



June 21, 2023

The Hon. Tackey Chan, Chair
The Hon. John J. Cronin, Chair
Joint Committee on Consumer Protection and Professional Licensure
State House
Boston, MA 02133

Re: H.359/S.180, An Act to End Housing Discrimination in the Commonwealth

Dear Chairman Chan and Chairman Cronin,

I am writing on behalf of One Family, Inc., to provide written testimony in support of H.359/S.180, *An Act to End Housing Discrimination in the Commonwealth*.

Background - One Family

One Family, Inc. was incorporated as a non-profit organization in 2002 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 (C2C), and Family Self-Sufficiency (FSS). 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 education coaching and career coaching 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.

H.389/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.**

If enacted, *An Act to End Housing Discrimination in the Commonwealth* would provide the tools needed to put a stop to discrimination against People of Color, people with housing vouchers, and members of other protected classes seeking to rent the apartment or house of their choosing in Massachusetts. **H.359/S.180 incorporates each of the elements included in the legislation favorably reported by this Committee and by the Joint Committee on Rules in the 2021-2022 legislative session.** It builds on this foundation, by adding the following provisions, each of which would provide the accountability and deterrence that existing state law lacks:

- Empowers the Office of the Attorney General to refer a case to the Board of Registration of Real Estate Brokers and Salesmen (BRREBS) for automatic, temporary suspension of a real estate broker's license, when, in a case brought by the AGO, a court has made a final finding that the broker has engaged in discrimination;
- Authorizes the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) to refer a case to BRREBS for automatic, temporary suspension of a real estate broker's license after making a final finding that the broker has engaged in discrimination;¹ and
- Increases the penalty for a second judicial or administrative finding of discrimination to a 180-day license suspension (vs. 90 days under existing law).

The language in section 7 of H.359/S.180 authorizing the Office of the Attorney General to refer a case to BRREBS for temporary license suspension upon a judicial finding of discrimination is an *essential* component of this legislation. Unless this provision is added to the General Laws, it is likely that brokers will still not be deterred from engaging in discriminatory practices, and that the discrimination will continue unabated.

Section 7 of this legislation would fill a void in existing law that has allowed discrimination against People of Color, people with housing vouchers, and members of other protected classes to take place without any real risk of temporary loss of a broker's license. Under the existing statute (G.L. c. 112, sec. 87AAA), if an individual victim of housing discrimination pursues an MCAD case all the way to a final finding, MCAD is authorized to refer a case to BRREBS for license suspension. But in practice, this rarely, if ever, happens, since there are strong incentives for an individual victim of discrimination to settle a case rather than pursue it to its conclusion. In contrast, under section 7 of the pending legislation, the Attorney General's Office would (as authorized under existing law) be able to litigate a case on the basis of verified fair housing testing data, *without the need for an individual victim of discrimination to pursue the case* - and then (*unlike the status quo*), once a court has made a final finding that discrimination has occurred, refer the case to BRREBS for temporary license suspension. This change has the potential to act as a much stronger deterrent to discrimination vs. existing law.²

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

The housing discrimination occurring 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, 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

¹ Under existing statute, only the Massachusetts Commission Against Discrimination has such authority, in spite of the fact that - like MCAD - both BFHC and CHRC are authorized under state and federal law to enforce fair housing rules.

² Under existing statute, MCAD could also pursue a housing discrimination case on the basis of verified fair housing testing data, without the need for an individual victim of discrimination to pursue the case to a final conclusion. However, in actual practice, MCAD rarely, if ever, pursues a housing discrimination case on its own initiative, without an individual victim of discrimination pursuing the case.

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.**

Now is the time to act

The Legislature now has the opportunity to put in place long-overdue tools to clamp down on discrimination against People of Color, people with housing vouchers, and members of other protected classes seeking to rent the apartment or house of their choosing in Massachusetts. *An Act to End Housing Discrimination in the Commonwealth* would provide critically-needed tools to help put an end to pervasive discrimination in the Massachusetts rental housing market. One Family strongly supports this important legislation, and we urge the Committee to favorably report it.

Thank you for the opportunity to provide testimony in support of H.359/S.180, *An Act to end housing discrimination in the Commonwealth*.

Sincerely,



Valerie Paric

Executive Director