

SUPREME JUDICIAL COURT

THE COMMONWEALTH OF MASSACHUSETTS

DOCKET No. SJC-12859

BANK OF NEW YORK MELLON, AS TRUSTEE ON BEHALF OF
THE REGISTERED HOLDERS OF ALTERNATIVE LOAN TRUST
2006- J7, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2006-J7

PLAINTIFFS-APPELLANT,

v.

ALTON KING, JR. AND TERRI A. MAYES-KING,
DEFENDANTS-APPELLEES.

AMICUS IN SUPPORT OF APPELLEE'S RECONSIDERATION

AMICUS BRIEF

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This Brief is submitted pursuant to Mass. R. App. P. 17. James Jennings as *pro se Amicus*. Your Amicus submits this brief in support of Defendant-Appellant, given the interest of the homeowners of color, "former" homeowners of color, and communities of color of Massachusetts.

STATEMENT OF INTEREST OF AMICUS CURIAE

Professor Emeritus James Jennings is a long time social science researcher involved in public service. He served as a member of the Committee on Increasing Minority Participation in Health Professions for the Institute of Medicine; member of the Political Participation Panel for the Commission on the Status of Black Americans, National Academy of Science; National Scholar for Public Influences of African-American Churches for Pew Charitable Trusts; National Advisor to the Scholar/Practitioner Program for the Kellogg Foundation's Devolution Initiative; member of the Advisory Committee for Research and Public Policy for the National Puerto Rican Coalition; and other national organizations.

Other professional contributions include committee memberships and panel presentations for the American Political Science Association, National Conference of

Black Political Scientists, and the Urban Affairs Association.

He has written numerous guest columns for *The Boston Globe*; *The Boston Herald*; *In These Times*; *City Issues*; *Black Commentator Online*; *Massachusetts Human Services Provider*; *Latin New York*; *Equal Times*; *Bay State Banner*; and *Roxbury Community News*. He has provided research assistance to several film projects, including, "War on Poverty" film series for PBS and Blackside Productions, Inc.; the National Black Programming Consortium and PBS film, "Blacks Facing the Millenium"; and others.

Professor James Jennings has extensive experience working with many neighborhood organizations. He has served as a board member of the Roxbury Comprehensive Community Health Center, the United South End Settlement House, the City Mission Society, the Civil Rights Project, the Urban League of Eastern Massachusetts, the NAACP-Boston Branch, the Hispanic Office of Planning and Evaluation, The Hyams Foundation, among others.

More recently, he was appointed as Special Assistant to the General Counsel for the Boston Housing Authority to assist in the collection and analysis of

data related to assessments of fair housing in Boston and the Greater Boston region (2016 – 2020).

Current appointments include membership to Eastern Bank's Advisory Committee for Business Enterprise Initiative (2019); appointment to the Boston Public School Opportunity and Achievement Gap Task Force (2018); the Boston Mayor's Supplier Diversity Council (2019); and an appointment to the Community Development Advisory Committee for the Federal Reserve Bank of Boston (2019).

This Court's Amicus believes that struggle and conflict between powerful corporate interests and local communities over the ownership, control and utilization of urban land is one of the most important political issues today.¹ *What this Court decides whether it rescinds this decision and stands with its early decision to end slavery that "that every subject is entitled to liberty, and to have it guarded by the laws, as well as life and property"* OR commits itself and all the Commonwealth's courts to price the disproportionately people of color targeted for loans the purpose of which was to take their wealth, and

¹ See James Jennings and Julia Jordan S. Zachery's *Urban Spaces: Planning and Struggles for Land and Community* (Boston: Lexington Books, 2009).

foreclose on their homes simply to re-mortgage and likely foreclose again; this is a watershed moment for addressing structural racism that is centuries old as to home ownership.

STATEMENT OF ISSUES

Can this Court refuse to review and enforce our laws against an industry whose structural racism is documented back prior to the grassroots civil rights movement success in outlawing redlining?

Can this Court single out that it will not consider the rights of the targeted victims, this plaintiff (and all similarly situated members of the mortgage and foreclosure industry) who was specifically targeted and intentionally damaged based on their race?

Can this Court create a special exemption for courts' scrutiny of actions that implement clearly documented structural racism and thereby facilitate broad reaching damage of a structurally racist system of which this industry is a part and a driver of broad base damage?

ARGUMENT

The cycle of intergenerational poverty is a legacy of redlining. This most recent era of predatory lending went beyond denying access to the stability of owning a home and building wealth and further used illegal loans to strip more than a whole generation of wealth homeowners generated in a lifetime of labor.

Rick Cohen², a journalist for the *NonProfit*

² Cohen, R. (2008) A Structural Racism Lens on Subprime Foreclosure and vacant Properties. The Ohio State

Quarterly magazine, has argued that the crisis reflected structural racism. It was partially a consequence of active targeting of low-income Black and Latino communities for predatory and unjustified higher-cost loans³. The Center for Responsible Lending reported that Blacks and Latinos were easy targets for subprime lending and mortgage manipulation: "High levels of segregation create a natural market for subprime lending and cause riskier mortgages, and thus foreclosure, to accumulate disproportionately in racially segregated cities' minority neighborhoods. By definition, segregation creates minority-dominant neighborhoods, which, given the legacy of redlining and institutional discrimination, continue to be underserved by mainstream financial institutions"⁴.

Subprime mortgage lending was targeted to communities of color regardless of the income levels of

University, Kirwin Institute for Study of Race and Ethnicity

³ Predatory lending can include a range of nefarious practices, including charging higher interest rates without relationship to credit worthiness and targeting communities of color and the elderly with deceptive and high-pressure marketing of mortgages and loan packages (see Squires, G.D. (2003). *The New Redlining: Predatory Lending in an Age of Financial Service Modernization*. Sage Race Relations Abstracts, 28 (344), pp.5-18).

⁴ Rugh & Massey. (2010). *Racial Segregation and the American Foreclosure Crisis*. *American Sociological Review*, 75 (2), pp.629-651, p.632

Black and Latino applicants for home loans. Blacks and Latinos received considerably higher proportions of subprime loans when compared to Whites in comparable categories.⁵

If you are Black or foreign born, you have to get one of those private mortgage contracts⁶, and then if you miss a payment, you're gone. That's just what the banks wanted...so they could sell the same house four times at increasing prices each time—because you have no choice about where you're going to live.

It is 1935. The Home Owners' Loan Corporation (HOLC) is one of the most important agencies built by Franklin Delano Roosevelt's New Deal. Each year, between 1935 and 1940, HOLC releases governmental reports of neighborhood area descriptions and "security maps." The color that HOLC classifies the neighborhood you are trying to live in—green for best, blue for desirable, yellow for declining, and red for hazardous—determines whether you will be given a loan and allowed to purchase

⁵ Rugh and Massey, 2010, p.631

⁶ The Fair Housing Act was signed on April 11, 1968. The 1970 census found 42% of black households owned their own homes. In 2017, the number was 41%. from 1950 to 1970 — despite housing discrimination in the U.S. being legal for most of that time — American blacks were able to increase their homeownership rate from 35% in 1950 to 42% in 1970. (US Census Bureau)

a home. Black folks, poor folks, and foreign-born (generally, any non-European) immigrants are seen as infiltrations that bring property values down, and turn neighborhoods into hazardous and dangerous slums.

Through HOLC and the maps it disbursed, real estate appraisers used the apparent racial value of a community to determine its economic value."

Robert Nelson⁷: "HOLC, these maps, and their accompanying documentation have been named as some of the most important factors in preserving racial segregation, intergenerational poverty, and the continued wealth gap between White Americans and most other groups in the US." He continues, "many of these [housing] agencies operated under...widespread assumptions about the profitability of racial segregation. Through HOLC, in particular, real estate appraisers used the apparent racial value of a community to determine its economic value."

Redlining, not only formally legalized housing discrimination—against primarily Black folks—but also laid the foundation for the continuation of segregated

⁷ Creator of Mapping Inequality. Nelson's project took 150 maps and over 5000 individual area descriptions by HLOC— previously accessible only in person at the Archives. He created an interactive mapping database showing the color coding.

cities and neighborhoods based on race and class. The “red” neighborhoods, deemed as hazardous and unfit for investment, were then left in disrepair. Any attempts to economically revitalize the neighborhoods by bringing in small business operations were blocked and unable to rent the space or take out a bank loan because it was considered a high-risk venture. Whole communities of Black and Brown folks were unable to gain equal, or any, access to banking, proper health care, insurance, or groceries.

Banks have a long history of redlining in this country, marking a certain area of a city to either not provide loans to that area, or provide loans at a very high cost, very high interest rates, especially to minorities, but willing to provide loans to white people.

Boston has a real history of redlining. Mattapan and Roxbury were redlined more than others. We’re looking at communities that at one point may have been predominantly Jewish, predominantly Italian. But once banks started to redline these areas, as blacks sought to become homeowners, white ethnic groups moved out, blacks tried to move in, and many times could not find banks that would loan them money or even provide money

to improve the housing that they were able to get. We're talking about – like for example, along Blue Hill Avenue – that used to be a very Jewish neighborhood, back in the forties, fifties, and sixties. Then it shifted from mostly Jewish to mostly black. The same occurred in Mattapan.

You can actually see, right there on city maps, this transition of the city by the decade. And those maps show defined neighborhoods where black people were de facto restricted to living in and around the time of the Fair Housing Act.

As Professor Emeritus in the Urban and Environmental Policy and Planning department, your Amicus has shown that lending practices rooted in redlining created and continue segregation. Redlining also impacted how Black people and other people of color could accumulate wealth based on housing equity [...] as well as impacting the quality of public schooling throughout the city. Areas largely working class and redlined, led to the demographics school system being underfunded and unsupported because the students and their families didn't come from wealth. This produced generations of young people who remained impoverished because they were not given the same opportunities in

school as their peers who lived in blue or green neighborhoods. The prices in these red areas could be higher than the prices in the green areas. Because you had no choice but to live in the red. And those who lived in blue or green areas could go wherever they wanted and pay whatever they wanted."

"Redlining confined people of color to certain urban spaces, while gentrification serves to remove working-class and low-income populations from these same places. This pushed communities of color into a rut, as they are being forced to once again leave their homes which they were unfairly confined to in the first place. Gentrification follows a specific pattern, typically an influx of wealthy newcomers without any root in a certain community in a context of rapidly increasing rents and less availability of affordable houses for residents." What follows is economic development of the area attracting more wealthy newcomers who are able to afford the rent increases that come with this "revitalization." There is a presumption in this idea that Black people, Latinos, Asians, working-class people have 'occupied' urban space without any efforts or struggles to improve their communities. This is then used to justify gentrification as beautiful [when] in

fact it represents a dismissal of history, and the role and impact of wealth.”

Purchasing property has become unreachable for anyone besides the wealthy.

Legacies of segregation, redlining, and racist housing policies haunt the ways that communities exist today. Research shows that Black families making \$100,000 live in the kinds of neighborhoods inhabited by White families making \$30,000⁸. This is a direct result of HOLC’s policies in the present, and one that is exacerbated by the continued gentrification of Black spaces. stresses that even against a seemingly immovable force, communities have to keep fighting.

This Court’s Amicus worked with Arlington Community Trabajando (ACT), Lawrence a neighborhood with the highest number and rates of foreclosure petitions in the entire state of Massachusetts⁹.

Between 2007 and 2014, ACT prevented more than 150 foreclosures by directly negotiating with lenders and helping to modify loans.

For the Dudley St. Neighborhood Initiative for

⁸ The Racist Housing Policy That Made Your Neighborhood, Alexis C. Madrigal, MAY 22, 2014, The Atlantic.

⁹ Massachusetts Foreclosure Monitor, 2009

which this court's Amicus helped create a report¹⁰, affordable and stable housing emerged as a cornerstone of their Strong Families and Community Supports component. This was based upon the overwhelming evidence¹¹ showing the negative impact of unstable

¹⁰ Dudley Street Neighborhood Initiative Implementation Proposal for the Boston Promise Initiative, Submitted to the Office of Innovation and Improvement, ED 27 July 2012.

¹¹ Attles, Henrietta. The Effects of Homelessness on the Academic Achievement of Children. Routledge Press. 1997; Goux & Maurin, The Effect of Overcrowded Housing on Childrens Performance at School. Journal of Public Economics, 2005, vol. 89, issue 5-6, pp.797-819; Maxwell, Home and School Density Effects on Elementary School Children: The Role of Spatial Density, Sage Journal (2003), Volume: 35 issue: 4, pp.566-578; Gruman, Harachi, Abbott, Catalano, Fleming **Longitudinal Effects of Student Mobility on Three Dimensions of Elementary School Engagement**, Child Development (2008), Volume 79, Issue 6; South, Haynie, Bose. Student mobility and school dropout. Social Science Research. 2007 36 pp.68-94; Pettit and McLanahan. Residential Mobility and Children's Social Capital: Evidence from an Experiment. 2003. Social Science Quarterly 84:632; Pribesh, Downey. Why Are Residential and School Moves Associated With Poor School Performance? Demography. 1999 36: pp.521-534; Alexander, Entwisle, Dauber. Children in Motion: School Transfers and Elementary School Performance. Journal of Educational Research. 1996 90: pp.3-12; Lash & Kirkpatrick. (1994). Interrupted Lessons: Teacher Views of Transfer Student Education. American Educational Research Journal - AMER EDUC RES J. 31. 10.2307/1163396; Mehana & Reynolds. School Mobility and Achievement: A Meta-Analysis. Children and Youth Services Review. 2004 26: pp.93-119; Nelson, Simoni, Adelman. Mobility and School Functioning in the Early Grades. Journal of Educational Research. 1996 89: pp.365-369; Schwartz & Sadler. Empowerment in Science Curriculum Development: A Micro-Developmental Approach. (2007). *International Journal of Science*

housing (homelessness, frequent moves due to housing instability, foreclosure, eviction) on student's educational performance. BPI deploys multiple solutions that stabilize students' housing situations – eviction prevention, anti-foreclosure measures, HUD's Choice Neighborhood. Numerous studies¹² show that one of the solutions, Community Land Trust (CLT) housing, such as the Dudley Neighbors Inc. Community Land Trust, provide families with more stable housing than the traditional homeownership model, especially in light of the foreclosure crisis.

The number and concentration of foreclosure petitions over the period of several years starting in the mid-2000s remained extraordinarily high compared to other parts of the City. Since much of the owner-occupied housing includes 2 and 3 family residential homes, foreclosures have adversely affected both homeowners and renters.

Education, **29**, pp.987–1017; Xu, School Location, Student Achievement, and Homework Management Reported by Middle School Students. The School Community Journal, 2009, Vol. 19, No. 2 p.27.

¹² Thaden. Outperforming the market: Making sense of the low rates of delinquencies and foreclosures in community land trusts, 2010; Stable home ownership in a turbulent economy: Delinquencies and foreclosures remain low in community land trusts, 2011. Cambridge MA: The Lincoln Institute of Land Policy.

