

City of Worcester Human Rights Commission Minutes
VIRTUAL MEETING – Monday, April 26, 2021, 6:00pm

Members Present: LaToya Lewis, Jacqueline Yang, Elizabeth O’Callahan, Lauren De Oliveira, Guillermo Creamer Jr., Lilian Chukwurah

Members Absent: Aaron Richman, Deidre Padgett, Edward G. Robinson

Staff: Jayna Turcek, Miriam Nyante, Alyssa Parker-Szabo (legal intern for HRAO)

Guests: Laura Wong, Community Legal Aid

1. Call to order and introductions

A quorum was established, and Chairperson Yang called the meeting to order at 6:05pm. The Chairperson welcomes members of the commission and those present and introductions of those in attendance as well as roll call were taken.

Chairperson Yang began with an acknowledgement of the traditional, ancestral, territory of the Nipmic Nation, the first people of Massachusetts and those whose land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatesset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper.

The Human Rights Commission was established to promote the city’s human rights policies. It is the policy of the City to assure equal access, for every individual, to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

The term “**institutional racism**” refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color.

The term “**racial equity**” is the active state in which race does not determine one’s livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies,

practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

The term “**privilege**” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage those who do not have it.

2. Approval of March 1, 2021 meeting minutes

<http://www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2021/20210301.pdf>

Commissioner Lewis put forth a motion to approve which was seconded and minutes from March 1, 2021 were approved.

3. Reflections and Moments of Silence for shootings of Asian- Americans (Atlanta and Indianapolis), Minnesota police shooting of Daunte Wright, and conviction of former Minnesota police officer Derek Chauvin in the death of George Floyd.

After the moment of silence, Commissioner Lewis read a statement submitted by Commissioner Robertson which was as follows:

“Since March of 2020 acts of violence against Asian Americans and Pacific Islanders and also AAPI have almost doubled. The main reason for the increase in violence against AAPI has been the rhetoric from some media outlets and some politicians, referring to the pandemic as the “Asian Flu” or the “Kong-Fu Flu” and “the China Virus.” This thought-missel lead many perpetrators to believe that they would not be prosecuted against AAPI. Many panelists from Lawyers from Civil Rights said what is needed for AAPI to form their own version of the NAACP? They, the AAPI, must make sure the incidents are documents and proper authorities are notified. The second part of the strategy is to apply pressure to our legislators and inform them how serious this trend has become. It is a myth that self-isolation will keep you safe. Although this tactic might have worked in the past, evidence indicates that decreased report of assaults results in an increase of assaults. It is reported between March 2020 and February 2021 that the United States has 3,795 reported incidents. Massachusetts has had 96. This has been submitted on behalf of Edward Robertson, Commission Board Member.”

4. Annual presentation from the Worcester Fair Housing Project

A joint project between Community Legal Aid (CLA) and the City of Worcester provides advice and representation to anyone in Worcester County who has been the victim of housing discrimination.

The Commission welcomed Attorney Wong and Miriam Nyante. Attorney Wong is from Community Legal Aid (CLA) and Miriam Nyante is the Coordinator of Fair Housing Intakes and Outreach located in the City of Worcester Office of Human Rights and Accessibility.

Miriam Nyante speaking about the Worcester Fair Housing Project: April is the month to celebrate the Fair Housing Act. The 1968 Fair Housing Act was passed with the goal of addressing racial discrimination in housing. The Act, itself, prohibits discrimination in the sale, or rental and financing of housing based on the individual's race, religion, national origin, and sex. After several congressional fights to pass the bill, finally President Linden B. Johnson signed the Act into law on April 11, 1968. There were a few things that led to the passing of the Bill. The major one being the assassination of Dr. Martin Luther King because he fought tirelessly for the act to be passed. After Dr. King's assassination, President Johnson realized that this was the time to fight and have congress move forward with passing the bill so that the death would not be in vain. The deaths of the infantry men on the Vietnam war fell heavily on African Americans and Hispanic members of the armed forces but their family back home were having trouble renting or purchasing homes in certain areas because of their race and national origin. These two things stood out for why this Bill was passed to prohibit discrimination in housing and promote inclusion.

