

SENATE No. 2675

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-Second General Court
(2021-2022)
—

SENATE, February 10, 2022.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 202) of Paul R. Feeney and Jason M. Lewis for legislation to further regulate the continuing education requirements for real estate brokers and salespersons; (accompanied by bill, Senate, No. 204) of Paul R. Feeney relative to fair housing education; (accompanied by bill, Senate, No. 208) of Adam Gomez and James B. Eldridge for legislation to end housing discrimination in the commonwealth; (accompanied by bill, House, No. 333) of Tackey Chan for legislation to require real estate licensing education to include a fair housing training component; and (accompanied by bill, House, No. 428) of Adrian C. Madaro, Carlos González and others for legislation to further regulate real estate brokers and salespersons, reports the accompanying bill (Senate, No. 2675).

For the committee,
Susan L. Moran

SENATE No. 2675

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**In the One Hundred and Ninety-Second General Court
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An Act to end housing discrimination in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by striking out section 54 and inserting in place thereof the following
3 section:-

4 Section 54. There shall be a board of registration of real estate brokers and salesmen, in
5 this section and in sections fifty-five to fifty-seven, inclusive, called the board, to be appointed
6 by the governor with the advice and consent of the council, consisting of seven members,
7 residents of the commonwealth, four of whom shall have been actively engaged in the real estate
8 business as a full-time occupation for at least seven years prior to their appointment and who
9 shall be licensed real estate brokers, one of whom shall either be an expert in fair housing and
10 civil rights or a tenant from a duly recognized tenants' organization in the commonwealth
11 receiving public assistance from a local, state or federal rental voucher program, and two of
12 whom shall be representatives of the public. The governor shall designate the chairman. As the
13 term of office of a member of the board expires, his successor shall be appointed by the
14 governor, with like advice and consent, to serve for five years. Each member shall be eligible for

15 reappointment and shall serve until the qualification of his successor. The governor may also,
16 with like advice and consent, fill any vacancy in the board for the unexpired portion of the term.

17 SECTION 2. Section 55 of said chapter 13, as so appearing, is hereby amended by
18 inserting, at the end of the section, the following words:-

19 The board shall publish, not less than quarterly, an account of newly licensed members.
20 The board shall also publish, not less than quarterly, a summary of complaints filed against
21 licensed members, the actions taken by the board to investigate such complaints, disciplinary
22 hearings, disciplinary actions or revocations of licenses, the reason for such actions by the board,
23 including any findings, in which finding has become final, of discrimination against any classes
24 protected by Chapter 151B or otherwise protected by any other general or special law or federal
25 statute, and the name of the affected license holder.

26 SECTION 3. Said chapter 112 of the General Laws is hereby further amended by striking
27 out section 87XX1/2 and inserting in place thereof the following section:-

28 Section 87XX1/2. Any person holding a license as a real estate broker or salesman shall,
29 within their renewal period, satisfactorily complete courses or programs of instruction approved
30 by the board; provided that attendance at such courses or programs of instruction shall be no less
31 than ten hours but no more than sixteen hours as determined by the board. The curriculum
32 contained in such courses or programs shall contain at least six hours of instruction concerning
33 or related to compliance with laws and regulations selected from any of the following subjects:
34 equal employment opportunity; accessibility for the disabled; agency law; environmental issues
35 in real estate; zoning and building codes; real estate appraisal and financing; property tax
36 assessments and valuation; and real estate board regulations. In addition, the curriculum shall

37 contain at least three hours on alternative dispute resolution methods and at least four hours on
38 fair housing law or diversity and inclusion in real estate. The board shall certify in advance the
39 curriculum forming the basis of such courses or programs which satisfy the provisions of this
40 section.

41 Every person who is subject to the requirements of this section shall furnish, in a form
42 satisfactory to the board, written certification that the required courses or programs were
43 successfully completed. Upon successful completion of approved courses or programs, the
44 licensee shall be deemed to have met the continuing education requirements of this section for
45 license renewal. Every person who fails to furnish, in a form satisfactory to the board, written
46 certification that the required courses or programs were completed shall be granted inactive
47 status by the board upon renewal of his license in accordance with section eighty-seven XX.

48 Any person failing to meet requirements imposed upon him by this section or who has
49 submitted to the board a false or fraudulent certificate of compliance therewith, shall, after a
50 hearing thereon, which hearing may be waived by such person, be subject to the suspension of
51 his license until such time as such person shall have demonstrated to the satisfaction of the board
52 that he has complied with all the requirements of this section as well as with all other laws, rules
53 and regulations applicable to such licensing.

54 The provisions of this section shall not apply to any person licensed by the board under
55 the provisions of section eighty-seven SS who is not required to take an examination to be
56 licensed; provided, however, that any out-of-state licensee who receives reciprocity from the
57 board to practice in the commonwealth shall demonstrate to the board compliance with a
58 continuing education program in such licensee's home state.

