

City of Worcester Human Rights Commission Minutes
VIRTUAL & IN-PERSON MEETING – Monday, May 2, 2021, 6:00pm

Members Present: Elizabeth O’Callahan, Edward G. Robinson, Charles Hopkins, Guillermo Creamer Jr, Ellen Shemitz, Jamaine Ortiz

Members Absent: Jacqueline Yang, Jorge Lopez-Alvarez, LaToya Lewis,

Staff: Jayna Turchek

Guests:

Grace Silwosky, Director of Programs – REC
Attorney Maureen St. Cyr – Community Legal Aid, Inc.
Miriam Nyante

1. Call to order and Introductions

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

Chairperson began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc Nation, the first people of Massachusetts and those who’s 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, Tatasset (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 against those who do not have it.

2. Approval of Meeting Minutes

Approval of the meeting minutes for the April 4, 2022, Human Rights Commission meeting.

3. Presentation from the Regional Environmental Council (REC) related to environmental justice initiatives and programming www.recworchester.org

Grace Silwoski: I have prepared a short presentation to give an overview of the history of our organization, the work we do, and how individuals can get involved. I am here representing the Regional Environmental Council. We are a 503 nonprofit here in the City Worcester. We have been around since 1972 and our celebrating our 50th anniversary this year. Our mission is to bring people together to create a just food system and to build healthy, sustainable, and equitable communities in Worcester, MA and beyond.

We were originally founded as an all-volunteer organization that came together to oppose the siting of a landfill in Greenfield Park. For the first 20 years of our existence, we were all-volunteer run and were really focused on campaigns around environmental justice issues, so thinking about the roots of traditional environmentalism but also thinking about it through the lens of equity, race, poverty. When we spoke of it with young people we speak of challenges in the environment and who bears the burden of those challenges but also the good things in the environment and equitable access to those good things include green spaces, trees, healthy places to live, work and play.

That piece, the equitable access to good things in the environment, was the door that opened our work to thinking about healthy food and food access as a component of environmental justice work. In the early 90’s we started our first food related program which was our Community Gardens Program. Since that time, we have really narrowed our focus all of our programs around health food access, what we call “Food Justice.” Our roots are in that broader environmental justice movement, and we consider the work we do to be a key component of the multifaceted work of environmental justice in urban communities.

We have three major programs. We have our community and school gardens project, which is our oldest food-related program. This includes a network of over 60 community and food gardens throughout the City of Worcester. We also have our Youth Urban Agriculture program, YouthGrow, which is a youth employment program where young people work on urban farms here in the city and then we have our Community and Mobile Markets which are

really all about direct food access and bringing healthy, local food to the communities who need it most, offering it in an affordable and accessible, dignified and culturally relevant forum.

UGROW Community and School Gardens Network: This program is all about the network and relationships. We have 64 garden partners. As a nonprofit, we do not own the land where any of those gardens are located. They all function autonomously and are very unique. What they have in common is that they are all gardens within the city that are used by more than one family. Its multiple people coming together to grow food in a variety of different ways and for a variety of different reasons. What membership in our network provides includes free access to soil testing, which is really important in urban environments to be sure there is no presence of heavy metals in the soil. We also have a partnership with the City of Worcester Department of Public Works and Parks so any of our gardens can receive free delivery of compost annually, to their site. We also distribute free seedlings to all the gardens in our network. Each spring we distribute over 8,000 seedlings to community and school gardens throughout the city. We are also available as a community resource for anyone establishing new gardens.

Around 40 of the gardens we work with are community gardens, some are neighborhood based and some are in social service agencies or low-income housing sites. Around 24 of the gardens are school gardens. Those sites receive extra support from our staff to help integrate the garden into the culture of the school and to help offer educational programming and other opportunities to make the garden accessible in the school environment. Within that subset of school gardens, we specifically work with Worcester Public Schools and Continuing Adult Education and Alternative School Programs along with Early Childhood Programs, including Headstart, pre-k and daycare centers. In this past year, we have been really excited to launch a new initiative within this program, The Farm to Early Childhood Initiative, which is being done with funding from United Way of Central Massachusetts. This program will provide special support for gardens that are in Early Childhood Centers or Preschool programs. We are building new gardens, doing hands-on planting and educational programs with the children. We are also bringing the local farmers markets to those sites and doing education for the parents and families around SNAP and the Healthy Incentive Program.