The Dudley neighborhood had one of the greatest flows of families into homelessness in the state¹³ . According to 2011 data, 45.7% of Boston's homeless families came from Dorchester and 13.9% came from Roxbury¹⁴. (Exhibit: maps of Boston, 2007, compare concentration of Black and Latino households and distribution of the foreclosures)

The social, cultural, and economic infrastructure of U.S. urban Latino Communities has been considerably weakened as a result of the recent and continuing foreclosure crisis. Latino "neighborhoods have sustained comprehensive and lasting damage," according to some observers¹⁵. In addition to a reduction in property values and loss of homes, neighborhood consequences of spatial concentrations of foreclosures resulted in an aggravation of problems like overcrowding and decline in public safety.

¹³ See for example: Attles, Henrietta. The Effects of Homelessness on the Academic Achievement of Children. Routledge Press. 1997; Hart-Shegos, Ellen. Homelessness and its Effect on Children. Family Housing Fund. 1999.

¹⁴ Institute for Children and Poverty. National Data on Family Homelessness. 2009.
www.icpny.org/PDF/reports/AccessstoSuccess.pdf?Submit1=Free+Download 3 2011 DHCD data and prepared by Dr. James Jennings of Tufts University

¹⁵ Ricks. (2009). Factsheet: Arrested development: Foreclosures eroding the Latino community. Washington, DC: National Council of La Raza, p.1

The spatial concentration in the location of foreclosures has adverse effects on the social and economic well-being of Black and Latino neighborhoods¹⁶. Small businesses and microenterprises in low-income and working-class communities have been closed as a result of foreclosures and loss of disposable income within those communities. Because tax revenues are reduced due to loss of business and homes, it means government services have also been impacted adversely. (Exhibit: maps of Lawrence, 2007, comparison location of small businesses)

The pace and numbers of foreclosures in Latino communities produced adverse effects on spousal relationships with each other, weakened extended family and social networks and many times have resulted in decline in access to medical care, according to a sobering report published in 2010 by the National Council of La Raza¹⁷. The physician and urban scholar,

¹⁶ Li & Morrow-Jones. (2010). The Impact of Residential Mortgage Foreclosure on Neighborhood Change and Succession. *Journal of Planning Education and Research*, 30 (1), pp.22-39.

¹⁷ Bowdler, J. (2005). *Jeopardizing Hispanic homeownership: Predatory practices in the homebuying market*. (Issue Brief, No. 15), Washington, DC: National Council of La Raza

Mindy T. Fullilove¹⁸, described how the era of urban renewal in the 1950s and 1960s negatively impacts Black health conditions today. Massive number of foreclosures that are concentrated in urban areas have had similar disruptive effects on urban communities today.

Corporate-driven policy preferences leading to a deregulation of the banking and financial sectors opened the door to massive predatory lending in Latino and Black communities¹⁹. The deregulatory context included adoption of laws like the Financial Institutions Reform, Recover, and Enforcement Act (1989) and the Gramm-Leach-Bliley Financial Services Modernization Act (1999). Both laws were aimed at weakening the regulatory power of the Glass-Steagall Act (1933), under Roosevelt's New Deal, a law that prohibited the merging of commercial, insurance, investment and savings institutions²⁰. Under a deregulated housing market, low-income and communities

¹⁸ Fullilove, M.T. (2001). Root shock: Consequences of African America dispossession. *Journal of Urban Health*, 78 (1) pp.72-80.

¹⁹ Bowdler, 2005; Calhoun & Bailey (2005). Predatory lending: Undermining economic progress in communities of color. *Poverty & Race Research Action Council*, 14 (1), pp.17-19.

²⁰ See Financial Institutions Reform, Recover, and Enforcement Act 1989: FIRREA f. Pul. L., 101-73.103 Stat. 183 (August 9, 1989); Gramm-Leach-Bliley Financial Services Modernization Act, 1999: Pub. L. 106-102, 113 Stat. 1338.

of color easily became prey for financial manipulation and voracious lending on the part of nonconventional financial institutions that had minimal state and federal oversight²¹. (Exhibit: map of distribution of foreclosures across Massachusetts, 2007)

Working-class communities, but especially Latino and Black communities of color, have been devastated by the loss of thousands of homes due to the inability to maintain mortgage payments, usually after high-priced loans began to trigger higher adjustments in mortgage interest rates. Janet Murguia, president of the National Council of La Raza, had noted that, "An estimated 1.3 million Latino families will lose their homes to foreclosure between 2009 and 2012"²². Zip codes in Massachusetts with the highest proportion of African American and Latino families have been hit particularly hard with foreclosure petitions, the first step toward home loss²³.

The Arlington neighborhood represented 13.4% of the

²¹ See Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States, *The Financial Crisis Inquiry Report*, The Financial Crisis Inquiry Commission (2011, January).

²² Bowdler, Quericia, & Smith, (2010) *The foreclosure generation: The long term impact of the housing crisis on Latino children and families*. Washington, DC: National Council of La Raza, p.ii

²³ Massachusetts Foreclosure Monitor, 2009, p.5

city's total population in 2006, but 35% of all foreclosure petitions in this same year. By 2008, Lawrence had the state's highest proportion of housing units affected by foreclosure petition activity at 48.9 housing units per 1,000, according to a highly respected housing organization, the Massachusetts Housing Partnership. The statewide figure for this same time period was 12.0 housing units per 1,000²⁴. One small area in this neighborhood registered 63.7 housing units affected per 1,000, by far the largest ration in the entire state of Massachusetts.

The Pew Research Center conducted an analysis and found that Latino households were more adversely affected by the mortgage industry crisis than those of White homeowners:

"The bursting of the housing market bubble in 2006 and the recession that followed from late 2007 to mid-2009 took a far greater toll on the wealth of minorities than whites. From 2005 to 2009, inflation adjusted median wealth fell by 66% among Hispanic households and 53% among black households, compared with just 16% among white households: ("Twenty-to-one: Wealth gaps," 2011, p.1.

The report noted the following:

"The net worth of Hispanic households decreased from \$18,359 in 2005 to \$6,325 in 2009 The percentage drop--66%--was the largest among all groups. Hispanics derived nearly two-thirds of

²⁴ Massachusetts Foreclosure Monitor, 2009, p. 4

their net worth in 2005 from home equity and are more likely to reside in areas where the housing meltdown was concentrated. Thus, the housing downturn had a deep impact on them. ("Twenty-to-one: Wealth gaps rise to record highs between whites, blacks, and Hispanics (2011, July 26). Pew Research Center, Social and Demographic Trends, p. 5)

With planning and support from Rivera and the Community and Enterprise Development Center, a legislative breakfast to highlight concerns about the growing foreclosure crisis in Lawrence and other places was held. Along with a visit to Lawrence from then Governor Deval Patrick of Massachusetts, in which he lauded the work of ACT Director Luna and others, these efforts helped lay the foundation for the state's adoption of a new law in November 2007 designed to prevent future foreclosures: Chapter 206 of the Acts of 2007: An Act Protecting and Preserving Home Ownership. This legislation included a mandatory waiting period (90 days) before banks can file a foreclosure in order to provide time for a homeowner to renegotiate a back-due mortgage. There is now a prohibition imposed on mortgage lenders from making a subprime variable or adjustable rate mortgage loan to a first-time home loan borrower unless the borrower affirmatively opts in writing for the variable or adjustable rate mortgage loan and receives certification from a nonprofit housing

counselor: There are new tenant protections, including one that established that the lease for a tenant whose rental payment is subsidized under state or federal law shall not be affected by a foreclosure sale.

The foreclosure crisis in the United States has destroyed homes and neighborhoods. National responses on the part of the U.S. government have been limited in that the framing of the foreclosure crisis is presented and treated as a problem for individuals and families rather than entire communities.

Mall further observed, "Since the mortgage crisis erupted in 2006, the federal government has played only a limited role in attempting to mitigate its effects on families and communities" (p. 3). A similar emphasis is made by the Latino Policy Forum:

"Helping those harmed by this crisis, whether by foreclosure, eviction, or depreciation in property value, requires a comprehensive understanding of the roots of this crisis..."

CONCLUSION

On June 3rd, 2020, this Court promised for itself as judges and admonished all Massachusetts Judges to not just contemplate but take action to address structural racism in their courts²⁵:

²⁵ Letter from the Seven Justices of the Supreme Judicial Court to Members of the Judiciary and the Bar

"As judges, we must look afresh at what we are doing, or failing to do, to root out any conscious and unconscious bias in our courtrooms; to ensure that the justice provided to African-Americans is the same that is provided to white Americans; to create in our courtrooms, our corner of the world, a place where all are truly equal....

As lawyers, we must also look at what we are doing, or failing to do, to provide legal assistance to those who cannot afford it; to diminish the economic... inequalities arising from race...

we must examine the underlying reasons why African-Americans have suffered disproportionately from the COVID-19 pandemic, both in terms of the number of deaths and the extent of economic hardship it has caused, and, where possible, address the causes of those disparities.

Structural racism in lending is just one of the causes of the "disproportionate" impact of the pandemic. It has been recognized for many decades. Whole government institutions have been created and sections of laws passed.

Exactly two weeks after this aspirational statement, this Court for the first time in its 240 year history stripped a sector of our state of its constitutional rights.

It held that for those who could not go without the "necessities of life" of their constitutional right to redress through our Courts and therefore protection of

(June 3, 2020) <https://www.mass.gov/news/letter-from-the-seven-justices-of-the-supreme-judicial-court-to-members-of-the-judiciary-and>

the right to equal protection of their rights to their homes, both as to ownership and possession.

And it came to that decision to benefit an Industry with structurally racist policies and practices going back a hundred years or more. It made that decision specifically with a Black man who that Industry made indigent in front of it. It based that decision on the economic outcome and victimization by that Industry based on race.

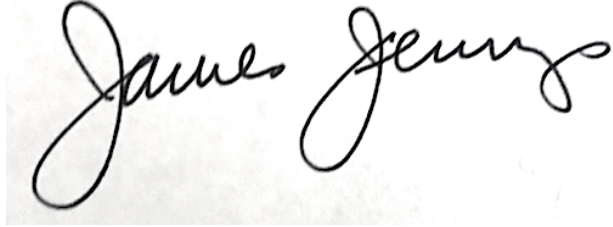
Amicus submits this brief based on a life-time of research and advocacy — providing this Court with the evidence it has been this Amicus' life mission to harvest so that bodies like this cannot miss the structural racism from which a decision such as this springs.

Ignoring the structural racism that has created the widest split in homeownership and the widest split wealth and in numerous other areas of life is a vast injustice. You quoted Martin Luther King, Jr.:

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

You said Judges must act to address structural racism when it appears in their courts. Act. Rescind this decision.

Respectfully submitted,

A handwritten signature in black ink, reading "James Jennings". The signature is written in a cursive style with a large, looping initial "J".

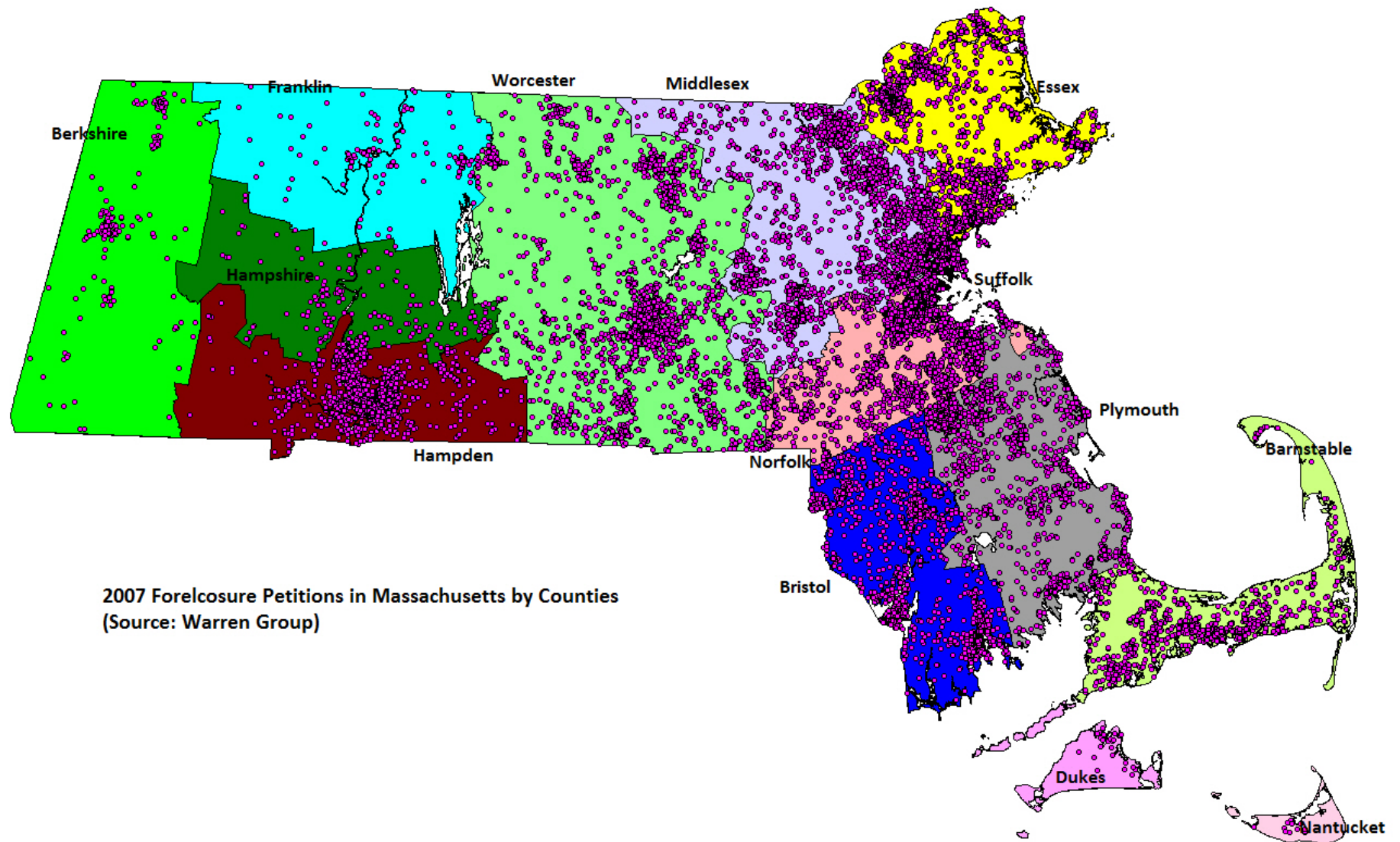
James Jennings, Amicus Curiae
122 Aberdeen Ave.
Cambridge, Massachusetts 02138
James.Jennings@Tufts.edu

