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January 3, 2018

Steven T. James
Clerk of the House of Representatives

William F. Welch
Clerk of the Senate

Dear Clerks,

Pursuant to Chapter 2 of the Resolves of 2016, and on behalf of Secretary Marylou Sudders, Executive Office of Health and Human Services, I am pleased to submit the Final Report of The Commission to Study Ways to Prevent Bullying of Tenants in Public and Subsidized Multi-Family Housing.

This Report contains the results of the Commissions' investigation, deliberations, as well as final recommendations and proposed legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Linn Torto".

Linn Torto
Chairperson, Commission to Study Ways to Prevent Bullying of Tenants in Public and Subsidized Multi-Family Housing
Designee, Secretary of Health and Human Services
Executive Director, Interagency Council on Housing and Homelessness

CC: Commission Members

REPORT OF THE COMMISSION TO STUDY WAYS TO PREVENT BULLYING OF TENANTS IN PUBLIC AND SUBSIDIZED MULTI-FAMILY HOUSING

Legal Authority: Chapter 2 of the Resolves of 2016

Commonwealth of Massachusetts



January 2017

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 2. *Identify the conditions that give rise to and cause bullying*
 3. *Research successful methods for preventing bullying in other contexts (e.g., schools, nursing homes, assisted living facilities, the workplace and housing)*
 4. *Identification and publish “best practices”*
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1. EXECUTIVE SUMMARY

From May through December 2017, the Commission to Study Ways to Prevent Bullying of Tenants in Public and Subsidized Multi-Family Housing (“the Commission”) studied the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family (PSMF) housing to produce this Report. The Commission sought to develop public policy recommendations to establish a healthy community where: 1) housing providers, housing management, and everyone living in the residential community are aware of the laws regarding bullying, 2) there is appropriate application of existing enforcement mechanisms, and 3) the necessary training and community residential resources are available to support the creation of a respectful – bullying-free – residential community.

While the Commission’s investigation found many tenants have experienced bullying or have witnessed bullying in their community, the Commission also identified a number of existing laws and administrative protections that are available. One major finding of the Commission is the need to increase the awareness of these laws and administrative protections among both management and residents, as well as seek to make current avenues for addressing bullying complaints more effective and accessible to residents.

This report represents the first comprehensive statewide report on bullying and social conditions in public and subsidized housing in any state. A major element to why this report is more comprehensive than previous reports was Commission’s research into the prevalence of bullying in PSMF housing through the deployment of a survey completed by over 600 residents and management staff across the entire state of Massachusetts. The survey respondents provided their experience of bullying representing a diverse set of perspectives, to provide the Commission a view into the world of bullying.

This report not only identifies the primary factors that can lead to the presence of bullying, it also identifies the factors – when absent from a residential community – that can allow bullying to become part of community. While the Commission found that bullying can depend on the capacity of federal and state regulatory agencies, the Commission also recognized that bullying can be enabled by the culture and social norms of the community. Therefore, the presence of bullying is dependent on oversight and enforcement, as well as, the availability and promotion of activities which promote a sense of civility and tolerance in the community.

Resolving bullying in PSMF housing requires engaging all the members of the housing community—landlord, management, staff, helping professionals, and residents. Freedom from bullying requires that all work together to stop bullying and build a healthy residential community. Bullying has been a difficult issue to address, since much of the evidence within the Commonwealth has been anecdotal to-date, its prevalence and characteristics are based on subjective criteria and no one agency is charged with monitoring bullying activities in the Commonwealth. For the first time, the Commonwealth had a forum through the Commission to bring together all the members of the housing community to develop a comprehensive perspective, common goals, and effective solutions.

This report represents several significant achievements in investigating this important topic and developing recommendations that were only possible through cooperation among Commissioners, agency staff, subject matter experts, housing management and tenants.

2. COMMISSION CHARGE

The Commission was charged with investigating and studying the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family housing. According to the authorizing language, the Commission's investigation and study was to include, but not be limited to, identifying the conditions that give rise to and cause bullying and researching successful methods for preventing bullying in other contexts, including but not limited to schools, nursing homes, assisted living facilities, the workplace and housing. This research was used to support the Commissions' review, deliberation and, ultimately, help identify and develop best practices; raise public awareness; and propose public policy recommendations and legislation necessary to protect tenants from harm and preserve their rights.

The authorizing language of the Commission required that the following individuals be included: individuals with experience and knowledge of bullying in PSMF housing, including tenants who have been victimized by bullying; managers who coordinate resident services; industry professionals and stakeholders; and individuals who have direct experience with bullying prevention.

In addition, the Commission was required to hold public meetings in various locations throughout the Commonwealth in recognition of the difficulty some individuals may have in travelling long distances to attend Commission meetings.

Finally, the authorizing language stated that the Commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect. This report summarizes the activities of the Commission including its efforts to:

1. *Investigate and study the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family housing*
2. *Identify the conditions that give rise to and cause bullying*
3. *Research successful methods for preventing bullying in other contexts (e.g., schools, nursing homes, assisted living facilities, the workplace and housing)*
4. *Identify and publish "best practices"*
5. *Raise public awareness on the issue of bullying of tenants, with a focus on elderly and disabled tenants*
6. *Propose public policy recommendations and legislation necessary to protect tenants from harm and preserve their rights*

The authorizing language required that this Commission report to the general court the results of its investigation and study and its recommendations, no later than December 31, 2017.

3. COMMISSION MEMBERSHIP

Seat	Member Name	Appointed By
Secretary of Health and Human Services or Designee (Chair)	Linn Torto*	Ex Officio
Attorney General or Designee*	Matthew Q. Berge*	Ex Officio
Secretary of Elder affairs or Designee*	Dale Mitchell*	Ex Officio
Undersecretary of Housing and Community Development or Designee*	Catherine Mingoya*	Ex Officio
Commissioner of Mental Health or Designee	Joseph Vallely*	Ex Officio
Senate Chair of the Joint Committee on Housing or Designee	Lydia Lowe	Legislature
House Chair of the Joint Committee on Housing or Designee	Sean Tierney	Legislature
Senate Chair of the Joint Committee on Elder Affairs or Designee	Joe Thibodeau	Legislature
House Chair of the Joint Committee on Elder Affairs or Designee	Ellen Spring	Legislature
Senate Chair of the Joint Committee on Mental Health and Substance Abuse or Designee	Benjamin Gold	Legislature
House Chair of the Joint Committee on Mental Health and Substance Abuse or Designee	Chairwoman Denise Garlick	Legislature
House Minority Leader Appointee	Gloria Leipzig	Legislature
Senate Minority Leader Appointee	Ann Couture	Legislature
Rep. of housing and consumer protection advocacy organization #1	Jerome Halberstadt	Governor
Rep. of housing and consumer protection advocacy organization #2	Robin Krawczyk	Governor
Rep. of housing and consumer protection advocacy organization #3	Lerae Kroon	Governor
Rep. of housing and consumer protection advocacy organization #4	Michael Kane	Governor
Rep. of housing and consumer protection advocacy organization #5	Donna M. Brown-Rego	Governor

* Designee

4. COMMISSION MEETING SCHEDULE & COMMISSION WORKGROUPS

The Commission met three times between May and December 2017. All meetings were open to the public with notices posted in advance on the EOHHS Olmstead Planning Committee web page, which can be found here: [Commission to Study Ways to Prevent Bullying of Tenants](#)

In the Commission's three meetings, Commission members heard from multiple organizations and stakeholders regarding addressing the Commission's charges.

1. In the first meeting held on May 25, 2017, the Commission reviewed the charge of commission, the meeting and report timetable, and background on previous legislation and impact to-date. The Commission then engaged in a structured discussion of member expectations and insight regarding bullying of tenants, with a focus on elderly and disabled tenants. Finally, the Commission ended the meeting with a review of the stakeholder engagement plan with impacted individuals across the Commonwealth
2. In the second meeting held on October 4, 2017, the Commission reviewed existing community outreach efforts conducted by the Attorney General's Office (presenters: Marcony Almeida-Barros and Matthew Berge). The Commission also received an update from the two workgroups:
 - a. The "Prevalence and Conditions" workgroup shared research and updates on survey distribution and data collection. (Presenters: Jerry Halberstadt and Laura Taylor)
 - b. The "Best Practices" workgroup discussed proposed legislation. (Presenters: Robin Krawczyk and Michael Kane)

Lastly, the Commission reviewed the approach in drafting of the report, including establishing a timeline and assigning tasks to members.