In observance of this year's anniversary of the enactment of the 1968 Fair Housing Act, the Worcester Fair Housing Project read a book, The Fair Housing Five, to an after school programs. Afterwards the students, ages 7-11, illustrated what they heard through drawing and discussed how they felt about the reading.

The Worcester Fair Housing Project is a joint project between the City of Worcester and Community Legal Aid. The Project is available to those who live in the Worcester County Area. The main goal is to ensure equity, making sure that everyone is getting the same treatment and to advocate for individuals who believe their housing rights have been violated. Discrimination is still happening in housing, it is ongoing. The Project performs intakes and community outreach which entails providing information to the community, partners, individuals through brochure distribution and presentations, such as this.

The National Low Income Housing Coalition 2018 report shows that half a million discrimination complaints were processed since 1996. Discrimination is believed to be under reported because some don't want to cause trouble. The report also stated that in 2017, there were 28,843 reports of discrimination filed. Reports of disability discrimination was the most reported and accounted for about 57% of the reported complaints. Race was 19% and familial status was 9%.

For more information about reported eviction rates in Massachusetts, and the country, please refer to: <https://evictionlab.org/>

The Worcester Fair Housing Project can be reached in two ways: 508-799-8486 ext. 31330 or through the city website.

Attorney Wong of Community Legal Aid works in the housing unit doing fair housing work and presented the following information:

Fair Housing Introduction

Federally, **The Fair Housing Act** protects from discrimination based on race, color, national origin (where an individual comes from), religion, sex, disability and familial status. There is overlap between race, color and national origin. In 2021, President Biden signed an executive order preventing and combating discrimination on the basis of gender identity and sexual orientation.

Massachusetts has its own discrimination law (Chapter 18B, Section 4) mimicking the federal law but adding additional categories to protect more classes. These classes include: gender identity, sexual orientation, genetic information, ancestry, age, marital status, military status and receipt of public assistance. There are often instances of discrimination based on receipt of public assistance in the form of Section 8 assistance where a landlord does not wish to comply with Section 8 inspections.

The **Massachusetts Lead Law** has no exceptions and is meant to protect families with children under the age of 6. Families with children under the age of 6 who are evicted because a landlord does not want to de-lead their property or families who are denied housing because the landlord does not want to de-lead the property and there is a child under the age of 6, the Massachusetts Lead Law would be the appropriate source of law.

These laws make it unlawful for housing providers to discriminate, because of a protected class, in the sale, rental or financing of dwellings (housing). Two things must be true to take advantage of the laws: (1) you must be discriminated against, and (2) that discrimination must be based on your protected class.

For example: If a landlord is trying to evict you because they usually run credit checks or because you have a lot of bad landlord reference checks in your file, these are fact specific inquiries, that may not constitute housing discriminating.

There are several places to file housing discrimination complaints, The Massachusetts Commission Against Discrimination (MCAD) and The Federal Department of Housing and Urban Development (HUD) as well as state and federal court. It is important to consider that allegations of discrimination are time sensitive so filing location may depend on the limitations provided for each location.

Common issues of discrimination included: failure to accommodate a disability, housing denials or evictions based on discrimination, different terms in conditions and harassment. There is a practice, called “steering”, that is seen often where a realtor shows prospective tenants or buyers housing only in a neighborhood consisting predominantly of individuals who share their race. That practice is discriminatory. Harassment can take many forms but most commonly a landlord may be making specific comments that makes the tenant feel uncomfortable it may be a form of discrimination.

Reasonable accommodations are a change in rule, policy, practice or service that may be necessary to allow a person with a disability the equal opportunity to use and enjoy a dwelling. Failure to provide reasonable accommodations may be construed as disability discrimination. Persons with a physical or mental impairment that substantially limits one or

more major life activities, persons who have a record of such impairment, or persons who are regarded as having such an impairment are considered to be persons with a disability. Reasonable accommodations can come in many forms, verbal, written (formal or informal, including texts, emails and/or letters), case law suggests that there are no magic words for requesting reasonable accommodations. Examples include: assistance animals, reserved parking.

Reasonable modifications are a physical change to a unit/building to enable a tenant with a disability to use and enjoy their housing on an equal basis to that of people without disabilities. Examples: Ramps, grab bars, widened doors, lowering cabinets, accessible showers, blinking doorbells.