DATE: July 20, 2020

ADDENDUM

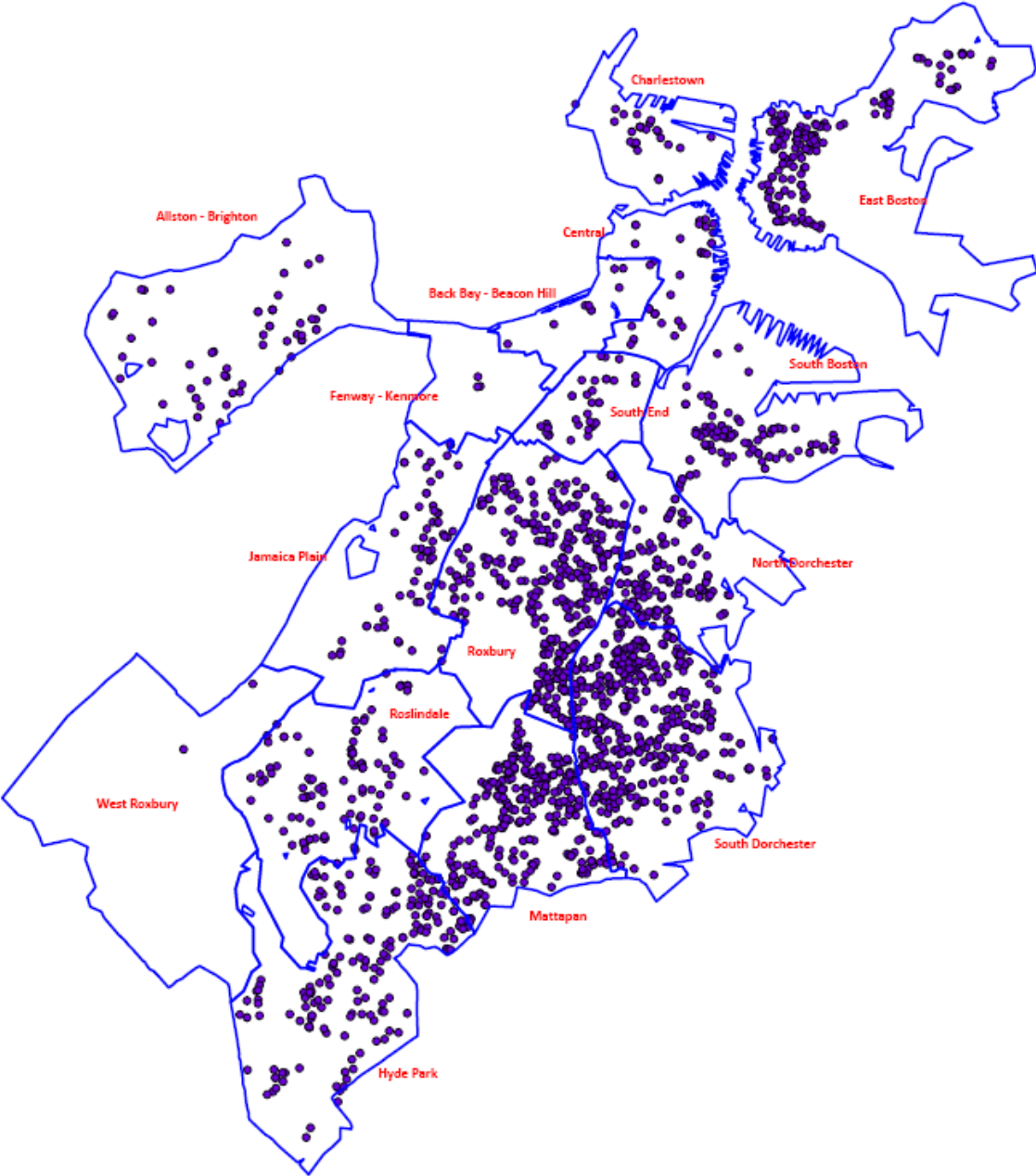
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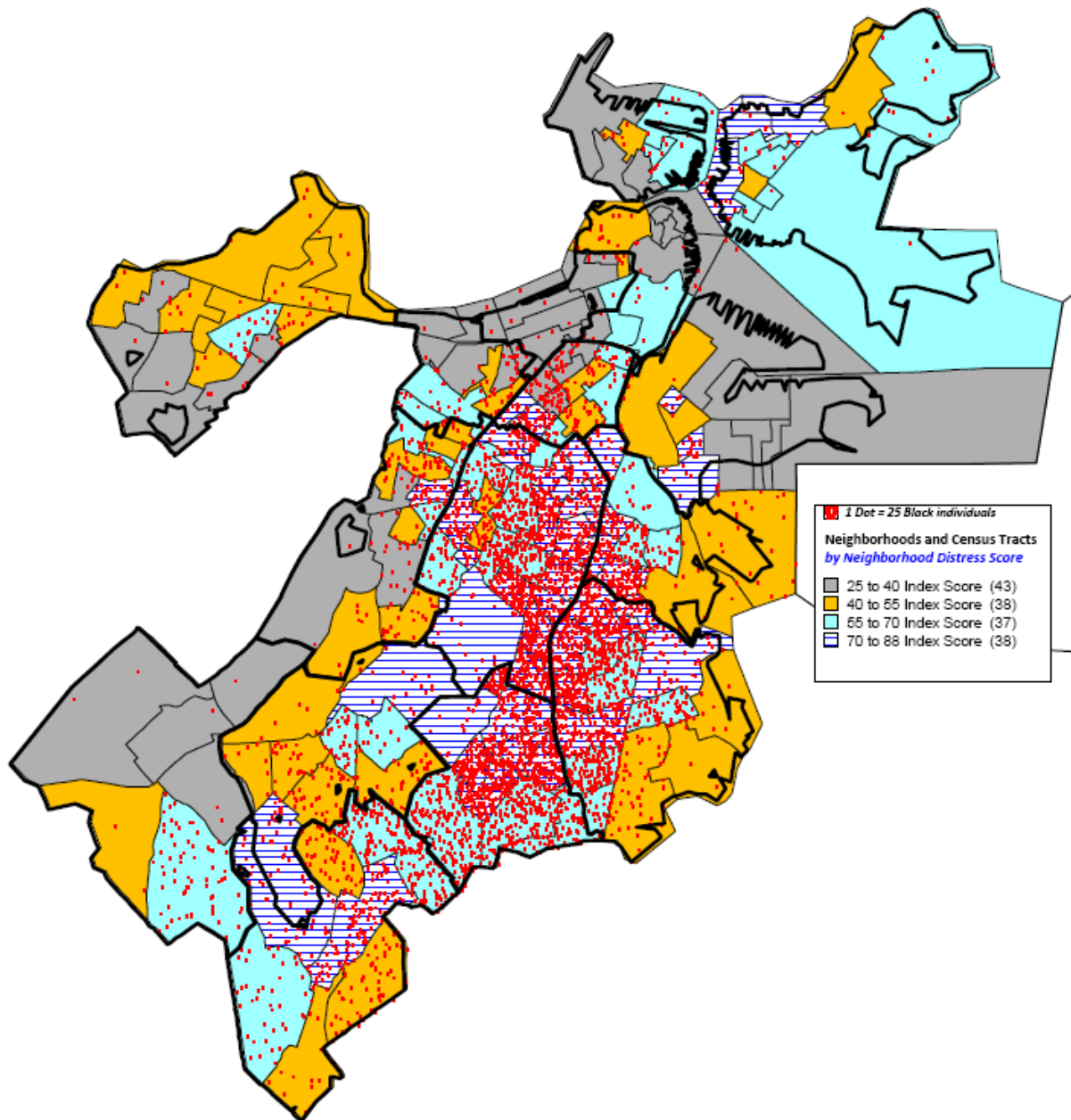


2007 Foreclosure Petitions in Massachusetts by Counties
(Source: Warren Group)

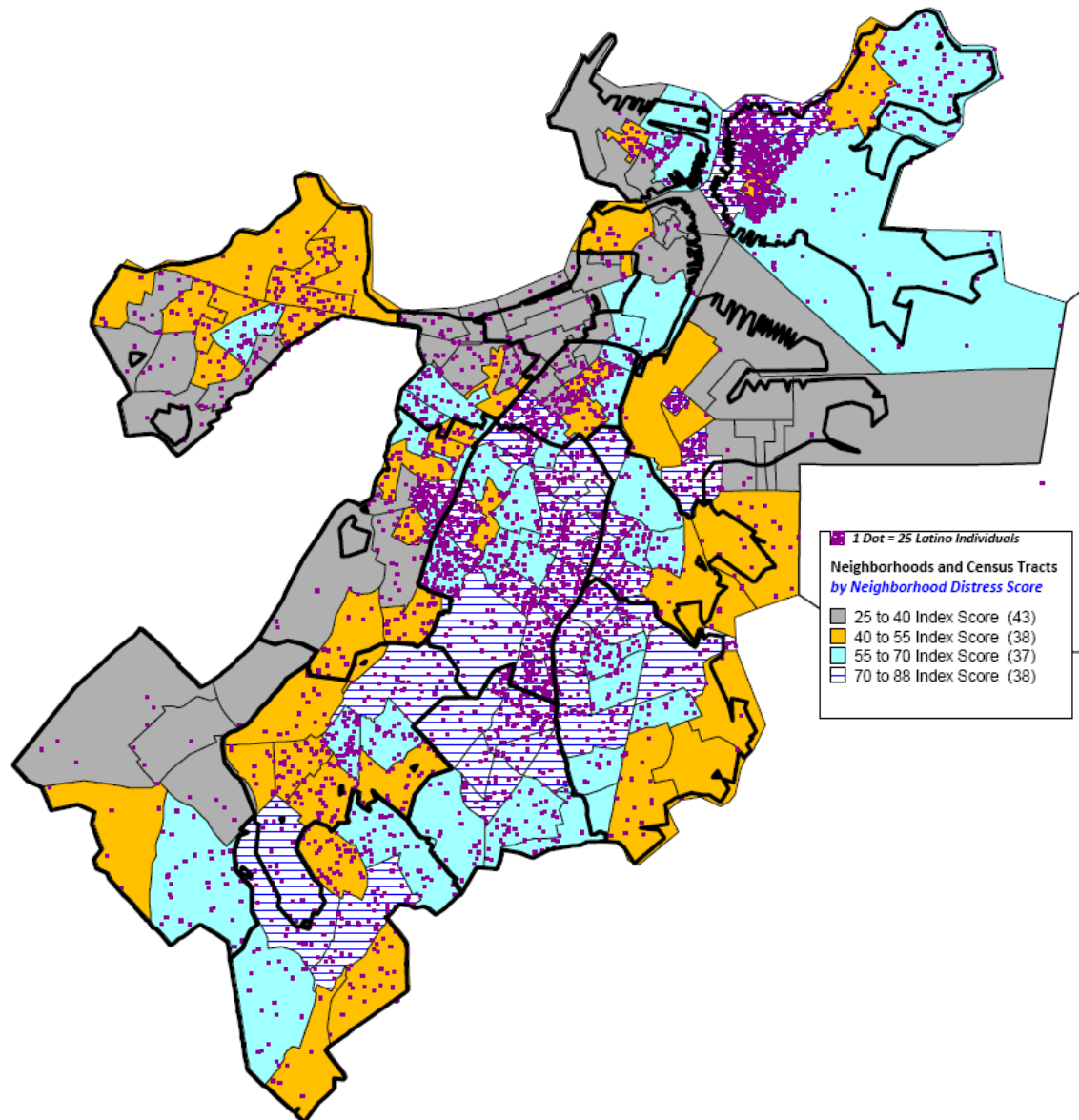
Number of Foreclosures Petitions (2007)



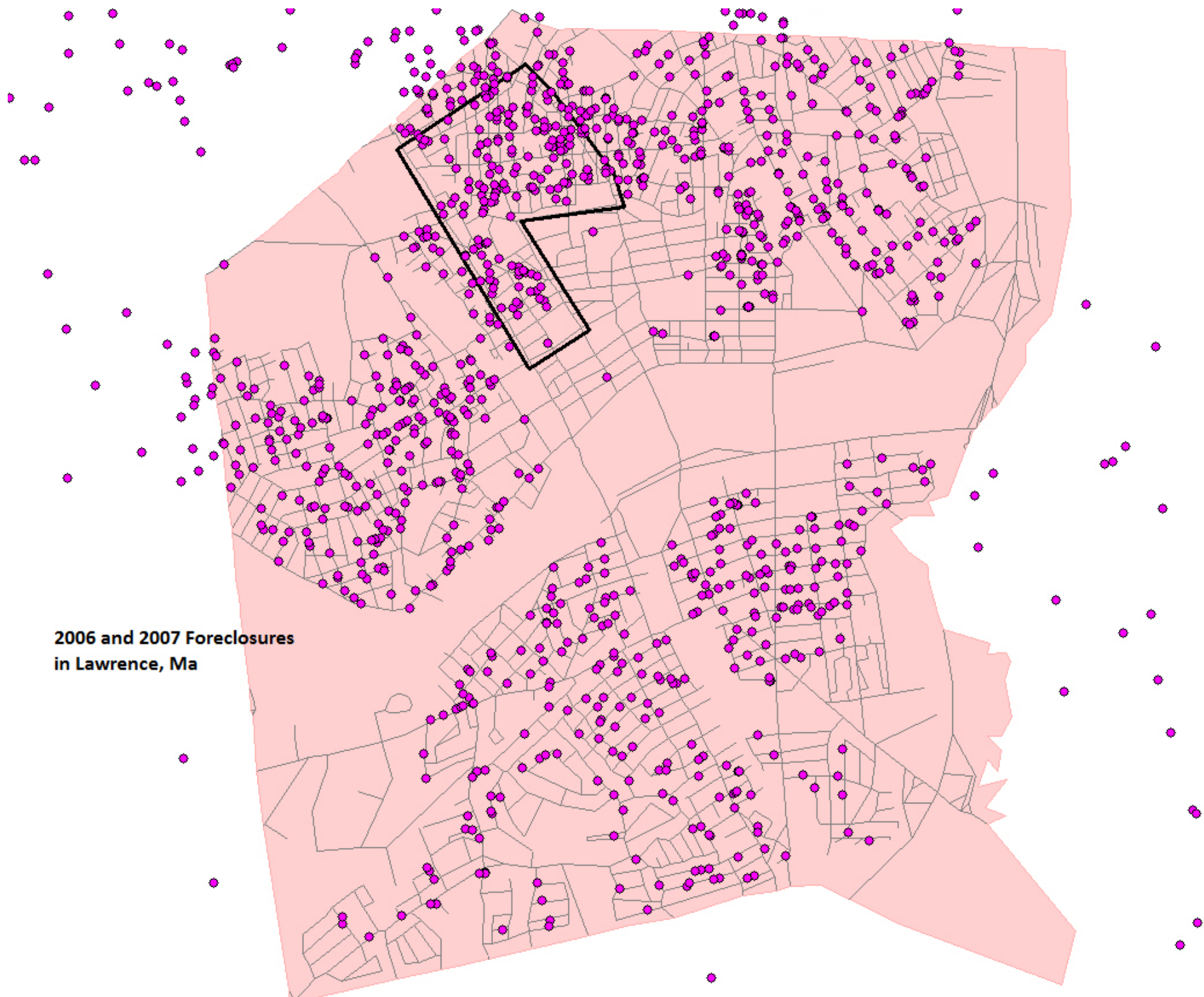
Black Population Density by Census Tracts and Neighborhood Distress Scores