3. In the third meeting held on December 4, 2017, the Commission reviewed a final draft of the Bullying Commission report, as well as reviewed the survey results and findings. Chairwoman Torto requested feedback from Commission members by December 11, 2017.
4. In the fourth held on December 22, 2017, the Commission convened for its final meeting to vote on the formal report and the proposed legislation. The quorum was met, with twelve Commission members present. The formal report was approved with eleven members voting in favor and one member abstaining. The proposed legislation received three votes in favor and nine members abstained. See the Appendix for the vote breakdown.

In order to maximize Commission member subject matter expertise and experience, Chairwoman Torto established three workgroups: *Community Outreach*, *Prevalence and Conditions* and *Best Practices*. Workgroups included not only Commission members but other stakeholders and agencies with experience and expertise in the subject matter. All three workgroups met on multiple occasions in between formal Commission meetings.

1. Community Outreach Workgroup Coordinators: Matthew Berge and Katy Laverriere

Community Outreach Workgroup Contributors: Laura Taylor, David Eng, Joe Vallely, Robin Krawczyk, and Jerry Halberstadt

- 2. *Prevalence and Conditions Workgroup Coordinators:*** Linn Torto, Jerry Halberstadt, Laura Taylor, and David Eng

Prevalence and Conditions Workgroup Contributors: Catherine Mingoya, Chrystal Kornegay, Emily Cooper, Michael Kelleher and Vivian Pham

- 3. *Best Practices Workgroup Coordinators:*** Michael Kane and Robin Krawczyk

Best Practices Workgroup Contributors: Dale Mitchell, Ellen Spring, David Eng, Linda McMahan, Jennifer Kadilak, Benjamin R. Gold, Matthew Baronas, Gloria Leipzig, Debbie Piltch, Catherine Downing, Jonathan Gale, and Jerry Halberstadt

5. OVERVIEW OF BULLYING IN PUBLIC AND SUBSIDIZED MULTI-FAMILY HOUSING

Public and subsidized multi-family (PSMF) housing brings together unrelated people from diverse social and cultural backgrounds, unified only by their incomes and their need for safe and affordable housing. Some PSMF housing may be only for elderly households while others may mix elderly individuals (some of whom may be disabled) with younger persons who are also living with a variety of disabilities. Bullying can occur in both elderly only as well as elderly and disabled PSMF housing. In the absence of a social compact—an agreed set of rules, procedures, and customs for living together and resolving disputes—bullying can emerge and spread if not adequately addressed with appropriate interventions.

Bullying is the intentional, repeated attempt by one or more persons to impose wrongful (lacking the appropriate role or authority), harmful control over one or more other persons. Bullying tactics include gossip and actions that demean, disrespect, and devalue the other, and can include disrupting the victim's social relations, excluding them from joining activities, and even lead to shunning and isolation. Bullying can occur due to someone's disability or membership in a particular group, such as race, color, religion, national origin, ancestry, sex, gender identity, age, sexual orientation, marital status, children, past involvement in a discrimination complaint, veteran status, or status as a recipient of public assistance.

The problems observed in some PSMF housing developments stem in part from inconsistencies of inclusion of residents in the governance of the facility, as well as differing management policies, staffing practices, and oversight and limited access to for all residents in need of services. It is important to note that (1) different forms of public and assisted housing are subject to different legal requirements regarding the formal role for residents in local housing authority (LHA) governance or in participation of legitimate resident organizations in privately-owned, government-assisted housing, (2) management policies are also subject to legal limitations on the remedies that a landlord may exercise, and (3) there are varying levels of resident engagement in local tenant organizations.

The sources of these problems have been traced to the need for additional staffing, insufficient and appropriate training and education about bullying, inconsistent administrative oversight, and the need for additional outreach to residents related to legal protections for victims.

Most information about bullying in housing has been anecdotal to-date and has been a complex issue to address as the prevalence and characteristics which give rise to bullying are based on subjective criteria. Further, since no one agency is charged with monitoring bullying activities in the Commonwealth, it

make data collection, in aggregate, challenging. In fact, since little is known currently, the Commission was faced with the challenge of learning more about the problem before being able to form any recommendations on how to address it. Therefore, the Commission sought to study the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family (PSMF) housing, identify the primary factors that can lead to the presence of bullying, the factors – when absent from a residential community – that can allow bullying to become part of community in order to develop public policy recommendations to establish a healthy community for all. Anecdotal evidence suggests that there are many different permutations of bullying resulting from:

- Elders being bullied by younger residents
- Younger residents being bullied by elders
- Elders being bullied by other elderly residents
- Residents being bullied by housing staff
- Housing staff being bullied by residents

The Commission, employing the expertise and experiences of those appointed Commissioners, external subject matter experts and stakeholders, as well as, the perspectives of those impacted by bullying through a resident and management survey, sought to use documented research, best practices from the field and quantitative data to more confidently address the charges of the Commission.

6. REVIEW OF PREVIOUS ACTIONS TO ADDRESS BULLYING IN PUBLIC HOUSING

The mixing of elderly households with non-elderly disabled individuals, as is done in state and federally funded public housing, which can lead to bullying is not a new phenomenon. In 1995, to address the potential for tension in state and federally funded public housing, the Commonwealth passed *Chapter 179 of the Acts of 1995: An act improving housing opportunities for elders and non-elderly persons with disabilities*. Key components of this Act that were designed to address and prevent potential bullying situations included:

- Up to \$4M for a new transitional housing voucher program – the *Alternative Housing Voucher Program* – which provided alternative housing options for young persons with disabilities who would otherwise become residents of state aided elderly/disabled housing;
- Up to \$600,000 in funding for service coordinators in elderly disabled housing to support preservation of tenancies and to insure elders and disabled persons had access to services to support their quality of life;
- \$100,000 in funding to support the Massachusetts Housing Registry which listed available rental units which offered accessibility features; and
- \$75,000 in funding for local housing authorities to access information from the Criminal History Systems board for the purposes of identifying appropriateness for public housing based on criminal histories.

Further the Act:

- Reduced the age eligibility for state aided public housing from 62 to 60;

- Clarified that disability related to drug and alcohol use (i.e. a history of drug or alcohol use) did not qualify a person as disabled for the purposes of access to housing. However, persons who became disabled and met those qualifications pursuant to another section of the law as a result of drug or alcohol use were determined eligible for elderly/disabled housing;
- Clarified that the on-going use of illegal substances over the previous twelve months was a disqualifier for housing. However, if the applicant could offer evidence to mitigate previous use of illegal substances, the person could be deemed eligible for housing;
- Clarified various forms of tenancy related infractions, threatening behaviors and criminal activities and their consequences;
- Established a process and a protocol that capped the percentage of non-elderly disabled individuals in state aided public housing to 13.5%. This percent was based on statewide demographic data that showed that 13.5% of the Massachusetts residents qualified as disabled.
 - If a non-elderly disabled person became eligible for a unit in the elderly/disabled public housing project and the project had achieved the 13.5% non-elderly disabled percent, the local housing authority was obliged to offer a transitional housing voucher to the applicant in lieu of a unit within the development.
 - The act addressed the fair housing issue of foreclosing access to housing due to disability. The allocation of the vouchers was based on need for additional housing options relative to the percent of young disabled persons within the state aided public housing and those who were on the waiting list;
- Established an Advisory Board created to monitor the implementation of the Act;
- Directed the Executive Office of Communities and Development (EOCD)¹ to develop a comprehensive analysis of subsidized housing needs of various populations of low-income persons and families and to develop a long-term allocation plan to address the needs of the various sub-populations; and
- Directed EOCD to study the value and effectiveness of the resident services coordinator program and the transitional rental voucher program and make a report to the legislature. Many of the recommendations related to this act such as the alternative housing voucher program and the introduction of resident services coordinators have supported better outcomes in elderly disabled public housing.

