

HOUSE No. 359

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro and Carlos González

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to end housing discrimination in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/20/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/20/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/23/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>6/18/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>6/18/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>6/18/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>6/18/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>8/3/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>9/7/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>9/14/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>9/20/2023</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>1/4/2024</i>

HOUSE No. 359

By Representatives Madaro of Boston and González of Springfield, a petition (accompanied by bill, House, No. 359) of Adrian C. Madaro, Carlos González and Kevin G. Honan for legislation to further regulate real estate brokers and salespersons. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to end housing discrimination in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by striking out section 54 and inserting in place thereof the following
3 section:-

4 Section 54. There shall be a board of registration of real estate brokers and
5 salesmen, in this section and in sections fifty-five to fifty-seven, inclusive, called the board, to be
6 appointed by the governor with the advice and consent of the council, consisting of seven
7 members, residents of the commonwealth, four of whom shall have been actively engaged in the
8 real estate business as a full-time occupation for at least seven years prior to their appointment
9 and who shall be licensed real estate brokers, one of whom shall either be an expert in fair
10 housing and civil rights or a tenant from a duly recognized tenants' organization in the
11 commonwealth receiving public assistance from a local, state or federal rental voucher program,
12 and two of whom shall be representatives of the public. The governor shall designate the

13 chairman. As the term of office of a member of the board expires, his successor shall be
14 appointed by the governor, with like advice and consent, to serve for five years. Each member
15 shall be eligible for reappointment and shall serve until the qualification of his successor. The
16 governor may also, with like advice and consent, fill any vacancy in the board for the unexpired
17 portion of the term.

18 SECTION 2. Section 55 of said chapter 13, as so appearing, is hereby
19 amended by inserting, at the end of the section, the following words:-

20 The board shall publish, not less than quarterly, an account of newly licensed
21 members. The board shall also publish, not less than quarterly, a summary of complaints filed
22 against licensed members, the actions taken by the board to investigate such complaints,
23 disciplinary hearings, disciplinary actions or revocations of licenses, the reason for such actions
24 by the board, including any findings, in which finding has become final, of discrimination
25 against any classes protected by Chapter 151B or otherwise protected by any other general or
26 special law or federal statute, and the name of the affected license holder.

27 SECTION 3. The third sentence of section 87AAA of chapter 112 of the General
28 Laws, as appearing in the 2018 Official Edition, is hereby amended by adding, after the words
29 “the Massachusetts commission against discrimination” the following words:- , or any other
30 agency that administers fair housing laws and is certified by the federal Assistant Secretary for
31 Fair Housing and Equal Opportunity pursuant to the federal Fair Housing Act, 42 U.S.C. 3601
32 through 42 U.S.C. 3619, inclusive.

33 SECTION 4. Said third sentence of said section 87AAA of said chapter 112 of the
34 General Laws is hereby further amended by adding, after the words “that said commission” the
35 following words:- or agency.

36 SECTION 5. Said third sentence of said section 87AAA of said chapter 112
37 of the General Laws is hereby further amended by adding, after the words “the said commission”
38 the following words:- or agency.

39 SECTION 6. Said third sentence of said section 87AAA of said chapter 112 of the
40 General Laws is hereby further amended by striking the word “ninety” and inserting in place
41 thereof the following words:- one hundred and eighty.

42 SECTION 7. Said section 87AAA of said chapter 112 of the General Laws is
43 hereby further amended by adding, after the third sentence, the following words:- The board
44 shall, after notice by the Office of the Attorney General that a court in a matter brought by the
45 Office of the Attorney General has made a finding, which finding has become final, that a
46 licensed broker or salesperson committed an unlawful practice in violation of Chapter 151B
47 arising out of or in the course of his occupation as a licensed broker or salesperson, shall suspend
48 forthwith the license of said broker or salesperson for a period of sixty days, and, if the said
49 Office of the Attorney General determines that the violation by such licensed broker or
50 salesperson occurred within two years of the date of a prior finding by a court or agency of a
51 violation of Chapter 151B, which prior finding has become final, it shall so notify the board, and
52 the board shall forthwith suspend the license of such broker or salesperson for a period of one
53 hundred and eighty days. The Board shall suspend the license of a broker or salesperson for any
54 violation of G.L. ch. 151B referred to it under this section. Agencies empowered to make

55 referrals to the Board under this section shall make all referrals that qualify under this section
56 and do not have discretion as to whether to make the referral.