Latino Population Density by Census Tract and Neighborhood Distress Scores



**2006 and 2007 Foreclosures
in Lawrence, Ma**



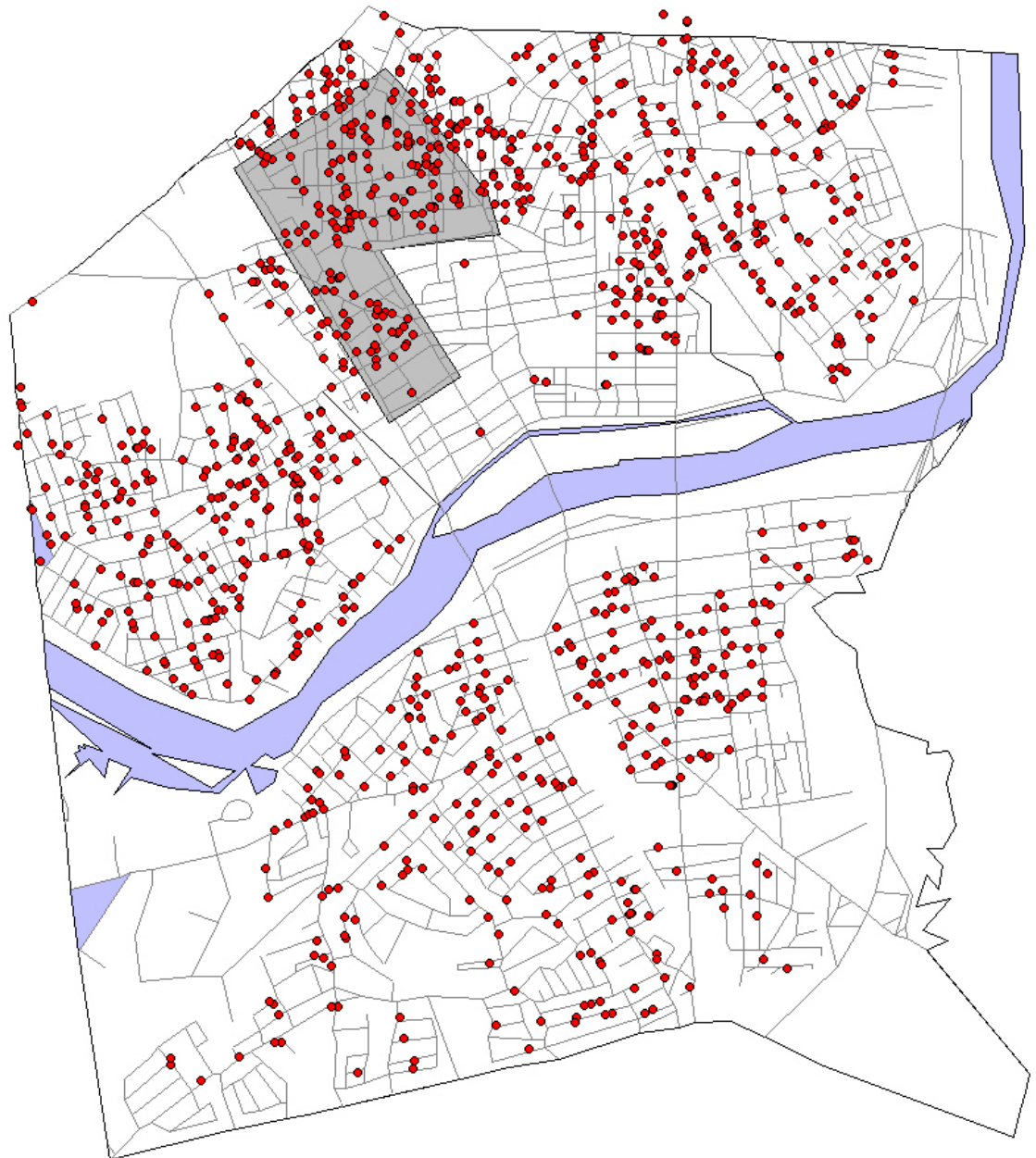
Arlington Neighborhood

2004 = Certificates of Dep (\$40 million)
2006 = Certificates of Dep (\$25 million)
loss = \$15 million

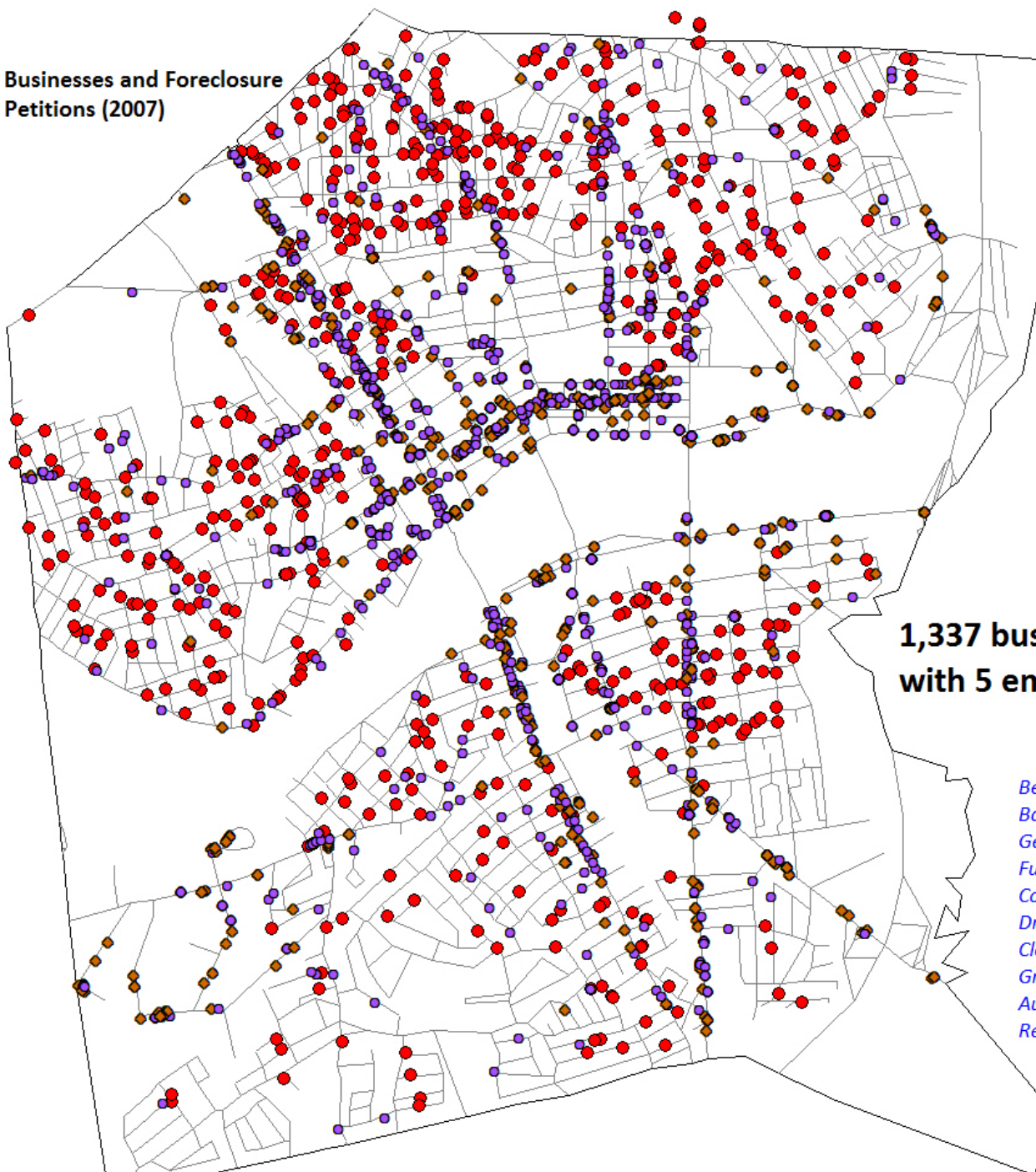
2004 = Home equity (\$571 million)
2006 = Home equity (420 million)
loss = \$151 million

2004 = Total net worth (\$408 million)
2006 = Total net worth (\$288 million)
loss = \$120 million

Source: Applied Geographic Systems, "Household Finances - 2004", "Household Finances -2006" and Warren Group for Foreclosure Petitions (2007), and MassForeclosures (2003-2006)



**Businesses and Foreclosure
Petitions (2007)**



**1,337 businesses ●
with 5 employees or less**

*Beauty salons
Barber shops
General contractors
Furniture stores
Convenience stores
Drycleaning and laundry
Clothing
Grocery stores
Auto repair shops
Restaurants*

James Jennings, Ph.D.

james.jennings@tufts.edu
<https://sites.tufts.edu/jamesjennings/>

Education

B.A. Hunter College, 1971 - Political Science, Cum Laude

M.A. Columbia University, 1972 - Political Science; Thesis: Nkrumahism and Pan-Africanism

M.Ph. Columbia University, 1974 - Political Science

Ph.D. Columbia University, 1976 - Political Science; Dissertation: Puerto Rican Leadership Patterns in NYC

Faculty and Professional Experiences

- 2015 – Appointed Professor Emeritus of Urban and Environmental Policy and Planning, Tufts University. Since retirement I have consulted with numerous government agencies and appointed as Special Assistant to the General Counsel for the Boston Housing Authority to assist with its assessment of fair housing requirements (2016 - 2018).
- 2001– 2015: Full Professor, Tenured, Urban and Environmental Policy and Planning, Tufts University. Taught graduate courses focusing on race and public policy, social welfare, and community development; organized and led Advance Seminars on Community-based Nonprofits, and Boston Public Schools / Education Reform; supervised several Master Thesis each year.
- 1983–2000: Professor of Political Science and Senior Fellow at the William Monroe Trotter Institute, University of Massachusetts Boston.

In 1983 I was appointed to the faculty at the University of Massachusetts Boston to serve as Dean of the College of Public and Community Service; also held rank of Associate Prof. of Political Science (tenured). I served as Dean for five years, and in 1988 resigned to join the University's William Monroe Trotter Institute as Senior Fellow. I was promoted to full professor in 1990. Between 1991 and 1999, I served as Director of the Trotter Institute and Professor of Political Science in the Africana Studies Department. In 1999, I resigned the directorship and was appointed Senior Fellow at the Trotter Institute. I taught undergraduate and graduate courses in urban politics, Black and Latino politics, race and social welfare, and city politics and neighborhoods. Additionally, I have supervised doctoral students in the areas of public policy and political science, urban politics, and education at this university, but also at New York University, Brandies University, City University of New York, Harvard University, and Boston College.

- 1979 – 1983: Assistant Professor of Afro-American Studies, Harvard University. I taught the following courses: *Black Politics*; *Ethnic Politics*; *Black Urban Communities*, *Politics of Urban Education*; *Puerto Rican Politics*; and *Black Political Thought*. I also supervised a field course for this department.
- 1978: Relocated to Boston and worked for a short period at A Better Chance (ABC) an education talent search agency for Black and Latino students. In the fall of 1978 I was hired as Education Director for the Health Careers Opportunity Programs, Action for Boston Community Development. I was responsible for evaluation studies and development of a health careers curriculum. During this period taught a course at Boston College, Black Studies Program, *Race and American Education*.
- 1972 – 1978: Assistant Director of the Higher Education Opportunity Program (1972-1974), Long Island University, Brooklyn Center; appointed Director (1975-1978). During this period taught courses at LIU: *Puerto Rican Politics in New York City*; *Problems of American Cities*; *Introduction to*

American Government. Also taught courses during this period at other institutions: *Puerto Rico: Social and Political Analysis*, Puerto Rican Studies Dept. State University of New York-Albany, 1974-1975; *Ethnic Politics: Myths and Realities*, School of Labor and Industrial Relations, Cornell University, Spring 1978.

- 1971- 1972: Assistant teacher at the NIA Day Care Center in Brooklyn, New York.

Visiting Faculty Appointments

- Visiting Associate Professor, Northeastern University, Department of African-American Studies (1988-1989)
- Visiting Associate Professor of Political Science, MIT (1992-1993); taught *Politics of Race & Ethnicity*; *Black Political Thought*; *Race & Urban Politics*; and *Politics and Public Policy*
- Visiting Professor of Political Science, Yale University (Jan 1997-June 1997); taught graduate seminar, *Race, Ethnicity, and Urban Politics*

Publications and Scholarly Work

Books

Puerto Rican Politics in Urban America, co-editor, (Greenwood Press, 1984)

From Access to Power: Black Politics in Boston, co-editor, (Schenkman Books, 1986)

The Politics of Black Empowerment: Transformation of Black Activism in Urban America (Wayne State University Press, 1992); awarded the Gustavus Myers Award for the Best Book on Human Rights in 1993; Japanese translation, 1998; published as a paperback in Winter 2000.

Race, Politics, and Economic Development: Community Perspectives, editor (Verso Press, 1992)

Perspectives on Blacks and Poverty in Boston editor, (Boston, Ma: The Boston Foundation, 1992)

Understanding the Nature of Poverty in Urban America (Praeger, 1994)

Blacks, Latinos, and Asians: Status and Prospects for Activism, editor (Praeger, 1994)

Race and Politics in the United States: New Challenges and Responses, editor (Verso Press, 1997)

An Introduction to Poverty: Race, Power, and Wealth, co-editor (New York University Press, 1999)

Racism: Essential Readings, co-editor (Sage Publications, 2001)

Welfare Reform and the Revitalization of Inner-City Neighborhoods (Michigan State University Press, 2003)

Race, Politics, and Community Development, Special Editor, *The Annals of the American Academy of Political and Social Science*, Vol.594, July 2004; my chapter is titled, "Community Participation, Urban Planning, and the Roxbury Master Plan in Boston, Massachusetts"

Race, Neighborhoods, and the Misuse of Social Capital, editor (Palgrave MacMillan, 2007)

Urban Spaces: Planning and Struggles for Land and Community, co-editor (Lexington Books, 2010)

Articles and Review Essays

“Pan-Africanism: Reconsidered” *Pan-African Journal*, vol. VI, no. 3 (Autumn 1973)

Review Essay: “Is Race Declining in Significance?” *Review of Black Political Economy* (Summer 1979)

Review Essay: “On Affirmative Discrimination” *Journal of Ethnic Studies* (Spring 1977)

“Community Control: A Grassroots Response” *Journal of Education* (Fall 1979)

“Race, Class and Politics in Boston’s Black Community” *Review of Black Political Economy* (Fall 1982)

“Role of the Black Professional in the Black Community” *Umoja Sasa Journal of Engineering* (Spring 1982)

“Politics and Morality in Boston” (co-author) *Debate and Understanding* (Summer 1983)

Review Essay: “Examining American Colonialism in Puerto Rico” *Social Science Journal* (January 1983)

“The New Black Neo-Conservatism: A Critique” (Fall 1987); “Race and Excellence in Higher Education” (Summer 1989); “Racial Hierarchy in America: Defining Bigotry and Racism” (Fall 1990), published in the *Trotter Review*, William Monroe Trotter Institute, University of Massachusetts Boston

“The Meaning of Malcolm X in the 1980s” *Steppingstones: A Literary Anthology* (1983; 1994)

“Black Protest: The Role of Electoral Activism” *Radical America* (Spring 1984)