7. COMMISSION CHARGES

- 1. Investigate and study the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family housing***

¹ Now the Department of Housing and Community Development

In order to study the prevalence of bullying in the Commonwealth, the Commission developed and deployed a survey to better understand the underlying issues of bullying in PSMF housing, the prevalence of bullying, and the avenues by which people who are bullied seek help.

This anonymous survey asked about social life in PSMF housing, measured the presence or absence of bullying, asked who bullies and who works to create an open and friendly environment, and asked about the success or failure of efforts and methods that try to seek relief from bullying. Respondents were asked to identify their membership in a number of categories and the zip code or region of the state where they live or work².

This online survey was designed to support the Commissions' deliberations, and, ultimately, inform this report, including the results of its investigation and specific recommendations, including the consideration of possible new legislation. The information collected was protected and no identifying information was made public. This survey sought to measure the impact and prevalence of bullying. Thus, it was designed to capture both experiences with bullying, as well as, feedback from people who live in healthy, positive situations free from any type or form of bullying.

The survey not only provided a glimpse into the geographical distribution of housing developments with bullying and those with healthy community, but also informed the Commission's assumptions about the how and why—the factors which correlate most often with bullying, and provide insight into the relative importance of each factor and the impact of various combinations of factors.

For the survey, bullying was defined as the intentional, repeated attempt by one or more persons to impose wrongful (lacking the appropriate role or authority), harmful control over one or more other persons. The definition of bullying provided to survey respondents included:

Bullying tactics include gossip and actions that demean, disrespect, and devalue the other, and can include disrupting the victim's social relations, excluding them from joining activities, and even lead to shunning and isolation. Bullying can occur due to someone's disability or membership in a particular group, such as race, color, religion, national origin, ancestry, sex, gender identity, age, sexual orientation, marital status, children, past involvement in a discrimination complaint, veteran status, or status as a recipient of public assistance.

Survey Distribution

The survey was available from September 26, 2017 to October 30, 2017. A total of 617 surveys were submitted during the collection period. The survey was also made available in hard copy to allow for residents who required special accommodations or staff support to complete the survey to do so. Staff received over 60 paper surveys (of the 617) from residents who took advantage of these accommodations. The Commission's goal was to hear from residents as well as property managers, staff, resident services coordinators and others within PSMF housing across the Commonwealth. In order to allow for multiple users to complete the survey through the same "community" computer, multiple surveys were accepted from the same IP address.

The Commission requested the assistance of PSMF housing Managers and Administrators in the distribution of a survey. The outreach efforts were led by the state housing agencies, Department of Housing and Community Development (DHCD) and MassHousing, and by the Stop Bullying Coalition. The

² See the Appendix for full survey questions

housing agencies used multiple channels to reach out to the landlords, local housing authorities, and property managers; they requested that the information be made available to residents and to those who worked on site in the housing developments. The Stop Bullying Coalition reached out through their newsletter and the independent living centers and aging service access points.

Many recipients of the newsletter forwarded the call for action to their networks. The Stop Bullying Coalition used in-person meetings with resident leaders, including a workshop for officers of the Resident Advisory Board of the Boston Housing Authority and was a guest speaker at two conventions of the Mass Union of Public Housing Tenants where they engaged resident leaders in the work of the Commission, including completing the survey.

Survey Design

The survey was designed to better understand the prevalence of bullying, nature of treatment, why victims of bullying are targeted and who perpetrated the bullying from three different perspectives; residents or management (including staff, residential service coordinators, board member, etc.) who experienced bullying, residents or management who ever witnessed someone being bullied; and staff or management who received a formal or informal complaint from a resident or from a witness to bullying. Further, among those folks who experienced bullying, this survey sought to understand their awareness of their legal rights, where to get help and whether the entities utilized to remedy their situations were successful. Lastly, the survey sought to understand the availability of community resources with the residential community including local tenant organizations, management, resident service coordinators on-site and whether these resources created a welcoming and inclusive environment.

Please note, given the time and budget restraints of the Commission, the survey designed was not based on probability sampling, or random sampling, of the entire residential and management community within PSMF housing in the Commonwealth of Massachusetts (over 1,400 housing developments with approximately 92,000 units). Not designed to meet rigorous data collection and research standards, the survey intended to collect information from residential communities to help inform the Commission work.

Therefore, the Commission views the perspectives and opinions of those who completed the survey as directional and observational in nature and are not intended to be used to infer findings across the general PSMF housing population in statistical terms. The observations and results herein were used to augment and affirm research conducted by other Commission members and Commission work groups.

Survey Respondents Demographics

Primary Role at Residential Community by All Respondents

	# of Responses	% of All Submitted Responses
Resident	180	43%
Management	142	34%
Residential Service Coordinator	38	9%
Resident Board Member/Commissioner	14	3%
Officer of Tenant's Association	14	3%
Other (family member, friend, service provider, etc.)	34	8%
No Response	195	-
Total	617	-

The Commission was keen on ensuring responses representing the entire state of Massachusetts, a variety of types of PSMF housing, as well as responses representing both large and small residential communities.

Geographic Region Lived by All Respondents

	# of Responses	% of All Submitted Responses
Northeastern (Essex and Middlesex)	142	34%
Boston area (Norfolk and Suffolk)	77	18%
Southeastern (Bristol and Plymouth)	61	15%
Cape and Islands (Barnstable, Dukes, and Nantucket)	9	2%
Central (Worcester)	52	12%
Pioneer Valley (Franklin, Hampshire, and Hampden)	51	12%
Western (Berkshire)	30	7%
No Response	195	-
Total	617	-

Type of Residential Community by All Respondents

	# of Responses	% of All Submitted Responses
State-Aided Public Housing (elderly/handicapped—c. 667, family—c. 200 or 705)	154	42%
Federal Public Housing for elderly and disabled	57	16%
HUD-subsidized, Privately Owned, Multifamily Housing for elderly and disabled	118	33%
Assisted Living	3	1%
Other Multifamily Managed Housing	38	8%
No Response	258	-
Total	617	-

Size of Residential Community by All Respondents

	# of Responses	% of All Submitted Responses
Small, up to 500 units	101	25%
Medium, 51-100 units	112	28%
Large, 101 or more units	175	43%
Don't know	17	4%
No Response	212	-
Total	617	-

Age Groupings by All Respondents

	# of Responses	% of All Submitted Responses
18-25	8	2%
26-35	35	8%
36-45	41	10%

46-55	99	23%
56-65	118	28%
66-75	85	20%
76 or Older	36	9%
No Response	195	-
Total	617	-

Key Findings

- Regardless of the type of housing community, location throughout the state, or size of living community, bullying is a challenge that many residents and management must deal with.
- Overall, bullying was prevalent to survey respondents – both residents and management: Nearly half of respondents directly experienced bullying, more than half witnessed bullying and over 60 percent of management stating they received a formal or informal complaint from a resident.
- The presence of a resident service coordinator or management on-site reduces the prevalence of bullying significantly.
- Verbal harassment was by and large the most common experience, followed by intimidation; with few respondents experiencing bullying in the form of physical harassment.
- There seems to be a lack of knowledge regarding where to get help among those who reported having experienced bullying with only a third of respondents who were bullied knew where to get help.
- Residents reported they were more likely to seek help if there was administrative oversight by property managers or resident services coordinators present within their residential community.
- However, even with management or a resident coordinator on-site, respondents who experienced bullying and sought help were not more likely to have their issue successfully addressed.
- Even when aware of where to get help, few reported successful outcomes of their issue with less than half of those who reported having experienced bullying had the issue successfully addressed.
- Less than half of those who were bullied were aware of their legal rights regarding the laws prohibiting bullying due to disability or membership in a particular group.
- Property staff who received a formal or informal complaint from a resident were more likely to receive bullying reports based on a person getting bullied “in retaliation because [they] complained about another resident or group of residents, their disability or mental health challenges”.
- The difference in the perceived nature and reasons for the bullying – between what is reported to housing staff vs. what is experienced by residents – demonstrates the need for another reporting mechanism outside the housing staff of the resident community.