YouthGROW: Our Youth Urban Agriculture Program. The YouthGROW Urban farm is our flagship site, where the program was established in 2013. It is about $\frac{3}{4}$ of acre plot in South Worcester. We have a sixty-foot high-tunnel and a lot of growing space. We work with 40 teenagers every summer. They are all able to earn an hourly wage in the program and for nearly all of them this is their first job so we do training on building fundamental job skills, leadership skills and the ins and outs of growing food. These teens produce over 4,000 of food during the summer, some of which goes to their families and some of which is distributed through the mobile farmers market.

(Video presented regarding the Mobile Farmers Market)

The Mobile and Community Farmers Market: This is our largest program in terms of the number of folks who are served by and it is also in terms of geographic reach. This program is all about bringing local food that is healthy, affordable, representative of all the diverse communities here in the City of Worcester, to folks who really need it. This program started, initially, with the Regional Environmental Council establishing a traditional farmers market with farm vendors

here in Main South, which is where our offices are located. When that program began we had a privately funded grantor program where folks who received SNAP, formally known as Food Stamps, were able to get 50% off of everything they bought at the farmers market. We had a lot of interest and demand for more communities and neighborhoods who also were looking for farmers markets but we know it would not be financially viable for the farmers we worked with to keep establishing new farmers markets in all of these different locations, some of which had really high need populations but not a large enough volume of people to be able to make the numbers work for the farmers market. That's how the mobile farmers market was born.

We were the first mobile farmers market in New England. There are many programs like ours now. What that means is that we made a lot of mistakes while figuring things out and a lot of people learned from us. We have learned a lot and have a really efficient model now. We purchase local food directly from farms and through the regional food hub and we transport it on our big blue mobile market refrigerated vans and we set up pop up farmers markets. We visit a lot of low-income housing communities, community health centers, and we have sites at food pantries, in need-based communities and we now have Webster and Southbridge as well as Worcester. An important component of the Farmers Market program, and a piece that we do a lot of education on, is the Healthy Incentives Program.

In 2017, the state of Massachusetts piloted a really amazing program called the Healthy Incentives Program with a federal grant. Every single person in the state of Massachusetts who received SNAP is automatically enrolled in this program and are eligible to get up to \$80 in instant refunds from purchases made at Farmers Markets, Farm stands and eligible CFAs. This is an incredibly impactful program that has bipartisan support in the state because it is great for our whole food economy, it's great for farmers and local business and great for our community members who are accessing healthy foods.

I have had the privilege of doing interviews on the impact of the program when it first rolled out and we were getting it written into the state budget and it was really powerful to hear people talk to me about how important it was for them to be able to buy local produce and support local farmers and how proud they were to be able to do that. Also, in the communities and cultures they came from farming is really valued. I know that it has been a huge economic impact and boom for the local farmers in our community. One of our farm vendors is from World Farmers, a non-profit out in Lancaster and they work with new American growers, who come from agricultural backgrounds in their countries of origin, who are looking to establish farming businesses. They provide these farmers with space out in Lancaster and technical support to help them get their businesses up off the ground. We are really lucky to host World Farmers vendors at our Monday, Friday and Saturday markets. They bring wonderful cultural crop offerings to our markets. It is a really great partnership.