“The Struggle for Equality: From Access to Power” *Suffolk Law Review* (Winter 1984)

Review Essay: “Measuring the Quality of Municipal Services in Black Urban Communities: Unresolved Research Issues,” *Urban Resources* (Spring 1986)

“Blacks and Latinos: Political Cooperation or Conflict?” *National Political Science Review*, vol. III, (1991)

“Minorities and Vocational Education: The Challenges” *Vocational Education Journal* (April 1991)

“New Racial and Ethnic Conflict in Cities” (feature essay) *Sage Race Relations Abstracts* (August 1992)

Review Essay: “Poverty in the United States: Some Reflections” *Hunger Notes*, vol.19, no.1, (Summer 1993)

“Beating Poverty with Power” *Boston Review* (June-September 1994)

“The Need for a Third Party in the United States” *New Political Science* #28/29 (Winter- Spring 1994)

“New Demographic and Ethnic Challenges to Racial Hierarchy” (feature essay) *Sage Race Relations Abstracts* (August 1994)

Review Essay: “Reexamining Race Relations in U.S.” *Journal of American Ethnic History* (Fall 1995)

“The International Convention on the Elimination of All Forms of Racial Discrimination: Confronting Racial Hierarchy” *Howard Law Journal*, vol. 40, no. 3 (1998)

“Globalization and Race Divisions in the U.S.” *New England Journal of Public Policy* (Spring 2000)

Review Essay: “Factors in Explaining Black and Korean Relations” *Urban Affairs Review* (March 2000)

“Representation by Other Means: Mexican American and Puerto Ricans in Social Movements,” co-author, *Political Science and Politics* (September 2000)

“Welfare Reform as Anti-Urban Policy” *The Annals of the American Academy of Political and Social Sciences* (September 2001)

“Role of Black Intellectuals in U.S. Society” *Souls: Journal of Black Politics and Culture* (April 2002)

“Solving Environmental Injustices in Massachusetts: Forging Greater Community Participation in the Planning Process” co-author, *MIT Journal of Planning* (November 2003)

“Welfare Reform and Welfare to Work as Non Sequitur: A Case Study of the Experiences of Latina Women in Massachusetts” co-author, *Journal of Poverty* (February 2004)

“The Demonstration Disposition Program in Boston, Massachusetts: Lessons for Resident Empowerment, Economic Development, and Government Partnerships” co-author, *National Political Science Review* (February 2005)

“Community-Based Nonprofits in U.S. Inner Cities”, co-author (feature essay), *Sage Race Relations Abstracts* vol.32, No.4 (November 2007)

“The Boston Schoolyard Initiative: A Public Private Partnership for Rebuilding Urban Play Spaces,” (co-author), *Journal of Health Politics, Policy, and Law*, vol.33, issue 3, (2008)

Review Essay: “Escaping the Perpetuity Mindset Trap,” *The Nonprofit Quarterly* (December 12, 2008)

“The Dialogue Challenge: Nonprofit’s Central Role in the Conversation” *The Nonprofit Quarterly* (Winter 2008)

“Community Health Centers in U.S. Inner Cities: From Cultural Competency to Community Competency” *Ethnicity and Race in a Changing World: A Review Journal*, vol.1 (1) 2009

“Obama and the Politics of Blackness: A Response” *Souls: Journal of Black Culture and Politics*, vol.12, no.4 (2010)

“The Empowerment Zone in Boston, Massachusetts 2000 – 2009: Lessons Learned for Neighborhood Revitalization” *Review of Black Political Economy*, vol. 38, no.1 (2011)

“Measuring Neighborhood Distress: Tool for Place-based Urban Revitalization Strategies” *Community Development Journal*, vol.43, Issue 4 (2011).

“Three Visions for the Future: Real Election is for America’s Soul” *Rosalux*, Rosa Luxemburg Stiftung/New York Office (2012)

Review Essay: “Key Challenges for Latino Urban Communities after the 2012 Election” *National Institute for Latino Policy* (2012)

Review Essay: "The Challenge of Blackness: Institute of the Black World and Political Activism in the 1970s," *Journal of American Studies*, vol. 46, Issue 04 (2012)

"Lift the Load of Poverty: Fighting for Black Equality in the Age of Obama" *Rosalux*, Rosa Luxemburg Stiftung /New York Office (2013)

Review Essay: "Four Guideposts for Doing Research in Black American Politics" *National Political Science Review*, vol. 15 (2013)

"Gentrification as Anti-Local Economic Development: The Case of Boston, Massachusetts," *Trotter Review*, Volume 23, Issue 1, (August 2016)

"The Importance of Entrepreneurship in Black and Latino Communities in Massachusetts," *Communities and Banking*, Volume 28, number 2 (Spring 2017)

Book Chapters

"The Role of Minority Administrators in Third Sector Higher Education" in G.Mims, The Minority Administrator in Higher Education (Schenkman,1980)

"Black Power and Electoral Activism," "The Black Voter in Boston, 1967-1983," "Urban Machinism and the Black Voter" and "The Mel King for Mayor Campaign and Black Politics in the American City: The Next Stage" chapters in R. Bush, The New Black Vote (Synthesis Publications, 1984)

"Race and Political Change in Boston" in P. Clay, The Emerging Black Community of Boston (Boston, Ma: Trotter Institute, 1985)

"Puerto Rican Studies and Community Activism in the 1980s" in T. Arroyo, A Renaissance of Puerto Rican Studies: Ethnic and Area Studies in the American University (Columbia University Press, 1987)

"Politics of Black Empowerment: Race, Class and Community" in J. Kling and P. Posner, Dilemmas of Activism (Temple University Press, 1990)

"Blacks, Latinos, and Asians in the American City and Implications for Changing Public Policy Paradigms" in G. Bonilla-Santiago, Women, Latinas, and Public Policy (Center for Strategic Urban Community Leadership, Rutgers University, 1992)

"An Examination Latino Experience in Vocational Education: Implications for Educational Policy and Reform in Massachusetts" in R. Rivera and S. Nieto, The Education of Latino Students in Massachusetts (University of Massachusetts Press, 1994)

"Policy, History, and Poverty: Annotated Bibliography" in R. Lavelle, America's New War on Poverty (KQED Books, 1995)

"Political Alternatives for Black America in 1996" in D. Harris, The Election Year Primer (University Press of America, 1996)

"The Black Community in Boston," co-author, in A Dream Deferred: Changing Demographics, Challenges, and New Opportunities for Boston (Boston, Ma: The Boston Foundation, 1996)

"Puerto Ricans and the Community Control Movement..." co-author, in A. Torres and J. Velazquez, Puerto Ricans and Social Movement (Temple University Press, 1998)

“Continuing Role of Community Service in Study of Race and Class” in M. Marable, Theorizing Black Studies (Columbia University Press, 2000)

“Race Dialogue and Debates in the United States” in C. Stokes, et al., Race in the Twenty-First Century (Michigan State University Press, 2001)

“Black, Latino, and Asian Politics: Issues and Lessons for Urban Politics” in C. Fanta and J. Gerson, Latino Politics in Massachusetts: Struggles, Strategies, and Prospects (Routledge, 2002)

“Black Neo-Conservatism: Beyond Black Neo-Conservatism and Liberalism” in L. Randolph and G. Tate, Dimensions of Black Neo-Conservatism (New York: St. Martins Press, 2002)

“Political Coalitions Between Communities of Color: Implications for a New Politics” in C. Stokes and T. Melendez, Racial Liberalism and the Politics of Urban American (Michigan State University Press, 2003)

“Urban Poverty, Social Welfare, and Human Rights” in L. Simmons, Welfare, The Working Poor, and Labor (M.E. Sharpe, 2004)

“The Black Church and Civic Involvement: Emergence of Strategic Coalitions in Boston” in R.D. Smith and F.C. Harris, Black Churches and Local Politics (Rowman and Littlefield, 2005)

“Afro-Latinism in U.S. Society” in M. Jimenez and J. Flores, *The Afro-Latin@ Reader: History and Culture in the United States* (Duke University Press, 2010)

“Foreclosure Crisis and the Role of Community Organizing in a U.S. Latino Community” in H.R. Hall, et al., Uprooting Urban America: multidisciplinary perspectives on race, class and gentrification (Peter Lang Publishers, 2014)

“Strategies for Employment Diversity” co-author in M. B. Miller, Boston’s Banner Years 1965-2015 (Archway Publishing, 2018)

Research Reports and Evaluation Studies

“The Black Voter in Boston Report prepared for the Black Political Task Force” (Boston, Ma.: Feb. 1982)

“Population Change in Massachusetts, 1970 to 1980” (Boston, Ma: State Depart of Social Services, 1982)

“Spanish Language Population in Massachusetts 1970 to 1980” (Boston, Ma: Dept. of Social Services, 1982)

“Vocational Education in Massachusetts and The Future of Young Minority Citizens” senior co-author (Boston, Ma: State Department of Education, 1988)

“Vocational Technical Education in Boston: Towards Accountability, Prioritization, and Decentralization” senior co-author commissioned by the Massachusetts State Department of Education (1990)

“Content Analysis of Racial and Ethnic Themes in Catalogues Utilized by Teacher Preparation Schools in Massachusetts, 1989 and 1990” senior co-author, William Monroe Trotter Institute, University of Massachusetts Boston (1991)

“Latinos and Urban Education in Massachusetts: Research Agenda” The Mauricio Gaston Institute, University of Massachusetts Boston (1991)

“Evaluation of Boston Housing Authority Tenant Selection Plans Report” Boston Housing Authority (1992)

“Demographic and Economic Analysis Report for Racial Disparity Project,” senior co-author, Massachusetts Executive Office of Transportation and Construction (1994)

“Reconsidering Vocational Education for Black and Latino Youth” *Occasional Paper #2* (Cleveland, OH: Urban Child Resource Center, Cleveland State University, 1992)

“Beyond the Civil Rights Agenda: Principles for the Pursuit of Economic and Community Development” *Occasional Paper #27*, William Monroe Trotter Institute, University of Massachusetts Boston (1994)

“Leadership Management for Urban Executives Institute” Evaluation report commissioned by the Center for Strategic Urban and Community Leadership, Rutgers University (1994)

“Evaluation of Community Fellows Program, MIT” senior co-author, William Monroe Trotter Institute, University of Massachusetts Boston (1995)

“The Family Van Health Services Project” Evaluation Report commissioned by the Family Van Project, Beth Israel Hospital, William Monroe Trotter Institute, University of Massachusetts Boston (1995)

“Economic Development and Inner Cities in Massachusetts: Recommendations for Expanding the Capacity of Small Businesses and Micro-enterprises” senior co-author, William Monroe Trotter Institute, University of Massachusetts Boston (1996)

“Overview of Minority-owned Businesses in Massachusetts” senior co-author, William Monroe Trotter Institute, University of Massachusetts Boston (1996)

“Principles for Planning Place-Based Economic Development in Black Urban Communities” in B. Harrison and M. Weiss, Rethinking National Economic Development Policy, Project No.: 99-07-13781, Report #32, (Economic Development Administration, U.S. Department of Commerce, 1997)

“Evaluation and Assessment of Project LEAP Charter School, Camden, NJ” senior co-author, commissioned by Rutgers University and Ford Foundation (1997)

“Evaluation Report for Project LEEO Youth Program” Boston, Massachusetts (1997)

“Overview of Minority-owned Businesses in Massachusetts, 1997” co-author, William Monroe Trotter Institute, University of Massachusetts Boston (1998)

“Evaluation Report for Urban Youth Collaborative Program” commissioned by the Massachusetts Department of Retardation (1998)

“The CITAP Program in Massachusetts: Designing and Implementing a Racially and Ethnically-diverse Employment and Training Model in the Construction and Transportation Industries” co-author, William Monroe Trotter Institute, University of Massachusetts Boston (2002).

“Investing in the Mattapan Neighborhood: A Community-Building Report” commissioned by The United Way of Massachusetts (June 1999)

“Latino Businesses in Lawrence, Massachusetts: A Profile and Analysis” co-author, commissioned by HUD/NECC Community and Enterprise Development Center at Northern Essex Community College, Lawrence, Ma. (2000)

“The Community Institute of Business and Education: Accomplishments and Challenges, 2000-2001” senior co-author, Commissioned by HUD/NECC Community and Enterprise Development Center at Northern Essex Community College, Lawrence, Ma. (2001)

“The Work Pathways Project: Accomplishments and Future Directions” commissioned by Action for Boston Community Development (ABCD), Boston, Ma. (Boston, Ma: Trotter Institute, 2002)

“Final Evaluation Report: Rutgers University Parents Academy for School Reform” commissioned by LEAP Academy Charter School and The William Penn Foundation (August 2002)

“The Demonstration Disposition Program in Boston, 1994 to 2001: A Program Evaluation,” senior co-author, commissioned by the Massachusetts Housing Finance Agency (2003).

“Latinos in Lawrence, Massachusetts: The Making of Community” co-editor, commissioned by HUD/NECC Community and Enterprise Development Center at Northern Essex Community College, Lawrence, Massachusetts (2005).

“The Lawrence Weed and Seed Program: A Program Report and Evaluation” co-author, commissioned by the Weed and Seed Program of the Lawrence Police Department (2005)

Immigrant Homebuyers in Lawrence and Lowell, Massachusetts: Key to the Revitalization of Cities, co-author, commissioned by the Immigrant Learning Center, Malden, Massachusetts (2005)

Community-based Nonprofits in Massachusetts: Where Do We Go from Here? commissioned by Tisch College at Tufts University, and MassINC (2006)

Community Health Centers in U.S. Inner Cities: From Cultural Competency to Community Competency, Prepared for The Robert Wood Johnson Foundation (2007)

Immigrant Workers in the Massachusetts Health Care Industry, co-author, commissioned by the Immigrant Learning Center in Malden, Massachusetts (2008).

