

SENATE No. 180

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/15/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/15/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/27/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/3/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/13/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/20/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>6/16/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>9/12/2023</i>

SENATE No. 180

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 180) of Adam Gomez, Joanne M. Comerford, James B. Eldridge, John F. Keenan and others for legislation to end housing discrimination in the Commonwealth. 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 salesmen, in
5 this section and in sections fifty-five to fifty-seven, inclusive, called the board, to be appointed
6 by the governor with the advice and consent of the council, consisting of seven members,
7 residents of the commonwealth, four of whom shall have been actively engaged in the real estate
8 business as a full-time occupation for at least seven years prior to their appointment and who
9 shall be licensed real estate brokers, one of whom shall either be an expert in fair housing and
10 civil rights or a tenant from a duly recognized tenants’ organization in the commonwealth
11 receiving public assistance from a local, state or federal rental voucher program, and two of
12 whom shall be representatives of the public. The governor shall designate the chairman. As the

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

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

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

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

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

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

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

41 SECTION 7. Said section 87AAA of said chapter 112 of the General Laws is hereby
42 further amended by adding, after the third sentence, the following words:- The board shall, after
43 notice by the Office of the Attorney General that a court in a matter brought by the Office of the
44 Attorney General has made a finding, which finding has become final, that a licensed broker or
45 salesperson committed an unlawful practice in violation of Chapter 151B arising out of or in the
46 course of his occupation as a licensed broker or salesperson, shall suspend forthwith the license
47 of said broker or salesperson for a period of sixty days, and, if the said Office of the Attorney
48 General determines that the violation by such licensed broker or salesperson occurred within two
49 years of the date of a prior finding by a court or agency of a violation of Chapter 151B, which
50 prior finding has become final, it shall so notify the board, and the board shall forthwith suspend
51 the license of such broker or salesperson for a period of one hundred and eighty days. The Board
52 shall suspend the license of a broker or salesperson for any violation of G.L. ch. 151B referred to
53 it under this section. Agencies empowered to make referrals to the Board under this section shall
54 make all referrals that qualify under this section and do not have discretion as to whether to make
55 the referral.

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

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

72 Every person who is subject to the requirements of this section shall furnish, in a form
73 satisfactory to the board, written certification that the required courses or programs were
74 successfully completed. Upon successful completion of approved courses or programs, the
75 licensee shall be deemed to have met the continuing education requirements of this section for
76 license renewal. Every person who fails to furnish, in a form satisfactory to the board, written
77 certification that the required courses or programs were completed shall be granted inactive
78 status by the board upon renewal of his license in accordance with section eighty-seven XX.

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

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

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

102 the renewal period immediately preceding the application for reactivation of such license and
103 compliance with all then applicable requirements for licensure.

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

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

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

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

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

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

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

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

144 (c) The commission shall consist of: the secretary of housing and economic development,
145 or a designee, who shall serve as the chair; the house and senate chairs of the joint committee on

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

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

160 (e) The commission shall annually, not later than April 1, submit a report of its findings
161 and recommendations to the joint committee on consumer protection and professional licensure,
162 the joint committee on housing, the board of registration of real estate brokers and salesmen, and
163 the clerks of the house of representatives and senate.