We are excited to be coming out of the pandemic. As things become safer, especially with programs that are outside, to be able to welcome the community to participate in our work and to get involved. There are a number of ways that people can do just that. We offer drop-in community volunteer hours on Mondays and Wednesdays at our YouthGROW farm from 3-5pm, in the spring and the fall. We do not offer that during the summer because that is when our youth program is running. We have additional volunteer opportunities that we post on our website. We have also launched a gardening workshop series this year where we are gathering people together at our office and on our farm to do some hands-on workshops. This past spring,

we did one on tree pruning, a workshop on seed starting, and a training on how to build raised beds. For people with more capacity or long-term volunteer opportunities, we are always looking for people who are interested in helping to support school gardens in the summer months. That is when they need the most help. Parents, local community members in the neighborhood, are able to step up and support as another great way to get involved. We also have a number of internships that accept a number of applicants on a rolling basis year-round. You can learn more about all of these opportunities on our website www.recworchester.org and/or by following us on Facebook.

Commissioner O’Callahan: How can we, as a commission, be supportive of your work?

I am not sure what your constraints are in terms of advocacy and policy work. We are very active in the local and state advocacy and policy space. We are members of the Worcester Food Policy Council and the Mayor’s taskforce on food security. If there is ability there to help support these different efforts, that is great, but if not, I think the mayor’s taskforce on food security has been a really great and creative space for organizations, as a result of the pandemic, to come together to talk about ways we can work together more effectively to address food security in the long-term. For us, the deeply made connection through that group was, working with food pantries. Everyone who purchases food through our market, it is a transaction through the Healthy Incentives program, but we buy the produce from the farmers, and they buy from us. There are many people in our community who cannot access SNAP, particularly people with different immigration statutes, international students, different populations where SNAP is not an available resource for them and then they cannot access our program. For us, being able to really understand the emergency food provider landscape in the city and to be able to talk through that and be able to make referrals has been great. It is a stop-gap solution. Really thinking about the people in our community who can’t access programs like SNAP that are longer-term more sustainable, highly effective programs to be able to meet their food needs, what can we do as a city? Supporting the coalition of the mayor’s taskforce on food security, and the other organizations, and looking deeply for people who are not able to access SNAP and find ways that they can have long-term support for being able to access healthy food.

When does the Saturday market start up?

Saturday June 18th.

Commissioner Ortiz: You guys used to have a place in Kelly Square correct? You used to sell the vegetables?

That was not us. There was as farmers market down in Kelly Square that was outside in a parking lot. They ended up closing when they were doing construction on the Worcester Public Market. For a while Stillman’s farm had opened inside the Worcester Public Market selling produce in a brick-and-mortar store accepting SNAP. Unfortunately, they did not end up staying in the space. The margins on fresh produce are really low, you have to sell a lot to make it work. One thing that we are working on this year is an online pre-order program. We are working on getting the software up and running for that. We believe that is a way for us to expend to serve more locations more efficiently and also to be able to meet more people’s needs in terms of days and times of day. Some of the feedback we have gotten from customers of the mobile farmers

market is that our stops are only 1.5 hours and not always the most convenient time at the location closest to their home. Sometimes parents shopping with kids cannot wait in line so we are trying to figure out some options where we can be helpful. But also, I think it would be great for farmers to be able to have a brick-and-mortar business in the city, to be able to sell local food eligible with SNAP and HIP. Those kinds of projects really need a lot of support in order to make the numbers work for the farmers as well.

Commissioner Ortiz: What times of the year do you guys do that?

We are open year-round. It's a common misconception that the farmers market closes in the winter. We are open all the time, but our schedule does change in the winter because we cannot be outside. We have one schedule that goes from June through December and another January through May. I always tell people to check our website because it is the most up to date for our schedule. We only shut down for 3 weeks out of the year. One week at the end of December, and two weeks in May.

Commissioner O'Callahan: For members of the public who would like to get involved or are in need of accessing your services, what would you like for them know?

If you are interested in getting involved, and are able to, I would say we try to put a lot of information in the volunteer section of our website. But if you are not able to access the website, people can reach out directly to me, grace@recworchester.org, or just come visit us Monday and Wednesday afternoons, our farm is located at 63 Oriade Street in Main South. You do not need to sign up in advance, you can just come, meet us, see our office, see the farm, etc.