Prevalence of Bullying

Nearly half of all respondents (46%) – including residents and housing staff – reported experiencing some form of bullying. Over half of all respondents (58%) reported having witnessed someone in their residential community being treated unfairly or differently than others or bullied.

Among respondents who directly experienced bullying, the impact of property management staff or a resident coordinator on-site was significant. Where,

- **Management** was present on-site in their building (58%), the prevalence of bullying dropped to 37%
- **A resident service coordinator** was present on-site in the community (39%), the prevalence of bullying was also captured at 37%
- **A local tenant association, resident group or resident advisory board** was present (30%), the prevalence of bullying was still 46%, meaning having a tenant association does not impact the prevalence of bullying.

Awareness of Where to Get Help

Only 34% of respondents who were bullied knew where to get help. Nearly half of the respondents (48%) reported they were aware of their legal rights regarding the laws prohibiting bullying due to disability or membership in a particular group.

However, of those who experienced bullying, less than half (42%) reported that they sought help. Only about 4 in 10 (39%) who sought help reported the issue was successfully addressed.

<i>Knew Where to Get Help</i>		
Among All Respondents (multiple selections allowed)	Experienced Bullying*	Witnessed Bullying**
Yes	34%	28%
No	41%	20%
Don't know/No Response	25%	52%

**Based on those respondents who indicated they experienced bullying; N=286*
***Based on those respondents who indicated they witnessed bullying; N=315*

For those who experienced bullying and lived in residential communities where:

- **Property management staff** was present (37%), more than half (53%) reported they sought help. However, only 29% reported the issue was successfully addressed.
- **A resident service coordinator** was present (37%), 60% reported they sought help. However, only 31% reported the issue was successfully addressed.

- A local tenant association, resident group or resident advisory board (46%) was present, 55% reported they sought help, and 38% of those who sought help reported the issue was successfully addressed.

Aware of Legal Rights

Among All Respondents (multiple selections allowed)	Experienced Bullying*	Witnessed Bullying**
Yes	48%	25%
No	27%	15%
Don't know/No Response	25%	60%

*Based on those respondents who indicated they experienced bullying; N=286

**Based on those respondents who indicated they witnessed bullying; N=315

Formal or Informal Complaint of Bullying

Of those respondents who identified themselves as staff or management (40%) within the residential community (i.e., property manager, maintenance staff, board/commissioner, resident service coordinator, etc.), nearly 63% have received a formal or informal complaint from a resident who reported being bullied or from a witness of someone being treated unfairly or differently than others and bullied.

Nature of Bullying and Perpetrators

Among those respondents who have been bullied – as a resident or in their staff capacity – the majority of perpetrators of the bullying were other residents (or a group of residents) at (57%), followed by property management staff (29%), housing staff (14%), and visitors (10%). Of these respondents, the majority of respondents experienced verbal harassment (64%), following by intimidation (56%) and physical harassment (10%).

Type of Bullying Experienced

Among All Respondents (multiple selections allowed)	Experienced Bullying*	Witnessed Bullying**	Received Bullying Report***
Verbal harassment	64%	73%	81%
Physical harassment	10%	9%	8%
Intimidation	56%	55%	53%
Exclusion from common area spaces or social activities in common areas	16%	34%	33%
Other	21%	9%	5%

*Based on those respondents who indicated they experienced bullying; N=286

**Based on those respondents who indicated they witnessed bullying; N=315

***Based on those respondents who indicated they received a formal/informal bullying report; N=154

Nature of Bullying

Among All Respondents (multiple selections allowed)	Experienced Bullying*	Witnessed Bullying**	Received Bullying Report***
Bullied because of my official role within the residential community (e.g.,	29%	10%	8%

property manager, maintenance staff, etc.)			
Bullied as retaliation because I complained about management, staff, or resident service coordinator	29%	19%	12%
Bullied, but for other reasons, not for my group identity or disability status	28%	35%	49%
Bullied as retaliation because I complained about another resident or group of residents	22%	34%	32%
Bullied because of my disability	12%	26%	26%
Bullied because of my group identity	10%	25%	23%
Bullied because they say I am a bad, immoral person	9%	19%	13%
Bullied because of my mental health challenges	6%	31%	29%
Bullied by someone who demanded unwanted sex in exchange for my housing rights	1%	2%	2%
*Based on those respondents who indicated they experienced bullying; N=286			
**Based on those respondents who indicated they witnessed bullying; N=315			
***Based on those respondents who indicated they received a formal/informal bullying report; N=154			

Reasons for Bullying

Among All Respondents (multiple selections allowed)	Experienced Bullying*	Witnessed Bullying**	Received Bullying Report***
Race/Ethnicity	10%	21%	18%
Religious Affiliation	4%	5%	5%
Age	12%	17%	13%
Gender	12%	10%	11%
Disability	12%	31%	25%
Sexual Orientation	2%	7%	8%
Source of Income	7%	6%	4%
Position in Management	23%	9%	0%
*Based on those respondents who indicated they experienced bullying; N=286			
**Based on those respondents who indicated they witnessed bullying; N=315			
***Based on those respondents who indicated they received a formal/informal bullying report; N=154			

Community Resources

95% reported having management on-site and 64% reported having a residential service coordinator on-site, while only 35% reported that their residential community has a local tenant organization, residential group, or resident advisory board.

Creates a Welcoming Environment

Among All Respondents	Always	Sometimes	Never	Don't Know
Local tenant organization, residential group, or resident advisory board*	27%	17%	12%	44%

Management **	55%	27%	12%	6%
Residential service coordinator***	40%	13%	11%	36%

** Based on those who indicated they had a local tenant organization, residential group, or resident advisory board; N=291*

*** Based on those who indicated they had management on-site; N=466*

**** Based on those who indicated they had a residential service coordinator; N=466*

Of those who have such an entity (N=291), 44% of respondents reported their local tenant organization, residential group, or resident advisory board represents all the tenants fairly “always” (27%) or “sometimes” (17%), while 12% said these groups or boards “never” represent all tenants fairly.

Under half (47%) of respondents (N=466) reported having official house rules and policies posted in a common area, with 36% reporting they do not have rules and policies posted in a common area and 16% were not sure or did not answer this question.

Over 9 in 10 (94%) of respondents (N=466) reported having management on-site. For those reporting housing staff being on-site, the majority reported that the staff “always” (55%) or “sometimes” (27%) represents all the tenants fairly, while 12% said management “never” represents all tenants fairly.

About 6 in 10 (64%) of respondents (N=466) reported having a resident service coordinator on-site. For those reporting having a resident services coordinator working on-site in their building or project, over half of respondents reported the residential coordinator “always” (40%) or “sometimes” (13%) represents all the tenants fairly, while 11% said the on-site resident service coordinator “never” represents all tenants fairly.

2. Identify the conditions that give rise to and cause bullying

In the absence of a social compact—an agreed set of rules, procedures, and customs for living together and resolving disputes—bullying can emerge and spread. Factors that enable or inhibit bullying include the values, beliefs, roles, policies, training, and accountability of several members of the residential community with a number of different residential community roles:

- The leadership and residents of the housing development
- Landlord/Owner
- Property Management
- Resident service coordinator
- Organized tenant group
- Residents
- Community-based service providers, such as the area agency for aging the aging services access point agency, or independent living center

Additionally, the incidence of bullying can depend on the presence (or lack) of the following:

- Services for conflict resolution, legal advice, and professional services
- Policies and practices determining the role of residents in relation to policy and procedure

- Composition of the tenant population, from similar or dissimilar backgrounds, culture, and life experiences
- The community goals and culture

In addition to the factors above, the incidence of bullying can also depend on the capacity of regulatory agencies such as the U.S. Department of Housing and Urban Development (HUD) and state housing agencies, including Department of Housing and Community Development and MassHousing, to administer and apply administrative remedies.

