

An Act to End Housing Discrimination in the Commonwealth (S.2566)
Favorably reported by Joint Committee on Consumer Protection and Professional
Licensure; now pending in Senate Ways & Means

As of: 5/15/2024

ENDORSED BY:

The Boston Foundation • Cambridge Human Rights Commission • EMPATH •
CHAPA • HomeStart
Massachusetts Coalition for the Homeless • Massachusetts Commission Against
Discrimination (MCAD)
Massachusetts Fair Housing Center • Massachusetts Law Reform Institute
One Family • Suffolk Law School Housing Discrimination Testing Program

Requested action steps for the Massachusetts Legislature:

- **Incorporate S.2566 into the Affordable Homes Act (H.4138) - especially sec. 7 (top priority) and secs. 2-6 (additional priority), authorizing temporary suspension of professional licenses of real estate brokers who engage in illegal discrimination, and pass H.4138.**
- **Pass S.2566 (currently in Senate Ways and Means) in the Senate, and then the House.**

*Discriminatory housing practices are **rampant** in Massachusetts.* The Coalition to End Housing Discrimination seeks to end discrimination targeting People of Color, people with housing vouchers, and all other families and individuals in protected classes seeking to rent an apartment or house. **Pending legislation, An Act to end housing discrimination in the Commonwealth (S.2566), is an important - and long overdue - first step to ending housing discrimination in Massachusetts.**

What would “An Act to end housing discrimination in the Commonwealth” do?

- **Authorizes the Massachusetts Attorney General and Fair Housing Enforcement Agencies in Massachusetts to refer final judicial and administrative findings of discrimination by real estate brokers for license suspension by the Board of Registration of Real Estate Brokers and Salespersons and requires the Board to temporarily suspend the broker’s license. (Under existing law, only the Massachusetts Commission Against Discrimination is authorized to refer cases to the Board for automatic suspension.)**
- **Providing the Attorney General and Fair Housing Enforcement Agencies with this authority will make it more likely that enforcement actions**

against brokers who discriminate result in license suspension, which would have a strong deterrent effect.

- **Increases the license suspension period to 180 days for a second act of discrimination (vs. 90 days under the existing statute).**
- **Establishes a commission to recommend reforms to legislation, regulation, and licensure practices to end housing discrimination in Massachusetts.**
- **Requires all individuals seeking a new or renewed real estate brokers' license to take four hours of training on fair housing law or diversity and inclusion in real estate.**
- **Adds a new member to the Board of Registration of Real Estate Brokers and Salesmen, which reviews allegations of discrimination by real estate brokers - either an expert in fair housing and civil rights, or a tenant from a tenants' organization who has a housing voucher.**
- **Requires the Board to publish at least quarterly a record of cases filed against, and disciplinary actions (including license suspensions) taken against, real estate brokers, including cases involving allegations of housing discrimination.**

Section-by-section summary

An Act to end housing discrimination in the commonwealth (S.2566)

Favorably reported by Joint Committee on Consumer Protection and Professional Licensure

Section 1 - Adds a member to the Board of Registration of Real Estate Brokers and Salesmen (BRREBS) who is either a) an expert in fair housing and civil rights, or b) a tenant from a duly recognized tenants' organization in the commonwealth receiving public assistance from a local, state or federal rental voucher program.

Section 2 - Directs BRREBS to publish on at least a quarterly basis a summary of complaints filed against brokers for any reason, including a) the names of the brokers in question, b) BRREBS' investigatory actions taken, c) disciplinary hearings held and license revocations/other disciplinary action, and d) the reason for disciplinary actions by the board, including any final findings of discrimination in violation of G.L. c. 151B or other state and federal antidiscrimination statutes.

Sections 3-5 - Authorize the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) to refer a broker for automatic license suspension by (BRREBS), after making a final finding that the broker has engaged in discrimination in violation of G.L. c. 151B. (Under the current statute, only the Massachusetts Commission Against Discrimination is authorized to refer a broker for automatic license suspension. BFHC and CHRC, like MCAD, are certified by the U.S. Dept. of Housing and Urban Development under the Fair Housing Act to enforce the provisions of the Act, and hear the same type of housing discrimination cases as MCAD.)

Section 6 - Increases the license suspension period to 180 days for a second act of discrimination (vs. 90 days under the existing statute).

Section 7 - Authorizes the Office of the Attorney General to refer a broker to BRREBS for automatic license suspension, after the AG brings a case in court, and the court enters a finding that the broker has discriminated in violation of G.L. c. 151B. Stipulates that cases which qualify for referral to BRREBS must be referred by the Office of the Attorney General or the appropriate Fair Housing Enforcement Agency.

Section 8 - Requires all licensees to take at least four hours of training on fair housing law or diversity and inclusion in real estate, prior to renewal of their license.

Section 9 - Requires all applicants for a new real estate broker's license to take at least four hours of training on fair housing law or diversity and inclusion in real estate, prior to taking the licensing examination.

Section 10 - Establishes a commission within the Executive Office of Housing and Economic Development to review and make recommendations on policies, practices, and needed reforms concerning housing discrimination prevention and fair housing enforcement.