57 SECTION 8. Said chapter 112 of the General Laws is hereby further amended
58 by striking out section 87XX1/2 and inserting in place thereof the following section:-

59 Section 87XX1/2. Any person holding a license as a real estate broker or
60 salesperson shall, within their renewal period, satisfactorily complete courses or programs of
61 instruction approved by the board; provided that attendance at such courses or programs of
62 instruction shall be no less than ten hours but no more than sixteen hours as determined by the
63 board. The curriculum contained in such courses or programs shall contain at least six hours of
64 instruction concerning or related to compliance with laws and regulations selected from any of
65 the following subjects: equal employment opportunity; accessibility for the disabled; agency law;
66 environmental issues in real estate; zoning and building codes; real estate appraisal and
67 financing; property tax assessments and valuation; and real estate board regulations. In addition,
68 the curriculum shall contain at least three hours on alternative dispute resolution methods and at
69 least four hours on fair housing law or diversity and inclusion in real estate. The board shall
70 certify in advance the curriculum forming the basis of such courses or programs which satisfy
71 the provisions of this section. The Massachusetts Commission Against Discrimination may, at its
72 discretion, review and approve the curriculum as it relates to fair housing.

73 Every person who is subject to the requirements of this section shall furnish,
74 in a form satisfactory to the board, written certification that the required courses or programs
75 were successfully completed. Upon successful completion of approved courses or programs, the
76 licensee shall be deemed to have met the continuing education requirements of this section for

77 license renewal. Every person who fails to furnish, in a form satisfactory to the board, written
78 certification that the required courses or programs were completed shall be granted inactive
79 status by the board upon renewal of his license in accordance with section eighty-seven XX.

80 Any person failing to meet requirements imposed upon him by this section or
81 who has submitted to the board a false or fraudulent certificate of compliance therewith, shall,
82 after a hearing thereon, which hearing may be waived by such person, be subject to the
83 suspension of his license until such time as such person shall have demonstrated to the
84 satisfaction of the board that he has complied with all the requirements of this section as well as
85 with all other laws, rules and regulations applicable to such licensing.

86 The provisions of this section shall not apply to any person licensed by the
87 board under the provisions of section eighty-seven SS who is not required to take an examination
88 to be licensed; provided, however, that any out-of-state licensee who receives reciprocity from
89 the board to practice in the commonwealth shall demonstrate to the board compliance with a
90 continuing education program in such licensee's home state.

91 The provisions of this section shall not apply to any person licensed by the
92 board who has been granted inactive status by the board. A person licensed by the board and
93 whose license is inactive may not engage in the business of, or act as, a real estate broker or
94 salesperson, as defined in section eighty-seven PP, except that he may assist with or direct the
95 procuring of prospects and may receive referral fees for such procurement activities. A person
96 licensed by the board whose license is inactive shall be considered unlicensed for purposes of
97 section eighty-seven RR. Engaging in the business of, or acting as, a real estate broker or
98 salesperson while a license is inactive, except as otherwise provided for in this section, may be

99 grounds for revocation of such license. A person licensed by the board and whose license is
100 inactive shall renew such license in accordance with section eighty-seven XX while such license
101 is inactive. A person licensed by the board and whose license is inactive may apply to the board
102 to reactivate such license, upon demonstration of the completion of the continuing education
103 requirements for the renewal period immediately preceding the application for reactivation of
104 such license and compliance with all then applicable requirements for licensure.

105 The board shall perform such duties and functions necessary to carry out the
106 provisions of this section and shall promulgate rules and regulations pertaining to the
107 development and administration of an inactive license designation. Such rules and regulations
108 shall include, but not be limited to, developing procedures for the granting of inactive status, the
109 reactivation of licenses, renewal fees and the notification of licensees of continuing education
110 requirements prior to license reactivation.