59 The provisions of this section shall not apply to any person licensed by the board who has
60 been granted inactive status by the board. A person licensed by the board and whose license is
61 inactive may not engage in the business of, or act as, a real estate broker or salesman, as defined
62 in section eighty-seven PP, except that he may assist with or direct the procuring of prospects
63 and may receive referral fees for such procurement activities. A person licensed by the board
64 whose license is inactive shall be considered unlicensed for purposes of section eighty-seven RR.
65 Engaging in the business of, or acting as, a real estate broker or salesman while a license is
66 inactive, except as otherwise provided for in this section, may be grounds for revocation of such
67 license. A person licensed by the board and whose license is inactive shall renew such license in
68 accordance with section eighty-seven XX while such license is inactive. A person licensed by the
69 board and whose license is inactive may apply to the board to reactivate such license, upon
70 demonstration of the completion of the continuing education requirements for the renewal period
71 immediately preceding the application for reactivation of such license and compliance with all
72 then applicable requirements for licensure.

73 The board shall perform such duties and functions necessary to carry out the provisions
74 of this section and shall promulgate rules and regulations pertaining to the development and
75 administration of an inactive license designation. Such rules and regulations shall include, but
76 not be limited to, developing procedures for the granting of inactive status, the reactivation of
77 licenses, renewal fees and the notification of licensees of continuing education requirements
78 prior to license reactivation.

79 SECTION 4. Section 87SS of chapter 112 of the General Laws, as appearing in the 2018
80 Official Edition, is hereby amended by striking out the second sentence and inserting in place
81 thereof the following sentence: -

82 Every individual applicant for a license as a salesman who is required to take an
83 examination therefor shall, as a prerequisite to taking such examination, submit proof
84 satisfactory to the board that he has completed courses in real estate subjects approved by the
85 board, such courses to total 40 classroom hours of instruction and must include at least four
86 hours on fair housing law or diversity and inclusion in real estate; provided, however, that
87 applicants having successfully completed a course in real property while enrolled in an
88 accredited law school in the commonwealth may also take such examination.

89 SECTION 5. Chapter 6A of the General Laws, as so appearing, is hereby amended by
90 inserting after section 16G, the following new section:-

91 Section 16G 1/2. (a) As used in this section, the following words shall have the following
92 meanings unless the context clearly requires otherwise:

93 “Fair housing enforcement agency”, an agency that administers fair housing laws and is
94 certified by the Assistant Secretary for Fair Housing and Equal Opportunity pursuant to the Fair
95 Housing Act, 42 U.S.C. 3601 et seq.

96 “Fair housing enforcement organization”, an organization that receives funding from the
97 U.S. Department of Housing and Urban Development to investigate complaints of housing
98 discrimination by conducting testing and or enforcement activities pursuant to 42 U.S.C. 3616a.

99 (b) There shall be a commission within the executive office of housing and economic
100 development to review and make recommendations on policies and practices concerning housing
101 discrimination prevention and fair housing enforcement. The focus of the commission’s work
102 shall include, but not be limited to: (i) timely review and response to possible instances of
103 discrimination; (ii) development of an internal oversight system to monitor for instances and

104 patterns of discrimination; (iii) identification of barriers to reporting instances of
105 discrimination; (iv) identification of discriminatory behaviors; (v) partnership with fair housing
106 enforcement agencies and organizations in oversight and accountability; (vi) reforms to
107 disciplinary measures following referral for suspension after final findings involving allegations
108 of discrimination; (vii) development of professional standards of practice for real estate brokers
109 and salesmen to ensure compliance with anti-discrimination statutes; and (viii) incorporating
110 fair housing law education and alternative dispute resolution programs in required curricula for
111 new applicants and renewals. The commission shall determine necessary reforms to legislation,
112 regulation, and licensure practices to prevent housing discrimination.

113 (c) The commission shall consist of: the secretary of housing and economic development,
114 or a designee, who shall serve as the chair; the house and senate chairs of the joint committee on
115 consumer protection and professional licensure; the house and senate chairs on of the joint
116 committee on housing; one member of the house of representatives who shall be appointed by
117 the minority leader and one member of the senate who shall be appointed by the minority leader;
118 and 13 members appointed by the governor: 1 of whom shall be a member of the board of
119 registration of real estate brokers and salesmen; 1 of whom shall be a member of the
120 Massachusetts commission against discrimination; 1 of whom shall be a member of a fair
121 housing enforcement agency; 1 of whom shall be a member of a fair housing enforcement
122 organization; 2 persons holding a license as a real estate broker or salesman; 1 of whom shall be
123 a member of a duly recognized tenants' organization who receives public assistance from a local,
124 state, or federal rental voucher program; 1 experienced civil rights practitioner; and 5 members of
125 the commission should reflect those with protected characteristics. The members of the
126 commission shall represent diverse geographic areas of the commonwealth.

127 (d) The commission may request information and assistance from state agencies as the
128 commission requires.

129 (e) The commission shall annually, not later than April 1, submit a report of its findings
130 and recommendations to the joint committee on consumer protection and professional licensure,
131 the joint committee on housing, the board of registration of real estate brokers and salesmen, and
132 the clerks of the house of representatives and senate.