If you are a parent looking to get involved, you could see if there is a school garden at your school. If there is not one at the school and you would like there to be one, you can reach out to us by emailing schoolgardens@recworchester.org. We are really happy to help support the start up of new school gardens and all it takes is just one committed parent, teacher or community member who has a vision to really get those kinds of projects off the ground.

If you are someone looking for services, or support, or also if you have a project or idea you want to get off the ground, check our social media for updates on the farmers markets, for community gardens, email ugrow@recworchester.org.

If you are a young person who wants to get involved, we just did our hiring for this year, but you can come volunteer.

Commissioner O'Callahan: Does your organization do anything in the realm of seed-saving or seed banks or anything along those lines?

We have not formally in the past, but we have just been awarded a USDA grant with some small funding to establish a seed bank. We are in the baby stages figuring out how that should work and what it should look like but one great organization that we have established a relationship with is the Worcester Native Plant Initiative, an all-volunteer group doing some really exciting work encouraging seed-banking of native plants, specifically they did a really amazing winter stowing workshop this year, for native plants. They could be a great partner to work with. We are planning to offer some seed-saving workshops this fall. Coincidentally, a few people have reached out to us this year to donate seeds that they had saved. It was pretty incredible. If there are other people who are saving seeds and looking for a place to go, we are able to get them all out into the community, especially in the schools. We had one small business

owner, from Lucky 13 Botanicals, who donated a ton of heirloom seeds and different seeds she had saved, and we were able to turn right around and give them to the schools. That was wonderful and a nice sign of what could be coming. We encourage anyone with ideas or who would like volunteer to reach out in any of the many ways we have available (email, drop-in, workshops, etc.)

Commissioner O’Callahan: Lead in soil is a huge problem, especially in high traffic areas, do you know of any resources that offer soil testing for people who want to start gardens at home but are concerned about lead in the soil?

Yes. Worcester County Conservation District. They will do home soil analysis for you. They are very reasonable. You can find out more information on their website. We work with them to do soil testing on some of our community gardens as well. They will also help you to interpret and analyze the results, not just for lead but also for the health of your soil, and your goals for your garden. Also, the DPW in the city of Worcester has a composting program. Many don’t know this but if you are a resident, you can get free unlimited compost through the city of Worcester. You have to go get it yourself, unless you are a community garden then we can get a truck and get it delivered for you, but if you are setting up a garden and you need soil that you know is safe, you can bring that compost in and do it for free through the city. Most cities do not have programs like that, it is really special to Worcester.

Commissioner O’Callahan: Is that compost tested?

Yes.

Which schools currently have community gardens?

I cannot list them all off the top of my head, but seeing the question on Chandler Elementary, Woodland, and Claremont. Claremont does have a garden in the back of the school. I think they have three large raised beds over there and they have an afterschool club as well as a couple of classes that work in them. Chandler Magnet has a garden managed by Worcester State University. Chandler Elementary is not currently active in our network but we would love to have them back if they have any parents or teachers who have interest. I would say it is common for participation in gardens at schools to eb and flow. That is natural just because of the changing population of parents. There are a lot of different demands placed on teachers. Particularly during the pandemic, we had a lot of schools take a planned year off. In some cases, the schools worked with us, and we were able to offer those gardens up to community members but in some cases the schools didn’t feel like they had the capacity to do that which we totally understood. We are still, now, ramping back up with some the schools who were really hit the hardest. But we have often had schools take several years off and who won’t be active in the program or the network and then they will reach back out saying they are ready and would like to start again. Worcester Technical High School got in touch with us this past spring, having had an active garden in the past and a partnership with UMass Medical Chan School, and they are excited to get that project back up and running. Of course, there are schools who started gardens separate from REC, which is awesome. There is no pressure to be involved in the network and we appreciate everyone’s help in spreading the word that it is free.

