pathways into their housing and asset-building programs. Finally, [we advocate for policies](#) that support housing stability and economic opportunity; importantly, we engage the families we serve in that advocacy.

**The Affordable Homes Act**

The Affordable Homes Act includes an array of bold investments and policies aimed at ending the housing crisis in Massachusetts, and at ensuring that Massachusetts residents can find a home without facing illegal discrimination. One Family strongly endorses this landmark legislation.

**Recommendation #1: Add enforcement tools to crack down on rampant discrimination**

To effectively combat rampant housing discrimination in Massachusetts, **we recommend that the Fair Housing provisions in H.4138 be augmented with the provisions of H.359/S.180, *An Act to end housing discrimination in the Commonwealth.***

In spite of the fact that in Massachusetts, housing discrimination on the basis of race and voucher status are both illegal, **there is ongoing, rampant discrimination against People of Color and people with housing vouchers seeking to rent an apartment or house in the Commonwealth**, constituting a significant barrier to safe, stable housing for families. People of Color and families and individuals with housing vouchers have long known this to be the case, due to painful first-hand experience. In 2020, this discrimination was documented in "[Qualified Renters Need Not Apply](#)," a report by the Boston Foundation, Suffolk University Law School, and the Analysis Group, based on an empirical study utilizing fair housing testing conducted by Suffolk University Law School's Housing Discrimination Testing Program (HDTP).

As detailed in the report, HDTP and The Analysis Group determined that **Black testers encountered discrimination 71% of the time, and testers who indicated that they had housing**

**vouchers encountered discrimination 86% of the time.** Typical examples include brokers ‘ghosting’ Black testers and testers with housing vouchers, or telling them that the apartment has been rented, and then turning around and showing the same apartment to a white tester without a housing voucher. This persistent and pervasive discrimination is utterly unacceptable, and prevents untold numbers of Massachusetts families from having a home. **Quite simply, something needs to be done.**

*An Act to end housing discrimination in the Commonwealth* includes multiple tools to end housing discrimination in the Commonwealth. We recommend that the Committee incorporate H.359/S.180, in its entirety, into The Affordable Homes Act.

**If the Committee would prefer to incorporate just the most impactful pieces of *An Act to end housing discrimination in the Commonwealth*, rather than the bill in its entirety, we recommend incorporating sections 2 through 7,** which pertain to temporary suspension of real estate broker licenses of brokers who engage in discrimination. (For a section-by-section summary of H.359/S.180, see [bit.ly/SectionSummaryActToEndHousingDiscrimination](https://bit.ly/SectionSummaryActToEndHousingDiscrimination).)

**If the Committee prefers to narrow the focus even further, we recommend that the Committee at the very least incorporate section 7 of H.359/S.180,** which would authorize the Office of the Attorney General to refer a broker to the Board of Registration of Real Estate Brokers and Salespersons (BRREBS) for automatic temporary license suspension, after the AGO brings a case in court, and the court enters a finding that the broker has engaged in illegal discrimination. Section 7 also provides that cases which qualify for referral to BRREBS must be referred by AGO or the appropriate Fair Housing Enforcement Agency. These are the most innovative and transformative provisions of H.359/S.180.

Currently, AGO routinely files court actions challenging egregious cases of housing discrimination. However, under existing statutory law, AGO lacks the authority to refer a case to BRREBS for temporary license suspension. As a result, when a court makes a finding that a particular broker has engaged in illegal discrimination, at most the broker will pay a fine, which they can chalk up to “the cost of doing business.” Under the provisions of section 7 of H.359/S.180, a broker who is found by a court to have engaged in illegal discrimination will face a temporary loss of their livelihood. **We firmly believe that after just a few instances of temporary license suspension due to illegal discrimination, there would be a strong deterrent effect throughout the real estate industry in Massachusetts, resulting in a dramatic reduction in housing discrimination against People of Color, households with housing vouchers, and others currently facing illegal discrimination in all corners of the Commonwealth.**

#### **Real-life stories: Two victims of housing discrimination in Massachusetts**

The housing discrimination that occurs on a daily basis in Massachusetts is illustrated by the experiences of two Alumnae of the One Family Scholars program, Nakita and Elaine.

