

To: Louis A. DePasquale, City Manager

Fr: Nancy B. Schlacter, Executive Director
Cambridge Human Rights Commission (CHRC)

Re: Response to Awaiting Report Number 18-59; Re: Report on collecting data from the Human Rights Commission on housing-related activities including number of housing related investigations, number of housing-related cases successfully mediated, relationships with regional housing-related organizations and successes and challenges of the Cambridge Fair Housing Ordinance

DATE: June 25, 2018

In response to the above Council Order, please be advised of the following:

I. Housing-related Investigations:

The Cambridge Human Rights Commission (CHRC) generally investigates complaints of alleged instances of housing discrimination that occurred in Cambridge, where the most recent alleged discriminatory event occurred within 180 days of the Complainant signing a verified complaint. The CHRC also investigates complaints related to public accommodations, employment and education. Housing complaints over the past four fiscal years include the following:

Fiscal Year	Housing Cases	Successful Conciliations	Private Settlements	Probable Cause	Lack of Probable Cause	Admin. Closures
FY15	11	2	0	2	9	2
FY16	8	2	1	1	5	0
FY17	11	3	1	0	6	1
FY18 (to date)	10				4	2

Please note: *Cases may include a Probable Case finding on some allegations and Lack of Probable Cause finding on other allegations, thus numbers of outcomes may exceed total number of cases. Not all cases filed in FY18 have resolved as of the date of this report.*

II. Housing Cases Successfully Mediated:

Pursuant to the Fair Housing Ordinance (FHO), Cambridge Municipal Code Chapter 14.04 et seq., and the CHRC's Rules of Procedure, conciliation (a type of mediation) is endeavored in all housing cases filed with the CHRC. After a complaint is served on Respondents, the Respondents have ten days to respond with answers to allegations through a Position Statement "signed under the pains and penalties of perjury." Upon receipt of the Position Statement, the CHRC's Attorney Investigator (AI) commences the investigation. Throughout the investigation, the AI encourages the parties to consider conciliation of the Complaint. All parties to the complaint must agree to the conciliation, as it is a voluntary process. During the investigation phase of the process, the efforts to conciliate are conducted by the AI. If, following the

investigation, probable cause that discrimination occurred is found, a further effort to conciliate is conducted by a Commissioner from the CHRC. The efforts to conciliate seek to address both the Complaint's allegations and the public interest in eliminating the alleged discrimination by the Respondent party going forward. The "public interest provisions" seek to address changes to discriminatory policies, practices or procedures of the Respondents, may require training of staff on the Fair Housing Ordinance and the Federal Fair Housing laws, and can include monitoring of Respondent behavior for a prescribed period. In the past four fiscal years seven (7) housing discrimination cases were successfully conciliated.

III. Relationships with Regional Housing-related organizations:

CHRC has long-standing relationships with agencies and organizations addressing housing discrimination and housing support services. CHRC participates in quarterly "Fair Housing Coalition" meetings with the Chair and legal staff from the Massachusetts Commission Against Discrimination (MCAD), the Boston Office of Fair Housing and Equity, Metro Housing Boston, Suffolk University Law School Housing Discrimination Testing Program, Way Finders, Fair Housing Center of Greater Boston, Community Legal Aid, South Coast Fair Housing, MA Department of Housing & Community Development, MA Attorney General's Office Civil Rights Division, US Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity (FHEO) Division Legal staff, Citizens Housing and Planning Assn. and others. In addition to these statewide meetings, CHRC meets with local (Metro-Boston) agencies, also on a quarterly basis, to address best practices, recent regional housing discrimination issues, MA and federal court decisions on housing discrimination matters and to suggest approaches to challenges agencies may be experiencing with a particular case or situation.

In addition to the coalition work with agencies addressing housing discrimination, CHRC works with Cambridge housing support services, including the Cambridge Commission for Persons with Disabilities (CCPD), Multi-Service Center, the Consumer's Council, the Department of Human Services Programs' (DHSP) Continuum of Care for the Homeless, the Community Development Department's (CDD) Housing Division, Greater Boston Legal Services (GBLS) – Housing, Cambridge & Somerville Legal Services, Community Dispute Settlement Center, Just-A-Start Mediation Services, Community Legal Services and Counseling Center – Housing, Inspectional Services Department (ISD) and others. Referrals are made to these and other agencies, information is sought and resources are shared. As part of resource sharing and collaboration, CHRC, in conjunction with CDD's Housing Division, held its second annual Fair and Affordable Housing Open House at CRLS on April 28, 2018, at which representatives of a broad range of housing support services, housing providers, housing legal services providers, local banks and tenant organizations provided informational tabling and panels on housing topics. Attendance at the event was high and attendees were engaged and attentive, seeking out resources and information to address their needs.