It is a very simple process for schools to participate. They just need to have the sign off from the principal and one designated person who can be a point of contact for two meetings a year. If they can do both of those things, then we can offer a lot of free resources. We can

purchase tools, provide free plants, we can do in classroom activities, and afterschool programs. We do not have to do those things if they are not a good fit for the school. We try to keep it low barrier. I cannot emphasize enough how deeply we understand how much weight our schools carry, and we try to be as flexible with them as possible.

Commissioner O’Callahan: In addition to working with schools, we know you work with a bunch of nonprofits in the area so if anyone is on their company or agency’s green committee, we know that you come do presentations for those groups as well and they are always full of great ideas.

4. Annual Fair Housing Presentation by Worcester Fair Housing Project – A joint project between the Community Legal Aid, Inc. and the City of Worcester
www.worcesterma.gov/human-rights/know-your-rights/fair-housing

Miriam Nyante: The Worcester Fair Housing Project is a joint project between the City of Worcester and Community Legal Aid. What we do is advocate for individuals who believe their housing rights have been violated and/or they have experienced housing discrimination. When something like this happens, the tenant, or individual, will reach out to me or come into Legal Aid. I mainly do intakes and outreach while the Community Legal Aid handles all the legal aspects regarding the cases, we refer to them as well as their own intakes. They have a phone and a website where they can be reached, but if its easier for the tenants, they can just walk into City Hall room 101 and ask for the Fair Housing Coordinator. Usually, people walk in with a complaint, and they know who to connect to. We don’t just do Fair Housing; we do community connections for resources in the community. Sometimes, it is not an issue of discrimination so we must have the resources on hand to connect the individual with the appropriate organization that can assist them with needed services. Our main goal is to prevent discrimination in housing and to ensure equality for all.

Again, room 101 at City Hall (455 Main Street. Moving across the street next week) or by phone at 508-799-8486 or for Community Legal Aid, communitylegalaid.org.

Commissioner O’Callahan: April is Fair Housing Month; we receive an update on the status of Fair Housing and have this presentation.

Miriam Nyante: Every year we try to do something different. In 2020, we tried to do an in-person presentation, but COVID hit so we did not do it, but we do try to find a way to sneak something in. This year, being that we are alive and able to be in person, we did a post display with messages regarding the Federal Fair Housing Act for when it was amended.

Attorney Maureen St. Cyr: I am from Community Legal Aid, the civil services provider for Worcester County. This means that when someone has a non-criminal issue, we try to help them. One of the big issues we work on is housing and helping people avoid homelessness. Within that housing justice work we focus on housing discrimination. A lot of the work we do is anti-eviction as well as, specifically, fair housing work which is housing discrimination, helping people facing housing discrimination. We have a partnership with the City of Worcester where

we legal aspect here while Miriam wonderful outreach for us and helps people to connect with us when they come to the city offices so that we can expand our footprint and make sure that individuals in Worcester who are experiencing housing discrimination have more avenues to reach us.

The other housing discrimination partnership that I am apart of is a brand-new housing discrimination partnership funded by the State Department of Housing and Community Development. This organization is called the Fair Housing Alliance of Massachusetts. It is an informal partnership of the four different Fair Housing Organizations across the state to help address discrimination against voucher holders.

Brief Overview of Fair Housing: Fair housing is the term used to talk about the right that tenants and housing applicants have to access housing of their choice free from discriminatory barriers. There are state and federal fair housing laws that protect individuals from housing discrimination. Those laws provide that people should not be treated differently based on certain things about who they are when they are seeking housing, applying for an apartment for example, when they are living in housing, and when they are facing eviction. The other thing the fair housing laws do is they provide affirmative rights to individuals with disabilities being the rights to reasonable accommodations and reasonable modifications. The purpose behind those rights is to make housing available for person with disabilities both that are physically accessible and so far as the rules and policies landlords might use so that people with disabilities might have access to housing of their choice as opposed to being institutionalized. The 1988 amendments really aimed at increasing the ability of individuals to live in the community.