*“I have been the victim of racial discrimination and discrimination against voucher-holders when looking for an apartment. Due to this discrimination, over a period of more than two decades from 2001 until last fall [fall 2022], I found it extremely difficult to find housing in several Massachusetts communities. I thank God that we now have a safe place to call home, with plenty of room for all of us. But it took us far too long to reach this place in our lives, largely because of the housing discrimination that we experienced.”*

—Nakita, an Alumna of the One Family Scholars program

*“As soon as I mentioned my Section 8 voucher, the landlord became extremely hostile, and said she wasn’t thrilled about having ‘people like you’ as tenants. She got right in my 18 year old daughter’s face, sticking her finger just a few inches from my daughter’s face, and said ‘You are NOT allowed to stay here overnight!’*

*I was mortified and embarrassed. I looked at the real estate agent, who looked away and didn’t say anything. I said I was sorry but clearly this wasn’t going to work out. I thanked them both for their time, and then my children and I quickly left. It is hard to describe just how embarrassing*

*and humiliating it was to be treated like that. To this day I feel hurt and angry every time I think about that landlord and how she treated my children and me, and how the real estate agent just stood there silent.”*

–Elaine, an Alumna of the One Family Scholars program

These are just two real-life examples of families that have been harmed by unchecked housing discrimination in the Massachusetts rental housing market. **Untold thousands of Massachusetts families like Nakita’s and Elaine’s either have their own stories of discrimination, or may suspect that they are victims of discrimination**, but have no way of knowing for sure when ‘Sorry, that apartment has already been rented’ is truthful, and when it is an act of discrimination. Passing into law the provisions of H.359/S.180, *An Act to end housing discrimination in the Commonwealth* - especially section 7 of that legislation - would provide tools needed to crack down on illegal housing discrimination in Massachusetts.

### **Recommendation #2: Incorporate access to counsel**

We recommend that the Committee incorporate the provisions of *An Act promoting access to counsel and housing stability in Massachusetts* (H.1731/S.864), which would ensure that families and individuals facing eviction have meaningful access to legal counsel.

Eviction judgments have now returned to [at least pre-pandemic levels](#), resulting in more families experiencing homelessness, and posing a huge obstacle to a family’s ability to secure housing for years to come. Currently, for the vast majority of households facing eviction, representation by legal counsel is simply not a viable option. In 2023, a mere 2.5% of tenants in cases alleging non-payment of rent had legal representation, while 90% of landlords were represented. If all tenants were represented in court, many families and individuals would avoid eviction and homelessness, and more mutually-agreeable resolutions to eviction actions could be worked out, benefitting both tenants and landlords alike.

### **Recommendation #3: Strengthen the eviction records sealing provisions**

Finally, we recommend that the Committee strengthen the eviction sealing provisions of The Affordable Homes Act, by adding language providing for automatic record sealing where a case is dismissed, a tenant has won, or it is a no-fault eviction action, as opposed to requiring the filing of a petition to seal, which would serve as a barrier to accessing eviction sealing. We also urge that the Committee incorporate the provisions in the HOMES Act (H.1690/S.956) that would enable tenants in non-payment cases to seal their eviction record 14 days after paying a judgment, as opposed to 3 years. The mere filing of an eviction action - even where fault is not alleged, or when the action is dismissed or decided in the tenant’s favor - can mark a family for life, preventing them from renting or purchasing a home. Sealing eviction records will give families a fresh start and a clean slate.

Thank you for your leadership on improving access to homes and efforts to end family homelessness in Massachusetts, and for the opportunity to share One Family’s strong support for H.4138, The Affordable Homes Act, and to make recommendations for making it even stronger.

Sincerely,



Valerie Paric

Executive Director

cc: Speaker Ronald Mariano, Senate President Karen E. Spilka, Sen. Sal N. DiDomenico, Sen. Adam Gomez, Rep. Adrian Madaro, Rep. Michael Moran, Rep. David Rogers