Resolving bullying in PSMF housing requires engaging all the members of the housing community—landlord, management, staff, helping professionals, and residents. Freedom from bullying requires that all involved parties work together to stop bullying and build a healthy residential community. The values and beliefs of everyone, from the landlord to the tenant, can influence policies and daily routines—self-reliance as a value may lead to disrespect of those who need help, while the value of social responsibility may lead to respect and empathy.

As mentioned earlier, one important finding of the Prevalence and Conditions workgroup’s research is the inconsistency across existing institutions to reliably provide remedies and relief. While there may be laws and agencies that in theory could protect targets of bullying, in practice many victims are not aware of their rights to certain remedies. The most important concept is that bullying is a communal behavior; while an individual may use bullying, the culture and social norms of the community will either enable the bullying to spread, or inhibit it.

3. Research successful methods for preventing bullying in other contexts (e.g., schools, nursing homes, assisted living facilities, the workplace and housing)

The premise that bullying is a social and community issue, and not simply an individual problem, is based on the review of research of bullying in schools, as well as, in the workplace, and on research on several residential communities, both public and subsidized.

Review of Literature

Currently the research specific to bullying in the older adult population is limited in scope. The workgroup referenced the following publications and school models as guidance for best practices on planning and intervention and adapted them to reflect the differences in working with adults in housing:

- School Bullying Statute, MGL, Ch 71 , sect 370
- MASS Dept. of Elementary and Secondary Education Model Bullying Prevention and Intervention Plan (June 2014)
- DPH Bullying Prevention Guide, 2007
- Hanover Research, (2015), Best Practices in Bullying Prevention and Response
- Iudici, A. & Faccio, E. (2013). What program works with bullying in school setting? Personal, social and clinical implications of traditional and innovative intervention programs. *Social and Behavioral Sciences*, 4425-4429.
- Evans, Fraser, & Cotter (2014). The effectiveness of school-based bullying prevention programs: A Systematic Review. *Aggression and Violent Behavior*, 532-544.
- Polanin, Eselage & Pigott (2012). A Meta-Analysis of School-Based Bullying Prevention Programs' Effects on Bystander Intervention Behavior. *School Psychology Review*, 47-65.

- Bonifas, Robin (2016). *Bullying Among Older Adults: How to Recognize and Address an Unseen Epidemic*. Baltimore, MD.

Review of applicable laws & legislation

The Best Practices Workgroup identified several applicable laws and legislation as follows:

- Criminal Harassment: G.L. Chapter 265, Sec. 43 (A)
- Guarantee of Non-Discrimination: G.L. Chapter 76, sec 5
- Civil Rights Criminal Statute: G.L. Chapter 265, sec 37
- Action by Attorney General for Civil Injunction: G.L. C. 12, sec. 11 H

One Massachusetts statute offers protection from interference with a person’s rights under a civil action that can be initiated by the Attorney General, M. G. L. c. 12, §§ 11H and 11I. This law can be used either by the victim or by the Attorney General to provide protection and remediation on behalf of a person whose legal rights have been restricted by harassment. The Court would have the authority to order a stop to the harassment, and in some circumstances to do whatever is needed to remedy the situation. The protections apply to all persons, unlike other civil rights protections which apply to specific enumerated categories.

- The Hate Crimes Penalties Act: G.L. c. 265, sec. 39
- Private Action for Injunction and Monetary Damages: G.L. c. 12 sec. 11I
- MGL c. 151B, § 4 (6) and (7)

The Massachusetts Civil Rights Act is similar to the Federal Fair Housing Law and the rule on harassment. Massachusetts has an extended list of protected classes. The Massachusetts Commission against Discrimination (MCAD) handles complaints under this act. MCAD found against the Boston Housing Authority for not acting to protect a tenant who had been harassed, and for not honoring an earlier agreement to protect. *MCAD and Hafer v. Boston Housing Authority*, 200 Mass Comm. Disc. Lexis 127 (January 9, 2002).

- Mass Consumer Protection Act MGL c. 93A, sec 2 and 940 CMR sec 3.17 (6) (e)

Although case law appears to be silent on the issue, conduct by a landlord that constitutes bullying under our definition may also be viewed as an unfair or deceptive business practice and, therefore, a violation of the Massachusetts Consumer Protection Act

- HUD Fair Housing Laws

The HUD Office of Fair Housing asserts that responsibility for protecting the peaceful enjoyment of all tenants belongs to the housing provider and their agents. Remedying failure of a housing provider to enforce the legal and contracted right of all tenants to “peaceful enjoyment” is the keystone to remedying bullying. However, today oversight, accountability, and enforcement can be difficult.

Review of legal and administrative protections

Definitions and scope

The Fair Housing Act decrees that the landlord can be held responsible, while not specifying any one method for achieving the result of assuring peaceful enjoyment and the prevention of harassment. These laws are limited to the protection of specific protected classes, and thus are not adequate to protect all victims of bullying.

- The definition of harassment found in G. L. c. 258E requires a certain number of incidents of a particular type to trigger the right to obtain a harassment prevention order under that statute. Making that distinction is important to distinguish where the existing statute may provide appropriate relief and where a person may be suffering more generalized “harassment” but not be entitled to relief under G. L. c. 258E.

While the Commonwealth has enacted a variety of potential legal and administrative remedies to address bullying in PSMH housing, described above, there is virtually no public awareness of these among residents and managers of PSMH housing, as the survey has indicated. In fact, most Commissioners were unaware of these potential remedies until the Attorney General’s office briefed the Commission. Use of these legal remedies to address bullying has been extremely rare.

Apart from a lack of public awareness, the subgroup on Best Practices assessed that there are few, if any, legal resources available to PSMH residents, who are predominantly very low income and hence unable to afford private legal counsel. The Commonwealth’s network of nonprofit legal service providers for low income people is woefully underfunded and generally unable to provide free legal counsel to public or assisted housing residents unless they are facing eviction. Nor have state officials or agencies made resources available to encourage aggrieved victims to seek legal redress. While legal remedies may exist on paper, this lack of resources has limited their usefulness to victims of bullying.

4. Identification and publish “best practices”

The Best Practices workgroup identified and recommended a comprehensive list of recommendations that address the need for prevention measures and appropriate responses to social bullying in multi-family housing in Massachusetts. The group acknowledges that local housing authorities and property management companies do not have the same funding and infrastructure present in a public school system to provide all the necessary support and resources to fully implement our recommended plan. To address this, the working group recommends an increase in state funding for Resident Service Coordinators through the DHCD Service Coordinator line item or through the EOEA Supportive Senior Housing Program line item. The presence of a Resident Service Coordinator (RSC) in housing sites continues to show clear benefits their residents in areas of health, wellness, community building and advocacy for residents. Without a RSC, these responsibilities fall to other housing staff who do not have the time or bandwidth to properly support residents in the capacity of furthering the efforts to prevent and respond to incidents of bullying in housing. The workgroup also recommends incorporating collateral community resources that already exist as an additional measure to further the outlined efforts.

The workgroup identified the several elements to be included in any recommended comprehensive plan to prevent and address bullying in subsidized housing and further prioritized them taking into consideration the constraints of the housing system. Any efforts made must incorporate buy-in from the entire organization; including residents, staff and management. This is a key factor necessary in fostering and maintaining a greater sense of civility and tolerance in housing communities.

To maximize the accessibility of training materials and information, any plan should include linguistic translation of all written materials and appropriate accommodations for those with disabilities; including hearing or vision loss and for those unable to read written materials for any other reason. The workgroup also recommends collaboration with LGBTQ communities in the planning process.

Any proposed plan should include comprehensive approaches to education, activities fostering norms against violence, aggression and bullying, efforts to promote a positive living environment, response policies, a clear system of consequences and promotion of tolerance and respect for differences.