The baseline idea behind the fair housing laws is that there are certain things about who we are as individuals and communities that should not be taken into consideration by landlords or housing providers when making decisions about who to rent to or how to treat those that they are renting to. Race, color, national origin, sex (which includes gender identity and sexual orientation), disabilities, familial status (term used for whether someone has children), religion are all protected. If you live in Massachusetts, you are also protected against discrimination based on your marital status, your age, your veteran status, and whether you receive a voucher and/or public assistance. These are the things a landlord/housing provider cannot take into consideration. They cannot use these as a basis for adverse consideration. They can say they will not rent to you because of past housing record, evictions, criminal records, and pets but they cannot decide against renting to you by saying they will not because of your race or national origin.

Who has to follow the Fair Housing Laws?: Fair housing laws are incredibly expansive, particularly the Federal Fair Housing Act which requires that anyone who can actually engage in discriminatory conduct in housing has to follow the fair housing laws. It does not say just landlords or maintenance staff, etc. it just says “it shall be prohibited” that these things happen. This includes property owners, housing managers, condo associations, real estate agents and brokers, lenders, cities and towns, shelter providers, government agencies, anyone who could discriminate in violation of the Fair Housing laws.

There are exceptions. An exceedingly small landlord might not have to follow some of the parts of the fair housing law. In Massachusetts an owner-occupied two-family home may not be required to follow some of these rules. However, some of the prohibitions of the fair housing laws apply to everyone regardless of circumstance. It is always illegal to discriminate on the

basis of race or because someone is accessing public assistance. Discriminatory statements such as saying “I will not rent to you because of your race” or “I wont rent to you because of your disability,” “these apartments are not available to people like you;” these statements are also always illegal regardless of the size of the landlord.

Common types of discrimination seen in our office: We only see a small subsection of what we know goes on in Worcester County. What we see the most is people being turned away from apartments, denied the rental of their choice, because there is lead paint and they have a child under age 6. That is familial status discrimination. We see people turned away because they have a voucher, because of their disabilities, race and/or national origin. All of those are very common.

We also see, probably more than anything else, is people coming to us because they have been denied the right to a reasonable accommodation, which is a change in a rule or practice or policy that a landlord has that that individual needs because of their disability. A reasonable accommodation might be the right to assistance animals. It would be a reasonable accommodation for the landlord to make an exception to the pet policy to allow a disabled person to have their service animal. Frequently, we see individuals who are requesting an accommodation and being denied them.

We also see a fair amount of sex discrimination, in particular, when it is tied back to domestic violence. For example, people being evicted for domestic violence and the assumption of the landlord that it is going to just continue because women “just invite the abuser back.” We also see too many issues of sexual harassment.

Voucher Discrimination: This is one of the most common things we see, and it is historically one of the hardest forms of discrimination to challenge and help people with. It is important, right now, to challenge, because the housing market is so hot, and rents are so high. If someone has a voucher and they cannot find a place to use the voucher, within the prescribed time limits then they lose that voucher, and that voucher is their shot at affordable housing. As we know, affordable housing is everything. It is a baseline for equal opportunity in other areas of life, such as access to jobs/employment, education and all the other things that come with stable housing. Vouchers are the gateway for so many people to have affordable housing.

What we hear so much is landlords saying that they do not participate in the voucher program or that they do not take vouchers, or I don’t take vouchers from that housing authority or that the housing is not de-leaded so they cannot rent to you.

Right now, our office, along with the other housing agencies in the state (Mass Fair Housing West, Suffolk University fair housing clinic, South Coast fair housing), have this new grant to address voucher discrimination to help open up housing for people who are denied housing because they have a voucher. If someone is turned away from an apartment because they have a voucher, they should call us. We are in a position at this point to do investigations, to try and understand what happened and why that individual was turned away because it is not always crystal clear. One of the tools we have in our tool belt, in the fair housing world, is to investigate using trained investigators to understand what had happened with that rental. The goal is to help open housing to be able to help individuals utilize their vouchers, to help spread education to assist individuals with vouchers to understand their rights, and to help landlords understand the obligations they have when someone comes to them to rent with a voucher. This is a pilot

program that we are hoping will go for three years and we are hoping to utilize this to really make a difference in terms of voucher discrimination.

