



Northern Middlesex Council of Governments

Testimony of
Jennifer M. Raitt, Executive Director
Northern Middlesex Council of Governments

A Multi-Disciplinary
Regional Planning
Agency Serving:

Before the Joint Committee on Housing
Hearing on the Act to Establish an Office of Fair Housing in Massachusetts (H.1377/ S.866)

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September 27, 2023

Good afternoon, Chair Edwards and Chair Arciero, and members of the Committee. My name is Jennifer Raitt, and I am Executive Director of the Northern Middlesex Council of Governments, a regional planning agency serving Greater Lowell.

I want to thank you for the opportunity to testify today, and I commend the Committee for holding this hearing to consider the establishment of an Office of Fair Housing and a Fair Housing Trust Fund. I also want to recognize Senator Edwards for sponsoring this bill and bringing this critical need forward.

Andrew N. Deslaurier
Chair

As the Commonwealth continues to face a housing crisis, and more than half of the Commonwealth's communities must comply with the MBTA Communities Law (MGL 40A Section 3A), this bill is both timely and appropriate to protect the rights afforded to each of us under the Fair Housing Act and to promote opportunity. How well positioned are we as a state to tackle threats to fair housing, which have been shaping the housing market in ways that none of us could have anticipated in 1968, when the Fair Housing Act was passed?

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The topic before the Committee today has many facets. My testimony will focus primarily on two of them: the municipal obligation to affirmatively further fair housing and the importance of ensuring fair housing.

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Municipalities have an obligation to affirmatively further fair housing. This means they must "take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws."¹ In my prior work with communities across Greater Boston and my current work in Greater Lowell, I have seen that meaningful municipal and regional level actions are possible. However, these actions require sustained support, guidance, collaboration, and funding. Further, these actions are improved when the Commonwealth is working to support and lift up models of meaningful actions, and to when necessary to improve outcomes.

¹ National Fair Housing Alliance <https://nationalfairhousing.org>



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I'll provide you with an example of local fair housing work I recently led. In my work with the Town of Arlington, the Town engaged the Metropolitan Area Planning Council and the Lawyers' Committee on Civil Rights Under law to complete a Fair Housing Action Plan. The plan was important in that it provided community members with a deeper understanding of the history and patterns of segregation of the town, dating back to when zoning was first adopted and when the neighborhood-coded Home Owners' Loan Corporation maps were issued. The plan also provided an assessment of that legacy of segregation and how that legacy manifested in local policies, laws, and practices. The plan integrated voices from people not typically heard in planning processes, including those experiencing discrimination and who are unable to access a locked housing market.

The plan's clear and detailed list of actions to help undo the burdens and harm caused by systemic issues, became a platform for change. The plan noted, *"Another policy tool that shaped who could and could not live in Arlington was the Town's Zoning Bylaw. In the 1960s and 1970s, as segregation in greater Boston was challenged and integration became a real prospect across the region, concerted opposition to development projects began. Activists in Arlington used both explicit and coded anti-integration language to rally opposition to apartment development, support efforts to downzone portions of the town, and to create a more burdensome discretionary permitting process for multifamily housing. The legacies of these historical practices are still embedded in Arlington's laws and residential patterns."*² In a letter noting support for proposed multifamily zoning to comply with the MBTA Communities Act, the Town's Office of Diversity, Equity, and Inclusion stated that the zoning is a catalyst to correct some of the wrongs brought about by exclusionary zoning practices of the 1960s and 1970s.³ Arlington's Fair Housing Action Plan is a good model towards true meaningful action to affirmatively further fair housing.

Ensuring fair housing is key. But not all communities have the ability to conduct such plans, or to investigate and have dialogues about the barriers, or the resources to address them. An Office of Fair Housing would help communities across the Commonwealth help in combating housing discrimination at all levels by working to facilitate and advance housing policies and practices across state agencies and programs. With funding, the Commonwealth would not only address the affordability and availability of housing, but also the attainability of that housing.

Without this Office and a supported Fund, business as usual is worrisome, particularly in relation to the attainability of housing. Regional and local fair housing assessments have noted that local land use boards hold up rules that have the ability to maintain a status quo that hurts the long-term health of our communities and the greater Commonwealth. This bill provides an excellent

² Town of Arlington Fair Housing Action Plan, by Metropolitan Area Planning Council, July 2021, page 8.

<https://www.arlingtonma.gov/home/showpublisheddocument/57214/637641171662530000>

³ Memo from Town of Arlington Division of Diversity, Equity, and Inclusion Health and Human Services Department, to the Arlington Redevelopment Board, August 29, 2023.

<https://arlington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=19288&ItemID=16564>



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road map to address the difficult and persistent challenges posed to community health and viability by a legacy of segregation, discrimination, and a culture of exclusion. Through equitable housing investment, we can rectify the current inequities that particularly impact Black and Latino residents and promote equitable development for all residents.

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The Fair Housing Act combined with our collective duty to affirmatively further fair housing calls upon communities to undo land use policies that have significant, unjustified disparate impacts on people of color, regardless of intent. This bill would be an historic opportunity to ensure fair housing and choice, and help our Commonwealth remain competitive and a leader in addressing issues of fairness, equity, and justice.

I urge you to vote favorably for this bill, to move it out of committee and get it passed.

Thank you for your time today.

Jennifer M. Raitt
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Andrew N. Deslaurier
Chair

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