5. Raise public awareness on the issue of bullying of tenants, with a focus on elderly and disabled tenants

The Resolves creating the Commission on Bullying required the Commission recommend specific steps to enhance and raise public awareness regarding bullying. The following recommendations are made in this regard:

Develop a One-Pager Flyer Targeted to Residents of PSMF Housing

- EOHHS communications staff, with feedback from Commission members, prepared the attached flyer “Are You Being Bullied?” for dissemination to the networks listed in the attachment. The flyer includes the definition of bullying, the legal and other recourses for persons who are being bullied and a hot line number to answer questions of residents in need of assistance. The funding and location of such a hot line will need to be explored and identified.

Outreach to Housing, Services and Attorney General’s Networks

DHCD and MassHousing will disseminate the Executive Summary of the report of the bullying commission (December 2017) and the one page flyer (Are You Being Bullied?) targeted to residents to their networks of housing providers, property managers and local housing authorities for disbursement to the community (e.g., this information could also be included in the resident/tenant boards trainings DHCD has recently contracted with MassCDC Mel King Institute to provide.) *See list of housing networks in Appendix.*

- EOHHS agencies—specifically the Executive Office of Elder Affairs and the Department of Mental Health—will disseminate the Executive Summary of the Bullying Commission Report and the one page flyer (*Are You Being Bullied?*) to their provider and advocacy organizations, such as ASAPs, ILCs, DMH providers and clubhouses for disbursement to their consumers and stakeholders. See attached list of agency networks.
- The Attorney General’s Office will disseminate the Executive Summary of the Bullying Commission Report and the one page flyer (*Are You Being Bullied?*) to their network of community based organizations that serve and support residents in public and subsidized housing throughout the Commonwealth. See attached list of relevant community organizations from the Attorney General’s office.
- EOHHS, MassHousing and DHCD and the Attorney General’s Office will utilize regular standing meetings and newsletters to periodically inform their networks of bullying trainings, updates on

bullying best practices and any data secured through the hot line to fully maintain communication on an on-going basis regarding this issue.

- MassHousing will provide bullying training to its networks and other interested parties on an annual basis.

6. Propose public policy recommendations and legislation necessary to protect tenants from harm and preserve their rights

Prevention of Bullying

Tier 1 Recommendations – Top Priority

- Develop and implement a mandatory professional development training plan for housing staff designed to promote awareness and understanding of the forms of bullying that occur in housing including: resident to resident bullying, management/staff to resident bullying and resident to management/staff bullying.
- Develop and implement a plan to educate and train all staff and residents on the effectiveness of bystanders including: teaching interventions, assertiveness and conflict management skills (identify, prevent, and respond).
- Develop and implement education/training for housing staff and residents on reporting grievances and response measures.
- Develop and implement campaign of public awareness efforts (posters, letters to residents, information).

Tier 2 Recommendations

- Identify and provide support for people who bully and for the targets of bullying.
- Identify avenues to foster more supportive climates and promote overall civility, tolerance and respect.
- Provide education for staff and residents around cultural norms to facilitate empathy and understanding among diverse and marginalized groups and those with disabilities.
- Engage resident participation in establishing codes of conduct.
- Model positive interactions and respectful interactions.
- Develop opportunities for meaningful engagement in housing sites (including but not limited to: community building activities, volunteer opportunities, social activities, creative arts and physical fitness activities).

Response to Bullying

Tier 1 Recommendations – Top Priority

- Reinforce existing housing policies relevant in planning and implementing prevention and response to bullying
- Identify and reinforce existing statutes, applicable laws, and legal framework to be utilized by residents and staff

- Work with Attorney General's office on identification of barriers in applying current laws and strategies and identify strategies to better translate current laws for practical application use in bullying situations by making current legislation more effective and accessible to residents
- Build framework at both state and local levels for policies for planning and implementing prevention and response measures in housing.
- Provide access to resources and services for planning and implementation (connection with ASAPs, DPH, DMH Elder Mental Health Collaborative, EOEA and other state and local resources for older adults).
- Establish anti-bullying policies at housing management agent/owner level, including codes of conduct, lease addendums addressing bullying, and use of lease violations.
- Develop and implement a grievance reporting system allowing for residents to file a grievance regarding management to an appropriate source.
- Provide residents with funding and/or access to resources available for legal advocacy services.

Tier 2 Recommendations

- Provide retaliation protection for victims and bystanders that report.
- Identify collateral resource agencies available for response and support (e.g. availability of community police, community mental health, ASAPs, Protective Services)
- Collaboration with support networks of residents (including relatives, partners, guardians and caregivers) as appropriate, taking into consideration the constraints of confidentiality within housing policy.

RAISE PUBLIC AWARENESS ON THE ISSUE OF BULLYING

- Develop a One-Pager Flyer Targeted to Residents of Public and Subsidized Housing
- Conduct outreach to Housing, Services and Attorney General's Networks

Other Long-term Policy Goals

- Ensure protections apply to all targets or victims, regardless of protected class status, and cover all who live in, work at, or visit the housing development.
- Empower an existing agency to conduct rapid intervention to protect victims, comparable to the existing elder abuse protections.
- Support alternative methods for governance and management of multi-family housing to be considered and implemented, possibly in pilot programs.
 - For example, greater reliance on the role of tenants in the governance of community life, as commissioners on local housing authority boards, as tenants' associations, and up to and including the cooperative concept of tenant management of the property.
- Introduce alternative, complementary methods for setting appropriate limits (other than lease violations and eviction) and for resolving disputes with fairness.
- Ensure agencies including legal aid, the police, elder service agencies, independent living centers and others charged with providing help to elderly or disabled persons have the appropriate mandates covering bullying, mobbing, and harassing; and adequate staffing and resources to enable fulfilling their responsibilities.
- New initiatives should be considered through pilot programs, with ongoing evaluation research open to participation and input by all members of the community, including residents.

8. Public Meetings on Bullying

Pursuant to the legislative requirement the Commission hold public meetings in various locations throughout the Commonwealth, the Commission held two public Listening Sessions to hear from individuals who may have had difficulty in travelling to attend Commission meetings. The Listening Sessions were held in Boston (Monday June 26th, One Ashburton Place, 21st Floor) and Springfield (Wednesday June 28th, Springfield State Offices).

Significant advertising was conducted for both Listening Sessions to ensure as broad a public participation as possible. Both Sessions had CART and ASL Interpreters available and were attended by the Chairperson of the Bullying Commission. The Listening Sessions were open to all testimony from the public, but in regards to bullying, Listening Session attendees were asked to provide testimony to the following question:

- *Bullying poses a problem for vulnerable tenants in some public and subsidized, multi-family housing. What are some policies, practices or other solutions the Commonwealth should consider in order to address this issue?*

Additionally, as previously stated, all three Commission meetings were open to the public with notices and agendas posted in advance on the EOHHS Olmstead Planning Committee web page.

9. APPENDIX

- I. Survey of Bullying of Tenants in Public and Subsidized Multi-Family Housing (separate Report Attachment)
- II. Commission Enabling Legislation (included)
- III. Sources of Bullying in Bleak House—*Summary* (included)
- IV. Examples of Healthy Communities (included)
- V. Statutes that provide legal options for persons experiencing bullying in housing (included)
- VI. Distribution List for Bullying Information (included)
- VII. Community Outreach Flyer on Bullying (separate Report Attachment)
- VIII. Definitions (included)
- IX. Consultants and Contributing Partners of the Bullying Commission (included)
- X. Final Meeting Vote by Commission Member
- XI. Proposed Legislation (separate Report Attachment)
- XII. Listening Sessions Flyer (separate Report Attachment)
- XIII. Bibliography (included)

Commission Enabling Legislation

Legal Authority: Chapter 2 of the Resolves of 2016

RESOLVE CREATING A COMMISSION TO STUDY WAYS TO PREVENT BULLYING OF TENANTS IN PUBLIC AND SUBSIDIZED MULTI-FAMILY HOUSING

Resolved, there is hereby established a commission to consist of 19 members, 1 of whom shall be the secretary of the executive office of health and human services, or a designee, who shall serve as chairperson of the commission; 1 of whom shall be the attorney general, or a designee; 1 of whom shall be the secretary of the executive office of elder affairs, or a designee; 1 of whom shall be the undersecretary of the department of housing and community development, or a designee; 1 of whom shall be the commissioner of the department of mental health, or a designee; 2 of whom shall be the chairpersons of the joint committee on housing, or their designees; 2 of whom shall be the chairpersons of the joint committee on elder affairs, or their designees; 2 of whom shall be the chairpersons of the joint committee on mental health and substance abuse, or their designees; 1 of whom shall be appointed by the minority leader of the house of representatives; 1 of whom shall be appointed by the minority leader of the senate; and 6 of whom shall be appointed by the governor, and shall be representatives of housing and consumer protection advocacy organizations, such as the Massachusetts Association of Independent Living Centers, Inc., Jewish Family and Children's Service, Inc., the Massachusetts Alliance of HUD Tenants, the Massachusetts Union of Public Housing Tenants, MassNAHRO and the Stop Bullying Coalition, and legal services organizations, such as Mass Law Reform Institute and Disability Law Center, and individuals with direct experience and knowledge of the issue who can contribute to the commission.