Disability Discrimination: Individuals with disabilities have the right not to be discriminated against, not turned away because of their disabilities but also the affirmative right to reasonable accommodation and reasonable modification. A reasonable accommodation is the right of a tenant to a change in the policies and/or practices to allow that tenant equal access to housing, the ability to use and enjoy their housing on an equal basis as those individuals without disabilities. There are a lot of examples of reasonable accommodations: if someone receives disability income which is received after the first of the month when rent would be due, without a reasonable accommodation, every month that person could get a notice to quit saying that they have to leave because their rent is late. Those notices are frightening and destabilizing. A reasonable accommodation would be for them to ask their landlord to change their rent date to a date that they can pay their rent on time. That is a minor change to the landlord and the tenant does not need to experience the fear and destabilization of receiving a notice to quit every month.

Another example would be transfers for larger housing providers that have multiple units. If a tenant is in a unit that does not meet their needs as a person with a disability, that tenant can ask for a transfer to a different unit. Perhaps they are on the 3rd floor but due to mobility issues is asking to be transferred to the 1st floor or a defined parking spot.

One of the most common that we see in our office is when a tenant with a disability is facing displacement because of something related to their disability, some sort of alleged lease violation related to their disability. A reasonable accommodation in those circumstances might be to say that the tenant may have violated the lease, but it was because of their disability, and they have these supportive services in place which means that violation will not be on-going, so they should let that individual maintain their housing.

The other affirmative right that those with disabilities have is the right to reasonable modification, a physical change to the property that a tenant needs because of their disability. (i.e., a ramp, widening the doors for wheelchairs, an auto shutoff stove, a blinking doorbell, a roll-in shower, etc.) It gets complicated very quickly who must pay for these modifications. This is dependent upon which type of housing provider is at issue. With a very small housing provider, it may be the tenant who is responsible for paying but with a federally subsidized large housing provider it is likely going to be the landlord.

How to ask for an accommodation: Tenants do not have to do much other than to articulate to the landlord, or housing provider, that they need a change because of their disability. There are no specific words or magic language they have to use. They do not have to use a specific form, although we do recommend that it be in writing so there is a record. A request for an accommodation is made as soon as a tenant makes clear to a housing provider that they are asking for a change, or an exception, or an adjustment, to a policy or practice. If it is readily apparent, obvious to the landlord or housing provider that the tenant does need this, and what the tenant needs, the inquiry stops there, and the landlord makes a decision that they can or cannot provide. If the need, or the disability, is not obvious then the landlord has a right to request medical verification for the fact that they have a disability and for the need for this accommodation. This medical verification does not need to be extensive and does not have to list diagnoses, it just needs to explain that the tenant has a disability which affects them in certain ways and how that is connected to the request that they are making now. A tenant can request a

reasonable accommodation at any time. It can be before they move in, after they move in, during eviction, during trial and after trial.

There are times when a tenant might not be entitled to an accommodation, but this is very fact specific, such as if they do not have a disability. If the thing the tenant is requesting is not related to their disability, or not reasonable (incredibly expensive or would require the housing provider to do something they would never otherwise do, outside the realm of what the housing provider does) then they may not be entitled to it. Also, if a tenant poses a direct threat to other tenants or persons on the property, that cannot be mitigated through an accommodation, then that is included in the limited times when the accommodation might not be something the landlord/housing provider has to provide.

Commissioner Robinson: When a tenant needs to switch apartments because of a disability, they get their security back, but do they still need to pay first and last rent when moving from one apartment to another?

If the tenant asks to transfer, it will be with the same landlord. It would not be a new tenancy so they would not have to pay a new first and last month's rent at that point. Their tenancy does not really change apart from where they are located. I also would like to be clear; they do not have to transfer. No one has to do what they do not want to do or what does not feel like the right thing for them under reasonable accommodations. This is based on what the individual with the disability needs, asks for and chooses to do.