Testing is an investigative tool to gather evidence. Individuals without an intent to rent a home/apartment pose as renters for the purpose of gathering information which may indicate whether a housing provider is complying with fair housing laws.

The Worcester Fair Housing Project provides free advice and representation to anyone who lives in Western and Central Massachusetts who suspects they have been a victim of housing discrimination. The goal is to educate the community members about their tenant rights and responsibility and provide training to community members interested in becoming housing discrimination investigators.

1. What to do if you've been discriminated against?

Massachusetts Commission Against Discrimination

Denholm Building

484 Main Street, Room 320

Worcester, MA

508-453-9630

TTY: 617-994-6196 (Boston Office)

Department of Housing and Urban Development (HUD)

National Discrimination hotline

1-800-669-9777 (voice)

1-800-937-9275 (TTY)

Or complete a complaint at www.hud.gov/fairhousing

Consumer Financial Protection Bureau (discrimination regarding lending)

855-411-2372

TTY/TDD 855-729-2372

Or file a complaint at www.consumerfinance.gov

Community Legal Aid (CLA)

405 Main Street, 4th Floor

Worcester, MA

855-252-5342

www.communitylegal.org

Questions:

Q: What efforts are being done to mitigate/navigate instances where renters are being asked to leave, or are unable to return to a building which has been renovated and rents have increased substantially?

A: *If a property manager is seeking to evict tenants, the Community Legal Aid can help through their housing unit.*

Q: Are there funds or grants available to landlords to take advantage of in order to provide accommodations when they are outside their price range?

A: *When it comes to who pays for the modification depends on facts specific to that situation. Attorney Yang was unable to give any information at this meeting to answer this question but intends to speak to her colleagues and get back to the Commission with an answer.*

Q: Do you have an update on the federal Affirmatively Furthering Fair Housing Rule?

A: *No, but I can get back to you with that information*

Q: Does Eviction Lab break down into cities?

A: *Yes.*

Q: Did you happen to see stats on Worcester?

A: *No, that site is fairly new so they are updating as they go. There are no Worcester Stats yet.*

Q: What was the highest amount of people that have come to you with complaints that you have actually processed in a year?

A: *I do not have that data in front of me, but CLA does have it because they have to file reports.*

5. Request to review/sponsor: Equality Model MA bill No. H1761/S.940, An Act to Strengthen Justice and Support for Sex Trade Survivors.

<https://malegislature.gov/Bills/192/H1761>

<https://malegislature.gov/Bills/192/S940>

Overview:

An act to strengthen support for sex trade survivors. Women of girls of color, low-income backgrounds and LGBTQ+ youth are disproportionately impacted by the sex trade. In 2014, 570 children were arrested were arrested for prostitution and of those, 75 were under 15 years old. Up to 84% of prostituted women and girls are also survivors of child sexual abuse and 72% of detected trafficking victims are women and girls, making human trafficking primarily a crime of gender-based violence and discrimination though boys and men are also trafficked in significant numbers. EVA center, a Boston based support program reports that of the people they support, over 50% of them have been system involved and aged out of DCF without housing or income assistance and 30% are young moms whose children end up going back into back into the very system they aged out of. Also, regarding buyers, the average buyer is 49 years old and white,

with an average income of \$141,5000, 16% of men in the U.S. have paid for sex, 66% of buyers are married.

The Equality Model is a comprehensive approach to abolishing the sex trade by repealing laws that criminalize people of prostitution and to reduce the demand for prostitution by penalizing buyers, exploiters and traffickers. It aims to decriminalize people in prostitution, advice criminal justice reform and establish interagency committees. It is a survivor led community effort that works to dismantle systems of violence against prostituted people through the implementation of the Equality Model.

Q: This is a state level bill right? And it has not yet passed?

A: *Yes.*

Q: Has the counsel taken this up?

A: *Yes. This was put on the city council agenda as a resolution of support on April 6. It was voted on 11 yays and 0 nays.*

Motion: Commissioner O’Callahan motions to endorse, seconded by Commissioner Lewis, all in favor. Motion passed.

6. Public Comment

None.

7. Adjournment at 7:34pm. Next Meeting: Monday May 3, 2021, 6:00pm.