The commission shall investigate and study the prevalence and impact of the bullying of tenants, with a focus on elderly and disabled tenants, in public and subsidized multi-family housing. The investigation and study shall include, but not be limited to, identifying the conditions that give rise to and cause bullying and researching successful methods for preventing bullying in other contexts, including but not limited to schools, nursing homes, assisted living facilities, the workplace and housing. This research shall be used to identify and develop best practices; raise public awareness; and propose public policy recommendations and legislation necessary to protect tenants from harm and preserve their rights. The commission shall identify and invite to participate in and contribute to the commission: individuals with experience and knowledge of bullying in public or subsidized housing, including tenants who have been victimized by bullying; managers who coordinate resident services; industry professionals and stakeholders; and individuals who have direct experience with bullying prevention.

The commission shall hold public meetings in various locations throughout the commonwealth in recognition of the difficulty some individuals may have in travelling long distances to attend commission meetings.

The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the house of representatives and senate, the joint committee on housing, the joint committee on elder affairs and the joint committee on mental health and substance abuse not later than December 31, 2017.

Sources of Bullying in Bleak House—Summary

The factors leading to the emergence and persistence of bullying included:

- absence of good managerial supervision and/or sufficient trained, qualified, motivated staff on the premises;
- many of the residents, both elderly and disabled, need some measure of support and assistance in order to live independently, and are thus not realistically fully independent, while there is a lack of funding for social service agencies to provide support and conflict resolution for both elderly and disabled; failure to provide people with emotional, mental, or physical disabilities with sufficient supporting services to empower them to live independently while not infringing on the rights of others; and if a person is unable to adapt, they need a place that can provide a suitable home;
- absence of suitably trained social workers, community organizers, and psychologists that can help residents to understand and accept people with disabilities or of different backgrounds;
- a philosophy of landlord and management that their responsibility was to provide apartments in a building that would pass inspection, but not to provide social frameworks or support because the buildings were for “independent living;”
- management relying on maintenance personnel or groups like the Guardians for information, advice, and intervention;
- management considering bullying to be a normal, acceptable method of social control; or a normal expression of group competition;
- failure or inability of social service agencies and their staff (social workers, resident service coordinators, activity directors) to intervene to stop bullying, even when required by law or professional obligations, or for the lack of a clear legal mandate;
- failure of HUD or the state to provide an effective, responsive ombudsman and oversight over management and social service agencies;
- a belief shared by many residents and managers that specific people were “bad,” and getting rid of them would improve life in the building;
- failure of the formal system (management, landlord, social service agencies, supervising/financing agencies) to set limits and a viable structure, and/or help persons whose behavior is disruptive; leading to action by the informal system, through the Guardians;
- attacks by management, owners, and residents on the ability of the Tenants’ Association to advocate for the needs of residents; one of the functions of a tenants’ association is to seek redress when the formal system is failing. Suppressing a tenants’ association can promote bullying.

Examples of Healthy Communities

Cooperative Management—subsidized/HUD

The cooperative concept in these medium-size (50-100 units) HUD-subsidized developments grants extensive control and autonomy to the elderly residents who manage their homes on a volunteer basis, including finances, maintenance, decor, tenant selection, and social policies. There is a posted policy on bullying and education for tenants as well as training for staff. Social problems that are not handled by residents are resolved either by the resident service coordinator or with the help of a facilitator from the central management office. A major concern is to avoid any fracture and breakdown of relations among residents. The continued success of the cooperative model includes careful tenant selection, education of and engagement with new tenants, a diligent maintenance of the cooperative culture, and a multi-level system for intervention and addressing conflict to maintain the community as a unified whole.

Cooperative A—subsidized/HUD

In cooperative A, located in a suburban section of Boston, elderly people from a variety of cultural, ethnic, and national origins manage to communicate despite their differences, and to provide a caring and nurturing environment for each other. Each floor has a volunteer floor representative who is alert to issues and problems and follows up with appropriate services. They feel safe, happy, and secure. "Everyone is nice to each other, we care for each other. As a new resident, everyone embraced me, we work together, we are family. This is my new family, people care about me, I feel good and I am proud to live in this coop." Perhaps the only flaw is an excess of tolerance. Residents tolerate minor infractions, and serious problems that are neglected and might lead to the need to remove a long-term guest who is not on the lease can be stymied in housing court.

Cooperative B—subsidized/HUD

In cooperative B, located in an urban setting, the tenants' association comes from a number of the old ethnic, poor, and sometimes seen as less desirable neighborhoods of Boston. There is an active leadership that runs the tenant council. They may hold a closed meeting to work towards a resolution of problems such as reported in an incident report. They worked to eliminate the custom of saving seats during activities, and try to avoid cliques and work as a community to avoid fractures. The residents vote on all aspects of life in the building including decor. They say, "Communication is important, ignore negative things, cooperate with each other, show respect and acceptance of others."

Stone City—LHA/DHCD

A public housing authority with an excellent reputation, a watchful board, and located in a concerned and watchful community. There are more than 10 separate developments. According to the executive director, their policies and procedures are straightforward. Really most of what we do is what is required by the lease. We listen to the complaints, concerns, we take reports in writing, we schedule a meeting (private conference) with the reported "offender" and explain their responsibilities and what the next steps would be if they do not comply. The next steps would be the eviction process. If we feel the issues can be worked out between the residents we will sometimes get the Community Affairs police officer involved to meet with them. I will tell you there are of course times that situations are reported that through our investigation into the incidents that the report is most likely false. Most of the situations are of course a majority of he said/she said unless there are witnesses to the bullying/harassment, etc.... and that makes it very difficult to prove. We have never had any incidents where a resident has reported to a higher authority that they felt they were being bullied/harassed by management.

Statutes that provide legal options for persons experiencing bullying in housing

M.G.L. c. 12, §§ 11H and 11I

This statute makes it unlawful for any person or persons to interfere by “threats, intimidation or coercion” with rights granted to another person by the constitution or the United States or the Commonwealth, or rights conferred by the laws of the United States or Commonwealth. Section 11H provides authority for the Attorney General to bring a civil action for an injunction or other equitable relief in the name of the Commonwealth; section 11I grants the victim the right to seek the same relief in court. Both sections allow the court to order the violator to pay attorneys’ fees.

This statute would be directed against the person who engages in conduct that would be considered a threat, intimidating or coercive, or an attempt at any of the three, against another individual. It also has to result in some sort of interference with rights conferred by law (e.g. right to move freely within common areas without threat of physical harm). It certainly applies to tenants in public or subsidized housing. Unlike other civil rights statutes, the victim does not have to be a member of a protected class (e.g. age, national origin, disabled).

An injunction is generally an order directing the violator to stop engaging in unlawful conduct. The penalty for violating an injunction is an order for contempt. The provision allowing the court to order other “equitable relief” triggers a broad authority under its jurisdiction to fashion any order directing parties to do what is appropriate in the court’s view under the circumstances presented. It goes beyond an injunction which merely orders that the conduct stop. Equitable relief might include something as simple as an order to keep a defined distance from the victim to something as harsh as ordering the aggressor evicted from the building. The latter is a harsh remedy and unlikely to be imposed by the court absent egregious circumstances. Although a court has very powerful equitable authority, it is employed only in extraordinary circumstances.