Commissioner O'Callahan: Accessible housing is a really difficult topic. It is great if one has a voucher but if one cannot find an accessible place to live then it is not helpful. Were any of the funds from the Worcester Housing Now Initiative used to provide for accessible housing?

That is a really good question. I do not know. Sometimes there are low-cost loans or grants available through Disability Rights organizations or accessibility offices to make modifications to properties. Those types of programs are often aimed at homeowners but I don't know of any programs that are aimed at helping to make rental properties accessible beyond the larger-scale federal or state subsidized housing programs.

Commissioner O'Callahan: that sounds like a huge gap in areas of need. It is really unfortunate to hear that there is not funding available to help those in need who are renting.

I think what we see a lot is that individuals who are renting with disabilities often end up living in larger properties. I don't want to overstate this. However, because a lot of the responsibilities for paying for these modifications is going to lay with larger landlords. Speaking anecdotally, it is very common for people who need accommodations to be living in larger properties. There are some practicalities to this. Larger properties have more resources and contact with development to make sure those modifications can happen quickly.

Commissioner O'Callahan: As a follow up, one of the things that has potentially impacted the availability of affordable housing is the rollback of the affirmatively furthering fair housing section of the Fair Housing Act which happened in (maybe) 2018. I believe it has been reinstated but have you noticed that that has impacted your work? Is it still impacting your work? is it still an ongoing concern for your work now?

The Fair Housing Act, in addition to its prohibition on discrimination, includes a requirement that recipients of federal funds essentially agree that they will take action to affirmatively further fair housing. This is super important because the patterns of segregations in this country and the history of discrimination is not something that can be solely redressed by individual cases. The way the general aspect of the Fair Housing Act works is that a group of people face discrimination, and they bring a lawsuit to stop it. That addresses the issue for that person/group. What it doesn't do is address the patterns of discrimination that affect who has access to opportunities, how neighborhoods have been constructed. The duty affirmatively further fair housing requires that governments and localities that receive federal funds agree that they will also affirmative further fair housing. It requires us to take seriously the idea that you cannot just make this history go away one case at a time, it requires large scale action.

Under the Obama administration, the affirmatively furthering fair housing requirement was built up a bit by setting forth a new way of analyzing impediments. This was challenged in the courts. Under the Trump administration they offered a different rule about how to analyze impediments to fair housing which was also challenged. Now, there is an interim rule in place about how to analyze fair housing impediments and there will be a permanent rule following the notice and comment proceedings in some point in the relatively near future.

To answer the question, it impacts all of us. It's a challenging requirement.

My email address is mstcyr@CLA-MA.org

5. Communications forwarded from City Council meetings

Progress with drafting Body worn Camera policy and implementation.

6. Communications received regarding request for update to date when the WPDC Records Bureau service window will reopen.

Public records requests can be submitted on-line, via mail, or in person at the police department 24/7. Victims can submit a notarized letter but they will also honor any in person requests at the police station with valid ID.

www.worcesterma.gov/police/public-records

www.worcesterma.gov/police/public-records/police-reports

7. Communication received regarding requested status report of WPD Racial Equity Audit (as set forth in the February 2021 Executive Order)

City of Worcester has selected a vendor. More updates during the 6/13 commission meeting.

8. Communications regarding requested status report of creation of the Division of Investigations within the Human Resources Department (as set forth in the February 2021 Executive Order)

Not received, anticipating further correspondence.

9. Communication regarding requested status update on the Worcester Diversity and Inclusion Advisory Committee's recommendations that the City of Worcester leave civil service

Nothing to report but will be reviewed during contract negotiations.

10. Election of Officers

Chairperson: Guillermo Creamer Jr.

Vice Chairperson: Elizabeth O'Callahan

Clerk: Vacant

11. Adjournment

Our next meeting will be May 2, 2022, at 6pm.