

. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 20; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33)

10-3 BOSTON FAIR HOUSING COMMISSION.

10-3.1 Policy of the City of Boston.

It is the policy of the City of Boston to see that each individual, regardless of his/her race, color, religious creed, marital status, military status, handicap, children, national origin, sex gender identity or expression, age, ancestry, sexual preference or source of income shall have equal access to housing and to encourage and bring about mutual understanding and respect among all individuals in the City by the elimination of prejudice, intolerance, bigotry and discrimination in the area of housing.

(Ord. 1982 c. 10; Ord. 2002 c. 9)

10-3.2 Establishment of the Boston Fair Housing Commission, Executive Director, Staff.

There shall be in the City a Commission known as the Boston Fair Housing Commission hereinafter called the Commission, which shall be under the charge of a Board, known as the Fair Housing Commission, hereinafter called the Commission, consisting of five (5) members, known as Fair Housing Commissioners, each appointed by the Mayor.

The Commission shall consist of five (5) members appointed by the Mayor for a term of three (3) years, provided, however, that of the members first appointed to the Commission, two (2) shall be appointed to a term of one year, two (2) shall be appointed for a term of two (2) years, and one shall be appointed for a term of three (3) years. Thereafter, the Mayor shall appoint each successor to a term of three (3) years. Any vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term.

All members of the Boston Fair Housing Commission shall be residents of the City of Boston at the time of their appointment and throughout their tenure and they shall be deemed special municipal employees for the purposes of Chapter 268A of the General Laws. At least one Commissioner shall be a tenant who, at the time of his/her appointment, shall be eligible on the basis of income for assisted housing in the City of Boston. At least one Commissioner shall be an individual regularly engaged in the business of sale and/or rental of residential real estate in the City of Boston. At least one Commissioner shall be a member of the Board or a senior administrator of a community-based, non-profit organization in the City of Boston which seeks to address the housing needs and issues of its community, and at least one Commissioner shall be demonstrated governmental experience in civil rights.

A Chairperson of the Commission shall be annually designated by the Mayor with the advice of the Commission. Three (3) members shall constitute a quorum for the purpose of conducting the business thereof, but three (3) votes shall be required to pass any Commission decision.

Reasonable per diem compensation for Commission members shall be determined by ordinance and each member shall also be entitled to his/her expenses actually and necessarily incurred in the performance of his/her duties.

There shall be in the Department an Officer, hereinafter called the Director of the Commission, appointed by the Commission, and such other personnel as the Commission may from time to time deem expedient.

The Director shall be the Executive Officer of the Commission and shall have such powers and perform such duties as the Commission shall from time to time determine. The Commission may delegate to, and recall from, the Director, whenever the Commission deems it expedient, the

power to make contracts or any or all of its other powers, as the Commission may from time to time determine.

(Ord. 1982 cs. 10, 33)

10-3.3 Function; Powers and Duties of the Commission.

The function of the Commission shall be to implement the policy of this section, by the exercise of the following powers and duties:

a. To receive and investigate complaints of, and to forthwith transmit by ordinary mail for filing with the Massachusetts Commission Against Discrimination ("MCAD") a copy of said complaints filed with the Commission, and to initiate its own investigation of:

1. The denial of equal access to, and discrimination in housing (regardless of the public or private source of such denial and discrimination), where such denial or discrimination against either an individual or a group is based on race, color, religious creed, marital status, handicap, military status, children, national origin, sex, gender identity or expression, age, ancestry, sexual preference or source of income.

2. The presence in the City of prejudice, intolerance, bigotry, discrimination in the area of housing.

b. To attempt by mediation to resolve any housing discrimination complaint over which it has jurisdiction and to recommend to all appropriate governmental agencies, federal, state, or local, such action as it feels will resolve any such complaint or in the case of any housing discrimination investigation which would be aided thereby, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any evidence relating to any matter in questions or under the investigation before the Commission. The power to summon witnesses as defined herein shall be limited to those powers and procedures as set forth in M.G.L.A. c. 233 s.

8. At any hearing before the Commission, or any Committee thereof, a witness shall have the right to be advised and represented by counsel present during any hearings.

c. After completion of any investigation or hearing on any complaint or matter not resolved by mediation, to make a written report of its findings and recommendations to the Mayor and the City Council; and to the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction; or to any court or other governmental agency having jurisdiction of the matter in question, and in all cases urging and using its best efforts to bring about compliance with its recommendations.

d. To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination in housing because of race, color, religious creed, marital status, military status, children, handicap, national origin, sex, gender identity or expression, age or ancestry, sexual preference or source of income. All records shall be public except those that are necessary to insure privacy rights under other local; State, or Federal laws, those records that must be kept confidential in compliance with laws and rules of evidence, and those records containing unsubstantiated allegations reflecting on the character of any person.

e. To cooperate with Federal, State and City agencies, in developing courses of instruction for presentation in public and private schools, public libraries, and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination in housing and showing the need for mutual self-respect and the achievement of harmonious relations among various groups in the City of Boston, and to enlist the cooperation of the various racial, religious and ethnic groups,

civic and community organizations, labor organizations, fraternal and benevolent organizations and other groups to effectuate the policy of this section.

f. To create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this section and to empower such subcommittee to study the problems of prejudice, a intolerance, bigotry, and discrimination in housing prevailing in the City of Boston.

g. To make such recommendations to the Mayor and City Council as, in its judgment, will effectuate the policy of this section and annually to make a written report to the Mayor and City Council of its activities, and to appear quarterly to make an oral report to the City Council.

h. To perform such other duties as may be prescribed under law.

(Ord. 1982 c. 10; Ord. 2002 c. 9)

10-3.4 Relations with City Agencies.

So far as practicable, the services of all other City Departments, Agencies and Commissions shall be made available to the Commission for effectuating the policy of this section.

The head of any Department, Agency or other Commission shall furnish information in the possession of such Department, Agency or Commission when the Commission so requests and where such information relates to the duties and responsibilities of the Commission.

(Ord. 1982 c. 10)

10-3.5 Rules and Regulations of the Commission.

The Commission may adopt rules and regulations consistent with this section and the laws of the Commonwealth to carry out the policy and provisions of this section and the powers and duties of the Commission in connection therewith.

The Commission shall adopt rules of procedure for the conduct of its investigations and hearings. Said rules shall ensure the due process rights of all persons involved in the investigations and hearings.

Any person or persons appearing before the Commission who avails himself/herself or themselves of constitutional guarantees shall not be punished in any way by his/her availing himself/herself of such constitutional guarantees.

No complaint shall be considered unless it is filed with the Commission within one hundred eighty (180) days after the occurrence of the alleged discriminatory practice.

(Ord. 1982 c. 10)

10-3.6 Severability.

If any provision or subsection of this section shall be held to be invalid, then such provision or subsection shall be considered separately and apart from the remaining provisions or subsections of this section, which shall remain in full force and effect.

(Ord. 1982 c.10)