Special Issue, “Study on Nonprofit and Philanthropic Infrastructure” *The Nonprofit Quarterly* (2009) – member of Research Team

Community-based Nonprofits and Neighborhood Distress in Boston, Massachusetts, prepared for The Barr Foundation (2009)

Place-based Service Delivery and Strategic Collaboration in Boston’s Distressed Neighborhoods: Framework for Planning and Action, prepared for The Barr Foundation (2009)

Latinos in Worcester: Demographic and Education Profiles, prepared for the Latino Education Institute, Worcester State College (2009)

Immigrant Workers and Entrepreneurs in the Massachusetts Leisure and Hospitality Industries, senior author, commissioned by the Immigrant Learning Center in Malden, Massachusetts (2010)

State of Black Boston: Social and Demographic Profile, 2010, commissioned by the Urban League of Eastern Massachusetts and William Monroe Trotter Institute, University of Massachusetts Boston (2011)

Workforce Development Programs: Building Collaborations with Community-based Organizations, senior author, prepared for The Urban League of Eastern Massachusetts, Boston, Ma. (2011)

Black Churches and Neighborhood Empowerment in Boston, Massachusetts 1960s and 1970s: Lessons for Today, William Monroe Trotter Institute at University of Massachusetts Boston (2012)

Boston Housing Authority and Boston Public Schools: Planning Academic Collaboration, prepared for the Boston Housing Authority (2012)

Immigrant Entrepreneurs: Creating Jobs and Strengthening the U.S. Economy in Growing Industries, senior author, commissioned by Immigrant Learning Center, Malden, Massachusetts (2013)

“Public Education in Boston, the Big Picture: Dialogues between the BPS Superintendent and Elder Black Educators,” *Proceedings*, prepared for Circle of Promise, Boston Public School Department (2013)

Social, Demographic, and Economic Profile of Young Black and Latino Males in Boston, Massachusetts 2010 - 2018, prepared for The Barr Foundation and the Black-Latino Collaborative, Boston, Ma. (2014)

The Silent Crisis: Including Latinos and Why It Matters, (co-author), prepared for the Greater Boston Latino Network and The Barr Foundation (2014)

Blacks in Massachusetts: Comparative Demographic, Social and Economic Experiences with Whites, Latinos, and Asians, (senior co-author), Prepared for The William Monroe Trotter Institute, University of Massachusetts Boston; The John D. O’ Bryant Institute, Northeastern University; New England Blacks in Philanthropy; and Black Educators’ Alliance of Massachusetts (2015)

Mapping Momentum for Boston’s Youth: Programs and Opportunities for Black and Latino Young Men, co-author, prepared for Root Cause, The Barr Foundation, and The Hyams Foundation (2016)

The Mattahunt Wheelock Partnership: A Case Study, prepared for Wheelock College in Boston, Massachusetts (2016)

Bridges & Barriers: A Survey of Massachusetts College Access & Success Programs, co-author, prepared for the Aspire Institute, Wheelock College, Boston, Massachusetts and commissioned by the Massachusetts Department of Higher Education (2016).

Understanding Gentrification and Displacement: Community Voices and Changing Neighborhoods, co-author, prepared for Alternatives for Communities and Environment (ACE) in Roxbury, Massachusetts and The Hyams Foundation (2016)

BuildBPS 10-Year Educational and Facilities Master Plan, Consulting partner and researcher, prepared for the Boston Public Schools, Boston, Massachusetts (March 2017)

The Silent Crisis II: A Follow-up Analysis of Latino/a Civic Participation in Chelsea and Boston, Massachusetts (co-author), prepared for the Greater Boston Latino Network and the Mauricio Gaston Institute, University of Massachusetts Boston (June 2017).

Community Voices from the Fairmount Corridor Project: Impressions and Ideas on Two Decades of Change (co-author), prepared for The Boston Foundation (December 2019)

Also:

Between 2008 and 2015 I conducted research for the Dudley Street Neighborhood Initiative under its federal Promise Neighborhood Initiative. My research reports have been utilized to help strengthen the academic achievement of children in the DSNI area schools, and to build stronger bridges between public schools and the community. These reports include:

- *Public Health and Spatial Inequality in Boston – Children*, co-author (2009)
- *DSNI Promise Neighborhood Target Area Community Needs Assessment: Review of Residential Characteristics and Segmentation Analysis* (2011)
- *Spatial Inequalities in Boston: Implications for Neighborhood Schools* Presentation to HUD (2012)
- *The Dudley Village Campus: Select Social and Demographic Profile – 2010 Decennial Census* (2013)
- *The Dudley Village Campus and Sub-Neighborhoods of Dudley Square, Dudley Triangle, and Grove Hall:*

Select Social, Demographic, and Economic Comparisons (2013)

- *Select Profile of Poverty – Dudley Village Campus* (2014)
- *Development without Displacement: The Spatial Face of Potential Gentrification in Boston, Massachusetts*, DSNI Research Brief (2014)

Other Professional and Scholarly Contributions

- Provided research assistance to film projects on race and urban affairs, including, *War on Poverty* film series for PBS and Blackside Productions, Inc. (1993-1994); the National Black Programming Consortium and PBS (Fall/Winter 1996) film, *Blacks Facing the Millenium*; also assisted in organizing and presenting at a national webinar, *Black Perspectives on Immigration Reform*, Black Immigrant Network (2013); and others.
- Reviewed books and evaluated manuscripts for journals and publishers in the field of urban studies and politics, including, *Urban Affairs Review*, *International Migration Review*, *Political Science Quarterly*, *New Political Science*, *National Political Science Review*, *Centro Journal of Puerto Rican Studies*; *Journal of Poverty*; *Journal of Community Development*; *Journal of American Public Health*, *Journal of Health Care for the Poor and Underserved*; *Diabetes Spectrum*; *Journal of Health Disparities Research and Practice*; *Journal of Planning Education and Research*. Book publishers: Longman Publishers, University of Virginia University Press, Wayne State University Press, South End Press, State University of New York Press, New York University Press, University of Illinois Press, Sage Publishers, University of California Press, University of Tennessee Press, University of Florida Press, Garland Press, Temple University Press, Duke University Press, Palgrave MacMillan, University of Michigan Press, University of Chicago Press, Rowman and Littlefield Publishers, and others.
- Served on a range of editorial boards, including: Consulting Editor, *Debate and Understanding: Racial Relations in Boston* (Summer 1983); Editorial Advisor, *The African-American Almanac*, 6th ed. (1993); Editorial Board, *Sage Race Relations Abstracts* (1993-2007); Primary Contributor, *Dictionary of Race & Ethnic Relations*, 3rd; 4th; 5thed, (Routledge, 1994; 1997; 2003); Editorial Advisory Board, *Souls: A Journal of Black Culture*, (1998-present); Consulting Editor and contributor, *Encyclopedia of Race and Ethnic Studies*, (Routledge, 2003); Editorial Board, *BlackCommentator Online* (2006-); Editorial Board, *Ethnicity and Race in a Changing World: A Review Journal* (2011-2014).
- Written numerous columns and editorials on urban affairs and education for the *Boston Globe*, *In These Times*, *City Issues*, *Massachusetts Human Services Provider*, *Equal Times*, *Bay State Banner*, *Boston Herald*, *Black Commentator*, and *Roxbury Community News*, *Commonwealth Magazine*.
- Provided research and consultant services to numerous foundations: The Ford Foundation; The Rockefeller Foundation; The Boston Foundation; The Puerto Rico Foundation; The United Way of Massachusetts Bay; The Hyams Foundation; The Edna McConnell Clark Foundation; The Wellness Foundation; The William Penn Foundation; The Southern Education Foundation; The Association of Black Foundation Executives; The Kellogg Foundation; The Pew Charitable Trusts Foundation; The Puerto Rico Foundation; The Aspen Institute; the Neighborhood Reinvestment Corporation; The Barr Foundation; Access Strategies Fund; the Nellie Mae Foundation; Mathematica.
- Participated in service activities for the American Political Science Association over many years; one of the founders of the Race, Politics, and Ethnicity Section and served as co-president in 1999-2000; served on the Committee for the Latino Scholarship Fund; served as a member of the Executive Council for Urban Politics Section; served a three-year term as a member of the APSA Committee on the Status of Blacks in the Profession (2005-2008); appointed to APSA's Departmental Services Standing Committee for the period 2011- 2014. I am also a long-serving member of the National Conference of Black Political Scientists.

Keynote Lectures and Presentations

Invited to deliver keynote addresses and presentations in distinguished lectures series to academic and public audiences: *Fifth Annual W.E.B. DuBois Memorial Address at the Community Church of Boston*: “Struggles for Justice and World Peace and the Afro-American Dilemma” (1986); *Distinguished Lecture Series, University of Massachusetts Boston*: “The New Black Neo-Conservatives” (1987); *Fifth Annual American Studies Lecture at University of Manchester, England*: “Urban Crisis in U.S.: Challenges to Black Leadership and Activism” (1994); *32nd Annual Herman James Distinguished Lecture on Municipal Government, Ohio University at Athens*: Political Challenges to Urban Leadership: Race and Ethnic Relations in the New Millennium (1997); *Distinguished Lecture Series, Institute for Research and African American Studies, Columbia University*: Role of the Black Intellectual in American Society (1999); *Keynote Address for Race in the 21st Century Conference, Michigan State University*: “Building Political Coalitions Between Blacks, Latinos, and Asians: The Glue of Social Justice” (2001); *Keynote Address*, “Urban Poverty, Social Welfare, and Human Rights” University of Connecticut, Hartford, Connecticut (2003).

Numerous presentations to professional audiences, including Southern Political Science Association, American Political Science Association, National Conference of Black Political Scientists, National Council on Black Studies, New England Political Science Association, National Association of Black Social Workers Boston, Northeastern Political Science Association, and others. I have also presented to a wide range of civic organizations and universities in the United States, and abroad, including National Puerto Rican Coalition, Association for Excellence and Equality in Education, NJ, National Conference of Christians and Jews, Greater Boston Civil Rights Coalition, National Asian Pacific American Law Students Association, Boston Ethical Society, Joint Center for Political and Economic Studies, Bertha Reynolds Society, New England Board of Higher Education, National Reinvestment Corporation, Japan Society for the Promotion of Science, the Afro-Latino Project / Ford Foundation, and other organizations.

Government and Public Service Appointments

I have provided research and/or served on numerous government bodies and foundation initiatives:

- Advisory Committee for the Business Enterprise Initiative, Eastern Bank (2019)
- Member of the Boston Public Schools Opportunity and Achievement Gap Task Force (2018)
- Advisory Committee, Boston’s Office of Financial Empowerment (2016)
- Member of the BRA Selection Committee to Review Proposals for the Bruce Bolling Building, Roxbury, Massachusetts (2014)
- Member, Economic Development Transition Committee for Boston Mayor Martin Walsh (2013)
- Task Force on African American and Hispanic Employment in Massachusetts Executive Office of Administration and Finance (2009)
- Harvard Medical School, The Center for the Study of Diversity in Science Advisory Committee (2008 - 2012)
- Metropolitan Area Planning Association, Inter Issues Task Force (2006)
- Boston Redevelopment Authority’s Longwood Medical and Academic Area Strategic Planning Committee (2004)
- Commissioned National Scholar for Public Influences of African-American Churches, Morehouse College and Pew Charitable Trusts (1999-2002)
- National Advisor to Scholar/Practitioner Program sponsored by the Kellogg Foundation’s Devolution Initiative (1999-2003)
- Institute of Medicine /NAS, Comm. on Increasing Minority Participation in Health Profs. (1992-1994)
- Appointed to Minority Business Enterprise Oversight Committee for Massachusetts (1994-1997)
- Advisory Committee for Chief Justice of Massachusetts Supreme Judicial Court (1994-1995)
- Appointed to Massachusetts’ MassJobs Council for Older Workers Commission (1997-1999)
- Advisory Committee for Research and Public Policy, Natl. Puerto Rican Coalition, Inc. (1992-1993)
- National Youth Apprenticeship Initiative Advisory Comm., Jobs for the Future (1990-1995)
- Graduate Council of Education and Pew Charitable Trusts, Philadelphia, PA (Jan.15, 1993)
- Visiting Accreditation Comm. for College of Nursing in NYC, State Univ. of NY (April 1990)

- Boston Housing Authority Voluntary Compliance Committee (1988)
- Massachusetts Probation Accreditation Commission (1984-1989)
- Massachusetts State Office of Affirmative Action (1985)
- Chair, Special Comm. on Public Education for Boston, appointed by Mayor and City Council 1989
- Chair, Statewide Comm. Recruitment of Minority Teachers, Massachusetts Dept of Education, 1987)
- Natl. Academy of Science's Comm. on Status of Black Americans/Pol. Part. Panel, (1985-88)
- Governor's Commission, 350th Anniversary Arrival of Africans to Massachusetts (1984)
- Massachusetts State Legislative Commission on Hispanic Affairs (1984)
- National Coalition of Advocates for Children and Massachusetts Advocacy Center (1983)
- Statewide Comm. on Educ. Opp. Office of NY State Commissioner of Education (1977-78)
- Commission on Independent Colleges and Universities, NY (1976)

Board Memberships

- Hispanic Office for Planning and Evaluation Boston, MA (1983-2011)
- Massachusetts Advocacy Center Boston, MA (1983-1994)
- Roxbury Comprehensive Community Health Center Boston, MA (1983-1989)
- Institute of Puerto Rican Public Policy, National Advisory Committee, (1981-1996)
- Commonwealth/Fidelis Way Public Housing Improvement Program, Boston, MA (1983-1986)
- United South End Settlements Boston, MA (1985-1995)
- International Studies Advisory Committee, Freedom House Boston, MA (1986-1989)
- National Association for Advancement of Colored People, Board of Directors, (1987-1992)
- City Mission Society Boston, MA (1990-1992)
- Social Policy Research Group, Inc. Boston, MA (1988-1992)
- Urban League of Eastern Massachusetts (1990-1995)
- Center for Community Action, Boston, MA (1987-1991)
- The Hyams Foundation, Trustee (1991-1999)
- The Civil Rights Project, Inc. (1993-2002)
- Beth Israel Hospital, Trustee (1995-1997)
- Massachusetts Budget and Policy Center (2006-2009)
- Arlington Community Trabajando Community Development Corp., Inc. (2006-2013)
- Trustee for Massachusetts Bay Community College (2007-2012)

Professional and Academic Awards / Honors

- Community Service Award, ACT Lawrence: Actua, Colabora, Trabaja (2017)
- City of Boston in City Council, *Official Resolution in Recognition of Dedication to Improve the Quality of Life for All the Families and Neighborhoods Within the City of Boston* (December 2015)
- 4th Annual MEN TAKE A STAND Award, Boston's Women's Fund (2013)
- Lifetime Champion Education Award, Metropolitan Council for Educational Opportunity (METCO) (2010)
- Tufts University Enhancing Diversity Recognition Award (2007)
- Award of Appreciation by MassHousing for evaluation and technical assistance with Demonstration Disposition Housing Program in Boston, Massachusetts (1994 to 2004)
- Award for Community Service, Natl. Assoc. of Black Journalists / New England (1999)
- University of Massachusetts President's Award for Public Service (1998)
- James E. Blackwell Award for Scholarship, University of Massachusetts (1992)
- Annual Educational Award, NAACP/Boston Branch (1995)
- Drylongso Award for Contributions in Anti-Racism Struggles (Community Change, Inc., 1994)
- Certificate of Special Recognition, Greater Roxbury Chamber of Commerce (1994)
- Annual Education Award, Massachusetts Black Legislative Caucus (1993)

- Award for Community Service, Greater Roxbury Chamber of Commerce (1993)
- Award for Community Service, Roxbury Community College (1991)
- Award for Community Service, University of Massachusetts at Boston (1989)
- Award for Distinguished Professional Public Services, University of Massachusetts (1988)
- Recognition of Achievement, Boston City Council (1987)
- Annual Award of the Urban League Guild of Eastern Massachusetts (1986)
- Cert. for Outstanding Teaching, School of Labor and Industrial Relations, Cornell University (1978)
- Administrator of the Year Award by Long Island University, Brooklyn Center (1978)
- Ford Foundation Fellowship for Black Doctoral Candidates (1971-1976)

Chapter 206 of the Acts of 2007

AN ACT PROTECTING AND PRESERVING HOME OWNERSHIP.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith mortgage protection for existing and new home owners, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

7006-0011.. For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed \$5,000,000 from the revenue received from administrative fees associated with said licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided that, \$2,000,000 shall be expended from such revenue as grants for the operation of a pilot program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; provided, further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system..... \$5,000,000

SECTION 2. Chapter 6 of the General Laws is hereby amended by inserting after Section 172I the following section:-

Section 172J. Notwithstanding section 172 or any other general or special law to the contrary, the commissioner of the division of banks may obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board of all applicants for licensure pursuant to chapter 255F. Information obtained under this section shall not be disseminated for any purpose other than to provide mortgage protection for home owners.