111 SECTION 9. Section 87SS of chapter 112 of the General Laws, as appearing
112 in the 2018 Official Edition, is hereby amended by striking out the second sentence and inserting
113 in place thereof the following sentence: -

114 Every individual applicant for a license as a salesperson who is required to
115 take an examination therefore shall, as a prerequisite to taking such examination, submit proof
116 satisfactory to the board that he has completed courses in real estate subjects approved by the
117 board, such courses to total 40 classroom hours of instruction and must include at least four
118 hours on fair housing law or diversity and inclusion in real estate; provided, however, that
119 applicants having successfully completed a course in real property while enrolled in an
120 accredited law school in the commonwealth may also take such examination.

121 SECTION 10. Chapter 6A of the General Laws, as so appearing, is hereby
122 amended by inserting after section 16G, the following new section:-

123 Section 16G 1/2. (a) As used in this section, the following words shall have
124 the following meanings unless the context clearly requires otherwise:

125 “Fair housing enforcement agency”, an agency that administers fair housing
126 laws and is certified by the Assistant Secretary for Fair Housing and Equal Opportunity pursuant
127 to the Fair Housing Act, 42 U.S.C. 3601 et seq.

128 “Fair housing enforcement organization”, an organization that receives
129 funding from the U.S. Department of Housing and Urban Development to investigate complaints
130 of housing discrimination by conducting testing and or enforcement activities pursuant to 42
131 U.S.C. 3616a.

132 (b) There shall be a commission within the executive office of housing and
133 economic development to review and make recommendations on policies and practices
134 concerning housing discrimination prevention and fair housing enforcement. The focus of the
135 commission’s work shall include, but not be limited to: (i) timely review and response to possible
136 instances of discrimination; (ii) development of an internal oversight system to monitor for
137 instances and patterns of discrimination; (iii) identification of barriers to reporting instances of
138 discrimination; (iv) identification of discriminatory behaviors; (v) partnership with fair housing
139 enforcement agencies and organizations in oversight and accountability; (vi) reforms to
140 disciplinary measures following referral for suspension after final findings involving allegations
141 of discrimination; (vii) development of professional standards of practice for real estate brokers
142 and salesmen to ensure compliance with anti-discrimination statutes; and (viii) incorporating

143 fair housing law education and alternative dispute resolution programs in required curricula for
144 new applicants and renewals. The commission shall determine necessary reforms to legislation,
145 regulation, and licensure practices to prevent housing discrimination.

146 (c) The commission shall consist of: the secretary of housing and economic
147 development, or a designee, who shall serve as the chair; the house and senate chairs of the joint
148 committee on consumer protection and professional licensure; the house and senate chairs on of
149 the joint committee on housing; one member of the house of representatives who shall be
150 appointed by the minority leader and one member of the senate who shall be appointed by the
151 minority leader; and 13 members appointed by the governor: 1 of whom shall be a member of the
152 board of registration of real estate brokers and salesmen; 1 of whom shall be a member of the
153 Massachusetts commission against discrimination; 1 of whom shall be a member of a fair
154 housing enforcement agency; 1 of whom shall be a member of a fair housing enforcement
155 organization; 2 persons holding a license as a real estate broker or salesperson; 1 of whom shall
156 be a member of a duly recognized tenants' organization who receives public assistance from a
157 local, state, or federal rental voucher program; 1 experienced civil rights practitioner; and 5
158 members of the commission should reflect those with protected characteristics. The members of
159 the commission shall represent diverse geographic areas of the commonwealth.

160 (d) The commission may request information and assistance from state
161 agencies as the commission requires.

162 (e) The commission shall annually, not later than April 1, submit a report of
163 its findings and recommendations to the joint committee on consumer protection and

164 professional licensure, the joint committee on housing, the board of registration of real estate
165 brokers and salesmen, and the clerks of the house of representatives and senate.