

By Ms. Graham of Cambridge, petition of Sandra Graham relative to the enforcement of fair housing by the Board of Registration of Real Estate Brokers and Salesmen. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT RELATIVE TO THE ENFORCEMENT OF FAIR HOUSING BY THE BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN.

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

1 Chapter 112 of the General Laws is hereby amended by striking
2 out section 87AAA and inserting in place thereof the following sec-
3 tion: —
4 *Section 87AAA.* The board may, upon the verified complaint(s)
5 in writing of an aggrieved person, or upon written request from a
6 duly authorized anti-discrimination agency, investigate the action
7 of any broker or salesman or any person who attempts to act in
8 such capacity within the Commonwealth and, in addition to any
9 grounds hereinbefore enumerated, may suspend, revoke or refuse
10 to renew any license which it has found to have been obtained by
11 false or fraudulent representation. The board may suspend, revoke
12 or refuse to renew any license, when the board has found as a fact
13 that the licensee, in performing or attempting to perform any act
14 authorized by his license, has (a) knowingly made any substantial
15 misrepresentation; (b) knowingly represented that housing is not
16 available for purchase or rental when it is in fact so available and
17 when such representation is made on the basis of race, color,
18 religion, national origin, sex, or marital status; (c) acted for more
19 than one party to a transaction without the knowledge and consent
20 of all parties for whom he acts; (d) failed, within a reasonable time
21 to account for or remit any moneys belonging to others which have
22 come into his possession as a broker or salesman; (e) paid
23 commissions or fees to or divided the same with any person, who

24 being required to be licensed as a broker or salesman in this or any
25 other state, is not so licensed; (f) accepted, given or charged any
26 undisclosed commission, rebate or profit on expenditures for a
27 principal; (g) induced any party to a contract or lease relating to
28 real estate to break the same when such action is effected for the
29 personal gain of the licensee; (h) commingled the money or other
30 property or his principal with his own; (i) failed to give both the
31 buyer and seller a copy of the purchase and sale agreement;
32 (j) committed any act expressly prohibited in sections eighty-seven
33 RR to eighty-seven CCC, inclusive; (k) affirmatively solicited for
34 sale, lease, or the listing for sale or lease, or residential property on
35 the grounds of alleged change of value due to the presence or
36 prospective entry into the neighborhood of a person or persons of
37 another race, economic level, religion, or ethnic origin, or distri-
38 butes, or causes to be distributed, material or makes statements
39 designated to induce a property owner to sell or lease his property
40 due to such change in the neighborhood; or (l) accepted from a
41 prospective seller a net listing, an agreement to sell real estate for a
42 stated price which authorized the broker to keep as commission
43 any amount of money received from the sale of said real estate in
44 excess of the stated price; or (m) engaged in selective steering of
45 prospective renters or purchasers to certain neighborhoods or
46 properties on the basis of race, color, religion or national origin or
47 sex. The board shall, after receipt of notice that the Massachusetts
48 Commission Against Discrimination has determined that probable
49 cause exists to credit allegations of a complainant that a licensed
50 broker or salesman committed an unlawful practice in violation of
51 chapter one hundred and fifty-one B arising out of or in the course
52 of his occupation as a licensed broker or salesman or that the
53 Secretary of the Department of Housing and Urban Development
54 has determined to attempt to resolve a complaint that a licensed
55 broker or salesman committed an unlawful practice in violation of
56 Title VIII of the Civil Rights Act of 1968, will give notice to said
57 broker or salesman of its intent to initiate an investigation
58 pursuant to this section within sixty days. The Board shall, after
59 receipt of notice that the Massachusetts Commission Against
60 Discrimination or a federal or state court has made a Finding,
61 which has become final, that a licensed broker or salesman has
62 committed an unlawful practice in violation of chapter one

63 hundred fifty-one B or Title VIII of the Civil Rights Act of 1968,
64 suspend forthwith the license of said broker or salesman for a
65 period of sixty days, and, if such Commission or court finds that
66 said violation by such licensed broker or salesman occurred within
67 two years of the date of a prior violation, the Board shall forthwith
68 suspend the license of such broker or salesman for a period of one
69 year. Whoever violates provisions of clause (k) shall be punished
70 by a fine of not less than two thousand nor more than five thousand
71 dollars, or by imprisonment for not more than six months, or both.