SECTION 3. Chapter 183 of the General Laws is hereby amended by inserting after section 6C the following section:-

Section 6D. Every mortgage and assignment of mortgage secured by residential property, as defined in section 1 of chapter 255E, presented for record, in which a mortgage broker, as defined in said section 1 of said chapter 255E, is involved shall contain or have endorsed upon it the name, post office address and license number of the mortgage broker and, if applicable, the mortgage loan originator, as defined in section 1 of chapter 255F, responsible for placing the mortgage loan with the mortgagee. This endorsement, or notation that no mortgage broker or mortgage loan originator was involved in the mortgage, if known, shall be recorded as part of the mortgage or assignment of mortgage. Failure to comply with this section shall not affect the validity of any mortgage or the recording of any mortgage or assignment of mortgage.

SECTION 4. Section 27 of said chapter 183, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:- The holder of a mortgage of real estate, or the holder's representatives, shall provide to the mortgagor or the mortgagor's heirs, successors or assigns a written notice containing an itemized accounting of the disposition of the proceeds arising from a sale under the power of sale including, but not limited to, the sale price, legal fees, auctioneer fees, publication costs and other fees, and any surplus due to the mortgagor, within 60 days after the receipt of such funds provided, that if such sale is subject to further legal proceedings, such accounting shall be stayed until the conclusion of such proceedings.

SECTION 5. Section 63A of said chapter 183, as so appearing, is hereby amended by inserting after the word "interest", in line 2, the following words:- , change an adjustable or variable rate to a fixed rate.

SECTION 6. Said section 63A of said chapter 183, as so appearing, is hereby further amended by striking out, in line 44, the words "one-half of".

SECTION 7. Chapter 184 of the General Laws is hereby amended by inserting after section 17B the following section:-

Section 17B1/2. No mortgagee who makes a loan to a first-time home loan borrower, to be secured by a mortgage on owner-occupied, 1 to 4 family residential property in the commonwealth, shall make a subprime loan at a variable or adjustable rate of interest unless the mortgagor affirmatively opts in writing for the variable or adjustable rate subprime loan and receives certification from a counselor with a third-party nonprofit organization that the mortgagor has received counseling in person on the advisability of the loan transaction; provided, further that said third party nonprofit organization shall have been approved by: (1) the United States Department of Housing and Urban Development; (2) a housing financing agency of the commonwealth; (3) the Massachusetts Homeownership Collaborative; (4) or the regulatory agency which has jurisdiction over the mortgagee. The commissioner of the division of banks shall maintain a list of approved counseling programs. At or before closing such a loan, the mortgagee shall obtain evidence that the mortgagor has completed an approved counseling program. If such subprime mortgage loan is made by a mortgagee in violation of this section, the variable or adjustable rate terms of the loan shall not be enforceable and the mortgagee shall only be entitled to collect an interest rate equal to the lesser of the original interest rate, including any discounted rate, or the current adjusted interest rate throughout the remaining term of the loan. The commissioner of banks shall issue directives or guidelines or adopt regulations to administer and carry out this section and to further define the terms used in this section.

SECTION 8. The last sentence of section 13 of chapter 186 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following words:- or by foreclosure.

SECTION 9. Said chapter 186, is hereby further amended by inserting after section 13 the following section:-

Section 13A. Upon a foreclosure of residential real property pursuant to chapter 244, a tenant, occupying a dwelling unit under an unexpired term for years or a lease for a definite term in effect at the time of the foreclosure by sale, shall be deemed a tenant at will. Foreclosure shall not affect the tenancy agreement of a tenant whose rental payment is subsidized under state or federal law.

SECTION 10. Chapter 244 of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 14A. The commissioner of the division of banks, hereinafter referred to as the commissioner, shall maintain a foreclosure database that

shall include, but not be limited to, foreclosure activity by mortgage lenders, mortgage holders and mortgage servicers, as well as the mortgage brokers and loan originators who placed these mortgage loans in the commonwealth, including information relative to the original mortgagee and any subsequent assignee. Based on the information received, the commissioner shall produce a report, at least annually, to track developments and trends of mortgage foreclosures on residential property in the commonwealth including, but not limited to, an analysis of the pre-foreclosure notices submitted to the commissioner compared to the final foreclosure notices, and any trends or patterns relative to the geographic location of the residential properties and interest rates. The report shall be available to the public upon request, and the commissioner shall make it available in any other manner that he may choose.

SECTION 11. Said chapter 244 is hereby further amended by inserting after section 35 the following section:-

Section 35A. (a) Any mortgagor of residential real property located in the commonwealth consisting of a dwelling house with accommodations for 4 or less separate households and occupied in whole or in part by the mortgagor, shall have a 90 day right to cure a default of a required payment as provided in such residential mortgage or note secured by such residential real property by full payment of all amounts that are due without acceleration of the maturity of the unpaid balance of such mortgage. The right to cure a default of a required payment shall be granted once during any 5 year period, regardless of the mortgage holder.

(b) The mortgagee, or anyone holding thereunder, shall not accelerate maturity of the unpaid balance of such mortgage obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any such payment in subsection (a) by any method authorized by this chapter or any other law until at least 90 days after the date a written notice is given by the mortgagee to the mortgagor. Said notice shall be deemed to be delivered to the mortgagor when delivered to the mortgagor or when mailed to the mortgagor at the mortgagor's address last known to the mortgagee or anyone holding thereunder.

(c) The notice required in subsection (b) shall inform the mortgagor of the following:-

- (1) the nature of the default claimed on such mortgage of residential real property and of the mortgagor's right to cure the default by paying the sum of money required to cure the default;
- (2) the date by which the mortgagor shall cure the default to avoid

acceleration, a foreclosure or other action to seize the home, which date shall not be less than 90 days after service of the notice and the name, address and local or toll free telephone number of a person to whom the payment or tender shall be made;

(3) that, if the mortgagor does not cure the default by the date specified, the mortgagee, or anyone holding thereunder, may take steps to terminate the mortgagor's ownership in the property by a foreclosure proceeding or other action to seize the home;

(4) the name and address of the mortgagee, or anyone holding thereunder, and the telephone number of a representative of the mortgagee whom the mortgagor may contact if the mortgagor disagrees with the mortgagee's assertion that a default has occurred or the correctness of the mortgagee's calculation of the amount required to cure the default;

(5) the name of any current and former mortgage broker or mortgage loan originator for such mortgage or note securing the residential property; and

(6) that the mortgagor may be eligible for assistance from the Massachusetts Housing Finance Agency and the division of banks and the local or toll free telephone numbers the mortgagor may call to request this assistance.

(d) To cure a default prior to acceleration under this section, a mortgagor shall not be required to pay any charge, fee, or penalty attributable to the exercise of the right to cure a default. The mortgagor shall pay late fees as allowed pursuant to section 59 of chapter 183 and per-diem interest to cure such default. The mortgagor shall not be liable for any attorneys' fees relating to the mortgagor's default that are incurred by the mortgagee or anyone holding thereunder prior to or during the period set forth in the notice required by this section. The mortgagee, or anyone holding thereunder, may also provide for reinstatement of the note after the 90 day notice to cure has ended.

(e) A copy of the notice required by this section and an affidavit demonstrating compliance with this section shall be filed by the mortgagee, or anyone holding thereunder, in any action or proceeding to foreclose on such residential real property.

(f) A copy of the notice required by this section shall also be filed by the mortgagee, or anyone holding thereunder, with the commissioner of the division of banks. Additionally, if the residential property securing the mortgage loan is sold at a foreclosure sale, the mortgagee, or anyone holding thereunder, shall notify the commissioner of the division of banks, in writing, of the date of the foreclosure sale and the purchase price obtained at the sale.

SECTION 12. Section 2 of chapter 255E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 34 to 39, inclusive, the words “, or to any nonprofit agency or corporation incorporated under the laws of the commonwealth for the purpose of assisting low to moderate income households in the purchase or rehabilitation of family residences of four units or less and which holds tax-exempt status granted under the provisions of Section 501(c)(3) or 501(c)4 of the Internal Revenue Code”.

SECTION 13. Section 8 of said chapter 255E, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 8 paragraphs:-

The commissioner shall inspect a licensee’s relevant records and evidence of compliance with the provisions of this chapter or any rule or regulation issued hereunder and with any other law, rule or regulation applicable to the conduct of the business for which it is licensed under this chapter. For the purposes of such inspection, the commissioner or a representative of the commissioner shall have access to the offices and place of business, books, accounts, papers, records and files of all such licensees. The commissioner, and any person designated by him, may require the attendance and testimony of any person whom the commissioner deems necessary relative to the conduct and operation of such business. The total cost for any such inspection, which shall be paid by the licensee within 30 days after the receipt of an invoice therefore, shall be in accordance with fees determined annually by the commissioner of administration pursuant to section 3B of chapter 7, including expenses for necessary travel outside the commonwealth for the purposes of conducting such inspections.

During the course of such inspection, a mortgage lender that has made 50 or more home mortgage loans in the last calendar year shall be examined for its compliance with fair lending laws including, but not limited to, the requirements of the federal Equal Credit Opportunity Act, Home Mortgage Disclosure Act, and the Predatory Home Loan Practices Act. Such examination shall also include an evaluation of such mortgage lender’s: (a) origination of loans and other efforts to assist low and moderate income residents, without distinction, to be able to acquire or to remain in affordable housing at rates and terms that are reasonable considering the lender’s history with similarly situated borrowers, the availability of mortgage loan products suitable for such borrowers, and consistency with safe and sound business practices; (b) origination of loans and other efforts to assist low and moderate income residents’ ability to acquire or to remain in affordable housing; (c) origination of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing

units; (d) efforts working with delinquent residential mortgage customers to facilitate a resolution of the delinquency; and (e) other efforts, including public notice of the scheduling of examinations and the right of interested parties to submit written comments relative to any such examination to the commissioner, as, in the judgment of the commissioner, reasonably bear upon the extent to which a mortgage lender is complying with the requirements of fair lending laws and helping to meet the mortgage loan credit needs of communities in the commonwealth.

Upon the completion of such examination, the commissioner shall prepare a written evaluation of such lender's record of performance, which shall be open to public inspection upon request, and said written evaluation shall include: (a) the assessment factors utilized to determine the mortgage lender's descriptive rating; (b) the commissioner's conclusions with respect to each such assessment factor; (c) a discussion of the facts supporting such conclusions; and (d) the mortgage lender's descriptive rating and the basis therefor.

Based upon such examination, the mortgage lender shall be assigned 1 of the following descriptive ratings: (a) outstanding record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (b) high satisfactory record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (c) satisfactory record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (d) needs to improve record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; or (e) substantial noncompliance in meeting the mortgage loan credit needs of communities in the commonwealth.

Notwithstanding the foregoing, the commissioner may establish an alternative examination procedure for any mortgage lender, which, as of the most recent examination, has been assigned a rating of outstanding or high satisfactory for its record of performance in meeting its community mortgage loan credit needs.

In considering an application from a licensed mortgage lender for a renewal of a license issued pursuant to this chapter, the commissioner shall consider, but not be limited to, the record of performance of any such lender in accordance with this section. Said record of performance may provide the basis for the denial of any such renewal application.

For the purposes of this section, no mortgage lender may include a loan origination or loan purchase for consideration as part of its examination under this section if another mortgage lender claims the same loan origination or purchase for its review under this section or under section 14

of chapter 167.

The commissioner shall adopt regulations implementing the requirements of this section.

SECTION 14. Section 10 of said chapter 255E, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever violates section 2 or any rule or regulation promulgated thereunder shall be punished by a fine of not more than \$2,000 or by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in state prison for not more than 5 years, or both such fine and imprisonment.

SECTION 15. The General Laws are hereby amended by inserting after chapter 255E the following chapter:-

CHAPTER 255F. LICENSING OF MORTGAGE LOAN ORIGINATORS.

Section 1. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings:-

“Commissioner”, the commissioner of banks.

“Division”, the division of banks.

“Entity”, a person or entity that is a licensee under chapter 255E, as regulated by the division.

“Mortgage loan originator”, a natural person who:- (a) is employed by or associated with 1 and not more than 1 entity; and (b) negotiates, solicits, arranges, provides or accepts residential mortgage loan applications, or assists consumers in completing such applications, except that employees whose responsibilities are limited to clerical and administrative tasks and who do not solicit borrowers, accept applications or negotiate the terms of residential mortgage loans on behalf of the employer shall not be considered mortgage loan originators and do not require licenses.

“Mortgage loan”, a loan or an extension of credit including, but not limited to, an extension of credit pursuant to a contract or an assigned contract for the sale of goods or services, made to a natural person, the proceeds of which are to be used primarily for personal, family or household purposes, and which is secured wholly or partially by a mortgage on residential property.

“Residential property”, real property located in the commonwealth having thereon a dwelling house with accommodations for 4 or less separate households and occupied, or to be occupied, in whole or in part by the obligor on the mortgage debt.

Section 2. No natural person shall act as a mortgage loan originator unless such person has first obtained a mortgage loan originator license from the

commissioner. An entity shall not knowingly employ or retain a mortgage loan originator unless the mortgage loan originator is licensed under this chapter.

Section 3. (a) The application for a mortgage loan originator license shall be in the form prescribed by the commissioner and shall contain the name, address and license number of the entity with whom a mortgage loan originator is or will be employed or associated with and other information as the commissioner may require, including evidence of compliance with subsection (b). The application shall also include a description of the activities of the applicant, in such detail and for such periods as the commissioner may require, and such further information as the commissioner may require. The commissioner may obtain, pursuant to section 172J of chapter 6 all available criminal offender record information from the criminal history systems board on an applicant for a mortgage loan originator license by means of fingerprint checks, and from the Federal Bureau of Investigation for a national criminal history records check. The information obtained thereby may be used by the commissioner to determine the applicant's eligibility for licensing under this chapter. Receipt of criminal history record information by a private entity is prohibited. Each application for a license shall be accompanied by an investigation fee. Investigation and license fees shall be determined annually by the secretary of administration under section 3B of chapter 7, but such total annual fees shall be not less than \$500; provided, that such investigation and license fees shall not apply to any community development corporation as defined in section 1 of chapter 40F and organized under the General Laws.

(b) An applicant shall have completed a residential mortgage lending course, approved by the division, not later than the 2 year period immediately preceding the date of the application.

