

SENATE No. 2566

The Commonwealth of Massachusetts

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

SENATE, January 25, 2024.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (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; and (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, report the accompanying bill (Senate, No. 2566).

For the committee,
John J. Cronin

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**In the One Hundred and Ninety-Third General Court
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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 2022 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 salesman 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 salesman, shall suspend forthwith the license of
47 said broker or salesman for a period of sixty days, and, if the said Office determines that the
48 violation by such licensed broker or salesman occurred within two years of the date of a prior
49 finding by a court or agency of a violation of chapter 151B, which prior finding has become
50 final, it shall so notify the board, and the board shall forthwith suspend the license of such broker
51 or salesman for a period of one hundred and eighty days. The Board shall suspend the license of
52 a broker or salesman for any violation of chapter 151B referred to it under this section. Agencies
53 empowered to make referrals to the Board under this section shall make all referrals that qualify
54 under this section and do not have discretion as to whether to make the referral.

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

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

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

77 Any person failing to meet requirements imposed upon him by this section or who has
78 submitted to the board a false or fraudulent certificate of compliance therewith, shall, after a
79 hearing thereon, which hearing may be waived by such person, be subject to the suspension of

80 his license until such time as such person shall have demonstrated to the satisfaction of the board
81 that he has complied with all the requirements of this section as well as with all other laws, rules
82 and regulations applicable to such licensing.

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

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

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

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

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

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

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

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

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

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

142 (c) The commission shall consist of: the secretary of housing, or a designee, who shall
143 serve as the chair; the house and senate chairs of the joint committee on consumer protection and

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

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

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