CHRC provides informational outreach (about housing and other forms of discrimination) through presentations to students at the Community Learning Center (CLC), at both ESOL and Adult Basic Education courses. In Spring 2018, seven CHRC presentations about discrimination and the process for seeking local enforcement of complaints were presented to adult learners at CLC by CHRC staff and Commissioners. Outreach tabling is performed by CHRC staff and Commissioners at large public events, including RiverFest and Danehy Park Family Day. CHRC recently launched an online discrimination intake form, enabling persons who feel they have been discriminated against in Cambridge to begin the process of filing a complaint through a convenient online form. CHRC's Attorney/Investigator will follow

up with individuals who have submitted an online intake form, to obtain needed details to enable the filing of a complaint, if warranted.

IV. Successes and Challenges of the Cambridge Fair Housing Ordinance:

The FHO enables Cambridge to address housing discrimination locally by offering investigation of complaints, conciliation among the parties to complaints, and remedies for Complainants when probable cause has been found that discrimination has occurred. While Cambridge residents and persons seeking housing in Cambridge can also seek to address their housing discrimination complaints through the state and federal anti-discrimination agencies (MCAD and HUD, respectively), the opportunity to work with a local agency, without an attorney (if they chose) can enable them to feel closer to the process and more readily able to respond, inquire and address issues that arise through the investigation process. Staff at the CHRC have built relationships with local housing providers, housing services agencies and housing support services that can lead to timelier responses to inquiries, responsive efforts to address unfair practices, and better coordinated responses to discriminatory actions.

The FHO, drafted in 1984, includes some out-of-date language (handicap, transvestite) and definitions, and a reference to an outdated accessibility standard. Working with the LGBTQ+ Commission, the CCPD and the City Solicitor's Office, CHRC has proposed amending the FHO to update the language, address the outdated text, and to include gender identity as a protected class. As part of CHRC's HUD grant funding for its enforcement efforts, changes to the FHO must be reviewed by HUD and found to be "substantially equivalent" to the federal Fair Housing Act (FHA) before HUD will approve the proposed changes. The proposed amendments to the FHO have recently been reviewed and approved by HUD and found to be substantially equivalent to the FHA. The proposed amendments to the FHO also require legislative approval and therefore the proposed amendments will be submitted to the City Council along with a proposed Home Rule Petition requesting that the City Council vote to transmit the proposed Home Rule Petition to the General Court.

V. Housing Matters Not Addressed by CHRC

Evictions (Summary Process Proceedings) are not addressed through the CHRC, which is a neutral enforcement agency that investigates claims of discrimination that occurred in Cambridge. Inquiries to CHRC regarding pending eviction actions are referred to local Legal Services agencies that take housing cases for income-qualifying tenants. These include GBLS, Cambridge and Somerville Legal Services (CASLS), Community Legal Services and Counseling Center (CLSACC) and Harvard Legal Aid. Data about evictions in Cambridge may be researched through the Cambridge District Court (located in Medford) and the Eastern District Housing Court (located at the Edward Brook Courthouse on New Chardon Street in Boston). CHRC does not have nor track data about evictions or housing related lawsuits.

Landlord/Tenant issues, including conditions issues, lack of heat or water, failure to pay rent, rent withholding and similar matters that do not involve discrimination claims, are referred to the Cambridge Consumers Council (a City agency) and/or local Legal Services agencies, including GBLS, CASLS, CLSACC and Harvard Legal Aid. If the tenant is interested in seeking mediation of their Landlord/Tenant concerns they are referred to the Consumers Council, CEOC, Community Dispute Settlement Center (CDSC) and

Just-a-Start Mediation Services. Depending on the nature of the Landlord/Tenant issue, including lack of heat/hot water and other code violations, they can (and may best) be directed to the ISD to arrange for an inspection of the premises. CHRC does not have nor track data about Landlord/Tenant issues, including housing-related lawsuits or mediation of Landlord/Tenant matters.