Section 4. If the commissioner finds that the financial responsibility, character, reputation, integrity and general fitness of the applicant is such as to warrant belief that the applicant will act honestly, fairly, soundly and efficiently in the public interest, consistent with the purposes of this chapter, the commissioner shall issue the applicant a license to engage in the business of a mortgage loan originator upon payment of the required fees. If the commissioner shall not so find, or if the applicant's criminal history demonstrates any felony convictions or other convictions or admissions to sufficient facts involving fraud or if the applicant has had any adverse civil judgments involving fraudulent dealings, the commissioner shall not issue a license and shall notify the applicant of the denial. Within 20 days thereafter, the commissioner shall enter upon the division's records a written decision and findings containing the reasons supporting the denial

and shall forthwith give written notice thereof by registered mail to the applicant. Within 30 days after receipt of such notice, the applicant may seek judicial review of the denial in accordance with section 14 of chapter 30A.

Section 5. A mortgage loan originator may transact business only for an employing entity. Each original license issued to a mortgage loan originator must be provided to and maintained by the employing entity at the entity's main office. If the employment of a mortgage loan originator is terminated, the employing entity shall return the mortgage loan originator's license to the division within 5 business days after termination. The reason for termination shall be given in a format determined by rules and regulations of the commissioner. For a period of 1 year after the termination of employment, the mortgage loan originator may request the re-assignment of the license to another entity by submitting an application to the division, along with a fee established by the division by rule. The return of the license of any mortgage loan originator to the division that is not re-assigned to another entity terminates the right of the mortgage loan originator to engage in any residential mortgage loan origination activity until division procedures have been followed to reactivate such license. The license of any mortgage loan originator that has been returned to the division and not re-assigned to another entity within 1 year of termination of employment shall be cancelled.

Each license shall state the name of the mortgage loan originator licensee and the name and main office address of the entity employing such mortgage loan originator.

The commissioner may establish an expedited re-assignment process of a mortgage loan originator's license to another entity if the reason for such re-assignment is directly related to increased responsibilities or compensation.

The commissioner may adopt, amend or repeal rules and regulations to aid in the administration and enforcement of this chapter.

Section 6. Each application for a license shall be accompanied by an investigation fee. Investigation and license fees shall be determined annually by the secretary of administration under section 3B of chapter 7 provided that such total annual fees shall be not less than \$500; provided further, that such investigation and license fees shall not apply to any community development corporation as defined in section 1 of chapter 40F and organized under the General Laws. The license of a mortgage loan originator shall expire annually. Each licensee, shall annually, on or before a date to be determined by the commissioner, submit a license renewal application. The license renewal application shall be on a form prescribed

by the commissioner, signed under the pains and penalties of perjury, containing such information as the commissioner may require.

As determined by the commissioner, licensees shall complete at least 8 hours of residential mortgage lending continuing education courses every 3 years. Failure of the licensee to satisfy the continuing education requirement shall render the mortgage loan originator ineligible for renewal and such license shall be deemed to be inactive. A mortgage loan originator who neglects to file an application or fails to amend the same within 15 days of notice from the commissioner directing that the application be amended shall be deemed inactive. Inactive mortgage loan originators shall be prohibited from engaging in business as a mortgage loan originator.

Section 7. The commissioner may suspend, revoke or refuse to renew any license issued pursuant to this chapter if the commissioner finds that:- (1) the licensee has violated this chapter or any rule or regulation adopted hereunder, or any other law applicable to the conduct of its business; (2) any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; or (3) the licensee has committed any fraud, misappropriated funds or misrepresented any of the material particulars of a mortgage loan transaction.

Except as provided in section 8, no license shall be revoked or suspended except after notice and a hearing thereon pursuant to chapter 30A. Any order issued pursuant to this section shall be subject to judicial review in accordance with section 14 of said chapter 30A.

A licensee may surrender his license by delivering to the commissioner written notice that he hereby surrenders such license, but such surrender shall not affect the civil or criminal liability of the licensee for acts committed before such surrender.

Section 8. (a) If the commissioner determines, after giving notice of and opportunity for a hearing, that a licensee has engaged in an act or practice constituting a violation of this chapter or a rule, regulation or order promulgated hereunder, the commissioner may order such licensee to cease and desist from such unlawful act or practice and take such affirmative action as in the commissioner's judgment will affect the purposes of this chapter.

(b) If the commissioner makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commissioner may issue a temporary cease and desist order. Upon the entry of a temporary cease and desist order, the commissioner shall

promptly notify, in writing, the licensee and the employing entity affected thereby that such order has been so entered, the reasons therefore, and that, within 20 days after the receipt of a written request from such licensee, the matter will be scheduled for hearing to determine whether such temporary order shall become permanent and final. If no such hearing is requested and none is ordered by the commissioner, the order shall remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after giving notice of and opportunity for a hearing to the licensee and the employing entity subject to said order shall, by written findings of fact and conclusions of law, vacate, modify or make permanent the order.

(c) No order issued pursuant to this section, except an order issued pursuant to subsection (b), may be entered without prior notice of and opportunity for a hearing. The commissioner may vacate or modify an order under this section upon finding that the conditions which required such an order have changed and that it is in the public interest to so vacate or modify.

Any order issued pursuant to this section shall be subject to judicial review in accordance with section 14 of chapter 30A.

Section 9. The commissioner may enforce this chapter, or restrain any violations thereof, by filing a civil action in any court of competent jurisdiction.

Section 10. Whoever violates section 2 or any rule or regulation promulgated thereunder shall be punished by a fine of not more than \$2,000 or by imprisonment in the house of correction for not more than 2 ½ or by imprisonment in state prison for not more than 5 years, or by both such fine and imprisonment. Each day such violation occurs or continues shall be deemed a separate offense. The penalty provision of this section shall be in addition to any other law applicable to a licensee or other person for violating section 2 or any rule or regulation made thereunder.

Section 11. (a) Whenever the commissioner finds that any licensee has violated this chapter or any rule or regulation promulgated thereunder, or any other law of the commonwealth applicable to the conduct of a mortgage loan originator on residential property in the commonwealth, the commissioner may, by order, in addition to any other action authorized under this chapter or any rule or regulation made thereunder, impose a penalty upon the person which shall not exceed \$5,000 for each violation up to a maximum of \$100,000 for such violation plus the costs of investigation. The commissioner may impose a penalty which shall not exceed \$5,000 for each violation of this chapter, or any rule or regulation

promulgated hereunder, by a person other than a licensee, plus the costs of investigation.

(b) Nothing in this section shall limit the right of any individual or entity who has been injured as a result of any violation of this chapter by a licensee, or any person other than a licensee, to bring an action to recover damages or restitution in a court of competent jurisdiction.

(c) Any findings or orders issued by the commissioner pursuant to this section shall be subject to review as provided in chapter 30A.

Section 12. (a) Whenever the commissioner determines that any person has, directly or indirectly, violated this chapter or any rule or regulation promulgated hereunder, applicable to the conduct of a mortgage loan originator on residential property in the commonwealth, any order issued by the commissioner pursuant to this chapter or any written agreement entered between the licensee and the commissioner, the commissioner may serve upon that person a written notice of intention:-

(1) to prohibit the person from performing in the capacity of a principal employee on behalf of any licensee for a period of time that the commissioner considers necessary;

(2) to prohibit the person from applying for or obtaining a license from the commissioner for a period up to 36 months following the effective date of an order issued under subsection (b) or (c); or

(3) to prohibit the person from any further participation, in any manner, as a mortgage loan originator in the commonwealth or to prohibit the person from being employed by, as agent of, or operating on behalf of a licensee under this chapter or any other business which requires a license from the commissioner.

(b) A written notice issued under subsection (a) shall contain a written statement of the facts that support the prohibition and shall give notice of an opportunity for a hearing to be held thereon. The hearing shall be fixed for a date not more than 30 days after the date of service upon the commissioner of the request for a hearing. If the person fails to submit a request for a hearing within 20 days of service of notice under subsection (a), or otherwise fails to appear in person or by a duly authorized representative, the party shall be considered to have consented to the issuance of an order of prohibition in accordance with the notice.

(c) In the event that consent is granted by operation of subsection (b), or if

after a hearing the commissioner finds that any of the grounds specified in the notice have been established, the commissioner may issue an order of prohibition in accordance with subsection (a) as the commissioner finds appropriate.

(d) An order issued under subsection (b) or (c) shall be effective upon service upon the person. The commissioner shall also serve a copy of the order upon the licensee of which the person is an employee or on whose behalf the person is performing. The order shall remain in effect and enforceable until it is modified, terminated, suspended or set aside by the commissioner or a court of competent jurisdiction.

(e) Except as consented to in writing by the commissioner, any person who, pursuant to an order issued under subsection (b) or (c), has been prohibited from participating in whole or in part as a mortgage loan originator may not, while the order is in effect, continue or commence to perform in the capacity of a mortgage loan originator, or otherwise participate in any manner, if so prohibited by order of the commissioner, in the conduct of the affairs of:-

- (1) any licensee under this chapter;
- (2) any other business which requires a license from the commissioner; or
- (3) any bank as defined under section 1 of chapter 167 or any subsidiary thereof.

Section 13. The commissioner may suspend, revoke or refuse to renew the license of the entity employing any licensed mortgage originator if the commissioner finds that: (a) the entity knew or should have known that the mortgage loan originator violated this chapter or any rule or regulation promulgated hereunder, or any other law applicable to the conduct of its business; (b) the entity knew of any fact or condition to exist which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; (c) the mortgage loan originator committed any fraud, misappropriated funds or misrepresented any of the material particulars of a mortgage loan transaction approved by the entity; or (d) The entity has failed to comply with the reporting requirements set forth in section 15.

Section 14. Each licensee shall, when directed by the commissioner, permit the commissioner or a duly authorized representative to inspect its relevant records and evidence of compliance with this chapter or any rule or regulation issued hereunder and with any other law, rule and regulation applicable to the conduct of a mortgage loan originator licensed under this chapter.

Section 15. An entity employing any licensed mortgage originator shall annually report the following to the commissioner of banks:- (1) the total number of loans originated by all such licensees; (2) the geographic distribution of such loans; (3) the number of defaults of such loans; and (4) any such other information the commissioner may require consistent with this chapter.

SECTION 16. The division of banks, in consultation with the city of Boston, the department of housing and community development, the Massachusetts Housing Finance Agency and the Massachusetts Bankers Association, shall develop a pilot program to identify best practices for financial institutions to provide first time homebuyer loans, to provide for foreclosure prevention for at-risk homeowners, and to assist approved counseling programs with in-person counseling pursuant to section 17B1/2 of chapter 184 of the General Laws, as provided for in item 7006-0011 in section 1. Such pilot program, shall also provide for best lending and borrowing practices for consumers and mortgagees in cities or towns with: (1) housing units within low or moderate income census tracts as defined by the United States census bureau; or (2) high foreclosure activity as measured by residential foreclosure petitions filed over the total number of 1 to 4 family housing units within such city or town. Such guidelines and counseling shall provide for best practices that: (a) attain a minimal risk of high cost lending; (b) have a demonstrated ability to avoid foreclosures; (c) have a demonstrated record of pricing that ensures uniformity of lending; (d) avoid a disparity of pricing in low and moderate income census tracts; and (e) maintain foreclosure prevention practices that meet or exceed standards met by government sponsored enterprises.

Such pilot program shall also provide for foreclosure training to 10 or more foreclosure education centers for counseling and assistance to owner-occupied 1 to 4 family dwellings in such geographic areas.

On or before December 31, 2008, the division of banks shall report the results of such pilot program to the general court.

SECTION 17. Notwithstanding any general or special law to the contrary, the division of banks shall open an investigation and study relative to a residential mortgage lending course examination process pursuant to subsection (b) of section 3 of chapter 255F of the General Laws. The division shall report to the general court the results of its investigation and study and its recommendations by filing the same with the clerks of the house of representatives and the senate, who shall forward the same to the chairmen of the joint committees on financial services and housing on or before December 1, 2008.

The commissioner of the division of banks shall adopt rules and regulations to produce an examination to be administered to mortgage loan originators upon completion of a residential mortgage lending course as provided under said chapter 255F. Such rules or regulations shall require that, after December 1, 2009, the commissioner shall administer such examination in the manner he deems appropriate for any applicant for a mortgage loan originator license who shall first pass such examination to be eligible to apply for a license under said chapter 255F.

SECTION 18. The commissioner of the division of banks shall adopt the initial rules and regulations required under section 17 not later than December 1, 2009.

SECTION 19. A natural person who meets the definition of a mortgage loan originator under section 1 of chapter 255F of the General Laws before the effective date of this act may obtain a mortgage loan originator license from the commissioner of banks pursuant to said chapter 255F within 180 days after said effective date, notwithstanding the requirements of subsection (b) of section 3 of said chapter 255F, if he submits an application therefor and otherwise complies with the requirements of said chapter 255F.

SECTION 20. Section 7 shall take effect on January 31, 2008.

SECTION 21. Section 11 shall take effect on May 1, 2008 and apply to all mortgages of residential real property located in the commonwealth consisting of a dwelling house with accommodations for 4 or less separate households and occupied in whole or in part by the mortgagor and which secures a loan before, on or after the effective date of this act. Said section 11 shall not apply to such mortgages accelerated or whose statutory condition has been voided under the terms of the mortgage to secure the note, prior to the effective date of this act.

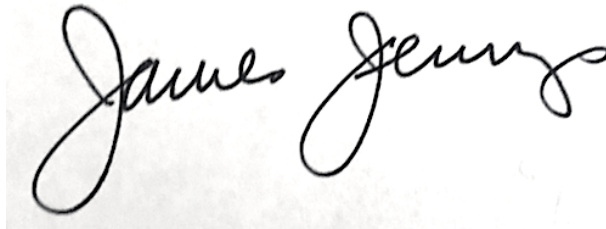
SECTION 22. Section 15 shall take effect on July 1, 2008.

Approved November 29, 2007.

CERTIFICATE OF COMPLIANCE WITH RULE 16(k) and 17

I hereby certify that the foregoing Amicus Brief complies, to the best of my knowledge and belief, with the rules of Court pertaining to filing of appellate briefs, including those specified in MRAP 16(k). While overlength by perhaps 10 pages given its evidence of structural racism and the public interest, your Amicus requests its acceptance. It is formatted in compliance with monospaced font, 12-point Courier, requirements.

I also certify that no party or party's counsel authored the brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting the brief; no person or entity – other than the amicus curiae – contributed money that was intended to fund preparing or submitting the brief; and nor does Amicus Curiae represent nor has Amicus represented one of the parties to the present appeal in another proceeding involving similar issues, nor was a party or represented a party in a proceeding or legal transaction that is at issue in this appeal,

A handwritten signature in black ink, reading "James J. Jones", is written over a light gray rectangular background. The signature is fluid and cursive, with the first name "James" and last name "Jones" clearly legible. Below the signature, there is a thin horizontal line.

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DATE: July 20, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of
the above and foregoing has been furnished on _____,
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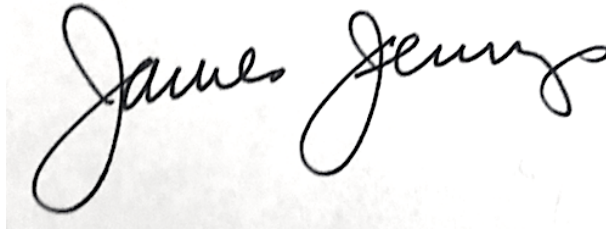
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