M.G.L. c. 151B, § 4(6) and (7)

The Massachusetts Civil Rights Act would apply to landlords who discriminate against tenants because they are a member of what is labelled a “protected class.” Under this statute, a landlord cannot refuse to rent or otherwise discriminate against any person because of the person’s race, religious creed, color, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, or marital status of such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap. The aggrieved tenant can file a complaint with the Massachusetts Commission Against Discrimination (“MCAD”), which will conduct an investigation and hearing to determine the appropriate remedy.

In an interesting decision in 2002, the MCAD 2002 held that the Boston Housing Authority was liable to a tenant who was bullied by other tenants in his public housing. In this case, the MCAD found, after a hearing, that the Boston Housing Authority (“BHA”) was put on notice of the harassment but did not take reasonable steps to prevent it. While it was true that the BHA could not identify the teenagers harassing the victim (and the victim would not identify them), the BHA was found to have still failed to fulfill an obligation to move the victim to another building within his neighborhood under terms of an earlier settlement agreement. MCAD and *Haheer v. Boston Housing Authority*, 200 Mass Comm. Disc. Lexis 127 (January 9, 2002).

To take direct action against the teenagers who were harassing this tenant, the Attorney General or the tenant himself could have sought an injunction or other equitable remedy (plus attorneys' fees) under M.G.L. c. 12, §§ 12H or 12I respectively, because these teenagers were threatening and intimidating this tenant and interfering with his rights under the law to peaceful enjoyment of his apartment in the public housing.

M.G.L. c. 93A, § 2 and 940 CMR § 3.17(6)(e)

The Massachusetts Civil Rights Act may have relevance for the Commission's work with respect to landlords who might engage in conduct that rises to the level of an unfair or deceptive business practice. Under regulations promulgated by the Attorney General, it would be a violation if a landlord entered a dwelling for any purpose other than to inspect the premises, make repairs, show the premises to prospective tenants, buyers or mortgagees, by court order, if the premises appear to have been abandoned, or to inspect within 30 days before the end of the lease term for damage. One could envision a landlord engaging in bullying by entering the tenant's apartment under pretext of any of these allowed conditions to harass or intimidate the tenant.

Distribution List for Bullying Information

For MassHousing:

- MassHousing, email to 396 Property and Regional Managers of 341 subsidized multi-family housing developments with units restricted to elders and person with disabilities
- New England Affordable Housing Management Association

For the Department of Housing and Community Development:

- Email to all 240 local housing authorities (through what we call LIST SERVE)
- Public Housing Notices (PHN)
- Mass NAHRO (newsletter, conferences and email)
- Mass Union of Public Housing Tenants (conferences and email)
- Mel King Institute (through Tenant Board Member Training)
- Citizen's Housing and Planning Association (CHAPA) (on occasion, publish DHCD information)

For the Executive Office of Elder Affairs:

- Massachusetts Council on Aging
- Massachusetts Assisted Living Association
- LeadingAge Massachusetts
- Massachusetts Home Care Association
- Massachusetts Senior Care

For the MA Department of Mental Health:

- DMH Community-Based Flexible Support Providers
- Clubhouse Providers
- Recover Learning Centers (RLC)
- NAMI-MA

For the Attorney General's Office:

- Neighborhood Associations as meetings are scheduled
- Family Resource Centers

Definitions

Bullying” or “harassment” uses any mode of communication to hurt and demean the target or victim, and mobilizes members of the community to use gossip, social pressures, and isolation; and thus to harm and control the victim and take away, their rights, dignity, self-respect or health/well-being.

- “Bullying” is a contagious social problem that creates toxic communities and harms everyone in housing, including management, staff and landlord, not just the tenants. Mobbing” consists of a community harassing and bullying a victim, including in order to get rid of them.
- “Mobbing” is bullying among peers that is initiated, condoned, or supported by those in charge.
- “Institutional mobbing” consists of a community harassing and bullying a victim, including in order to get rid of them. Institutional mobbing is bullying among peers that is condoned or ignored by those in charge. Institutional mobbing is somewhat less toxic than mobbing.
- “Hostile environment harassment” consists of bullying and harassing victims, and is a violation of the Fair Housing Law defined as unwelcome conduct creating a situation that makes it difficult or impossible for victims to have the peaceful enjoyment of their residency.
- “Peaceful enjoyment” is the right of each tenant to enjoy the use of their home and common spaces without interference.

The most severe form of bullying is mobbing. According to the experts who have studied this problem in the workplace, mobbing is the result and responsibility of the leadership of the group or institution. In multifamily housing, the landlord and their agents are the responsible party. Mobbing is always a potential in human society. The commonly recommended techniques for responding to bullying are actually counter-productive when the bullying takes place in the context of mobbing.

Consultants and Contributing Partners of the Bullying Commission

- Jack Cooper, Executive Director, Mass Union of Public Housing Tenants (MUPHT)
- Phyllis Corbitt, Board member, Mass Union of Public Housing Tenants (MUPHT)
- Dave Eng, Strategic Partnership/Program Development Specialist, MassHousing,
- Bill Henning, Director, Boston Center for Independent Living
- Alex Pomerantz, Legislative Intern, Office of Rep. Alan Silvia,
- Mike Searles, Legislative Director to Rep. Theodore Speliotis
- Susan Bonner, Legislative Chair, Mass Union of Public Housing Tenants
- Officer Rick Cameron, Peabody Police
- Tracy Campbell, a resident service coordinator in subsidized housing
- Jack Cooper, Executive Director, Mass Union of Public Housing Tenants
- Lynn Costello, tenant in public housing
- Mary Margaret Moore, former Executive Director of the Independent Living Center of the North Shore and Cape Ann
- Judith Frey, Resident Advisory Board of the Boston Housing Authority
- Jonathan Gale, former resident of public family housing
- Pamela Goodwin, tenant in public housing
- Janice Harper, PhD, an anthropologist and expert on mobbing
- Henry Korman, Partner at Klein Hornig, LLP
- Carol Leary, tenant in public housing, former President & Secretary of her local tenant organization (LTO), former member Resident Advisory Board, BHA
- Mac McCreight, attorney at Greater Boston Legal Services
- Georgia McEaddy, Resident Advisory Board of the Boston Housing Authority
- Marlena Nania, Resident Advisory Board of the Boston Housing Authority
- Concetta Paul, Resident Advisory Board of the Boston Housing Authority
- Betty Raye, Resident Advisory Board of the Boston Housing Authority
- Marvin So, MPH, Harvard School of Public Health
- Paul Votto, President of the National Association of Building Managers
- Many others in the housing community including landlords, managers, executive directors, resident service coordinators, social workers, and tenants who prefer not be named

December 22, 2017 Votes on Final Report:

Yes	No	Abstain
Linn Torto Dale Mitchell Sara Cole Laura Taylor Joseph Vallely Lydia Lowe Sean Tierney Ellen Spring Gloria Leipzig Jerome Halberstadt Michael Kane		Hirak Shah
11	0	1

December 22, 2017 Votes on Legislation*:

Yes	No	Abstain
Sean Tierney Jerome Halberstadt Michael Kane Lydia Lowe		Hirak Shah Ellen Spring Gloria Leipzig Linn Torto Dale Mitchell Sara Cole Laura Taylor Joseph Vallely
4	0	8

*2 commission members who were not present, Lerae Kroon and Robin Krawczk, also offered a "Yes" vote via email.

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- Faas, Andrew, *The Bully's Trap: Bullying in the Workplace*, (Mustang OK: Tate Publishing, 2015).
- epub download: <http://www.andrewfaas.com/>
- Halberstadt, Jerry, *Stop Bullying: We can create healthy communities for the elderly and disabled*, (Peabody: Togethering Press) forthcoming 2018.6.