

LOCAL NEWS

March 29th, 2023

# AG's office averts evictions at Fenway rooming house

Avery Bleichfeld



The Massachusetts attorney general's office announced a settlement March 22 with the managers of Our Lady's Guild House, a Fenway single-room-occupancy apartment building that offers housing to women in Boston, in response to claims from long-time tenants that the managers of the property were discriminating based on age and disability.

Under the settlement, Our Lady's Guild House, Inc. (OLGH) and Marc Roos Realty (MRR), who own and manage the building, have to pay a combined \$115,000. The settlement also ensures that the seven long-time residents who brought discrimination suits against the building management on the basis of age and disability are permitted to continue to lease housing in the building for as long as they want. The settlement comes as OLGH attempts to sell the building.

According to a spokesperson for the attorney general's office, creating economic security for all Massachusetts residents is a top priority for Attorney General Andrea Campbell. In an email to the Banner, the spokesperson said Massachusetts should expect to see more actions from the attorney general's office addressing the housing crisis in the state.

Suits were brought by the long-time residents after they began to notice policies in the building were leading to the removal of older residents. The building management implemented new two-year residency limits and marketed the building online toward younger residents. Under the residency time limit, 81 women were forced out of their housing.

"I just saw that there was a bad worm eating away at what I thought was such a beautiful situation," said Lydia Eccles, who moved into Our Lady's Guild House in 2015.

When she first looked to rent an apartment in the building, she was almost turned away when the realtor found out she was 62 years old.

"That's the first time I ever felt old," Eccles said. "It was the first time I got scared about being my age."

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Residents brought a series of discrimination by disparate impact suits – under which they only had to prove the discriminatory effect, rather than intent – against the building’s management. According to a survey conducted by Eccles, between 2009 and 2019, the number of tenants older than 50 years old declined from 46 to eight. Meanwhile, the number of 18- to 29-year-old tenants increased from 16 to 85.

Eccles said the settlement is a “complete victory” but is advocating that the building continues to serve as single-room occupancy housing for women.

Margaret Turner, senior attorney at Greater Boston Legal Services, who represented Eccles and some of the other tenants, said that there is a need for safe affordable housing for women in Boston.

“Our clients are very happy about the settlement, but very concerned about the future of the property and would like to see the Our Lady’s Guild House continue on as [single-room occupancy housing] for women, including gender diverse people,” Turner said.

Under the terms of the settlement, the building, once sold, must continue to serve as affordable housing, but does not require that it continue to focus on serving women or to do so in the same style of housing as it currently is.

Fenway Community Development Corporation (Fenway CDC) and the Planning Office for Urban Affairs, organizations which, in partnership, are attempting to purchase the building. In a press release from the organizations, Mother Mary Janice Zdunczyk, Chair of the OLGH Board, said she looks forward to the building’s evolution.

Turner, meanwhile, said her clients don’t want to see the building change.

“Our clients would not like to see the property evolve; they would like to see the property preserved as it is,” Turner said. “It has been a very important part of the community in Fenway and is an extremely, vitally important asset for low-income women [and the gender diverse].”

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Fenway CDC and the Planning Office for Urban Affairs would preserve the building as

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“Most people don’t say, ‘Oh, I think I want to go live in a rooming house,’” Eccles said. “Most people go there because they have to, they’re in crisis. But they stay there because they realize that it’s a great place. It’s clean, it’s peaceful, there’s rules, and not having men there affords a kind of relaxation that you don’t have in the outside world where men tend to dominate the space that you’re in.”

As the building is currently constructed, each resident has a bedroom that serves as their private space, but many spend most of their time in the communal areas, including a shared dining room and kitchen, a large living area that is a remnant of the building’s days as a hotel, and a chapel that was built when the building was purchased by the Archdiocese to convert it into housing as Our Lady’s Guild House.

Eccles said that structure allows the women in the community to support each other in a unique way.

“It socially integrates people of all different populations that governmental programming segregates and isolates. What can be better for a woman in recovery than moving in next to an 84-year-old mother kind of figure who will be affectionate to her?” Eccles said.

Rich Giordano, director of policy and community planning for Fenway CDC, said the organizations are currently in the early part of the purchase process and specific plans for the building are still in development.

“While the plans currently are still in formation, clearly, we will comply with fair housing laws and comply with the attorney general’s requirements set in the press release and in the agreement with the seller, and we’ll also try to accommodate what the women want,” Giordano said. “It’s subject, of course, to financing, feasibility and whatever restrictions or directions the various funding sources put on us.”

Giordano said he estimates the sale will not be complete for about six to eight months, so plans for the building are a work in progress.

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“We’re going to have to have meetings with the residents, have meetings with funders, have meetings with lawyers,” Giordano said. “It’s difficult to say at this point what it’ll look like exactly, because there are a lot of constraints.”

Eccles said that she believes under Massachusetts charity law, the building should be transferred to another charity that will preserve the specific intended mission of the housing. Turner said this sort of transfer is how the charity division within the attorney general’s office has formerly handled similar situations, where a property is running successfully within a charitable mission and can continue to do so. According to guidelines published by the attorney general’s office, in the case of the dissolution of a charity, assets should be transferred to other organizations with “similar missions” under a doctrine called “cy pres” which means “as near as possible.”

Under state law, when a charitable organization sells a significant portion of its assets, the attorney general’s office must be notified, and the Massachusetts Supreme Judicial Court may have to approve the sale.

The settlement provides certain requirements for the space. Whether it remains as single resident occupancy housing or not, the property is required to host units restricted to various levels of income with an average of no more than 60% area median income. The settlement also requires that the building has a community space for residents to use.

But Eccles said that she thinks that to change from its current structure as single-room occupancy housing for women would be to lose a valuable resource the space provides.

“[When I moved in] I found myself not only getting support from other women ... but also being a support,” Eccles said. “That’s what a community is, and if this building is gutted and renovated and made into little self-contained units, ... it’s just wasting the power of community.”

**Andrea Campbell**, Fenway

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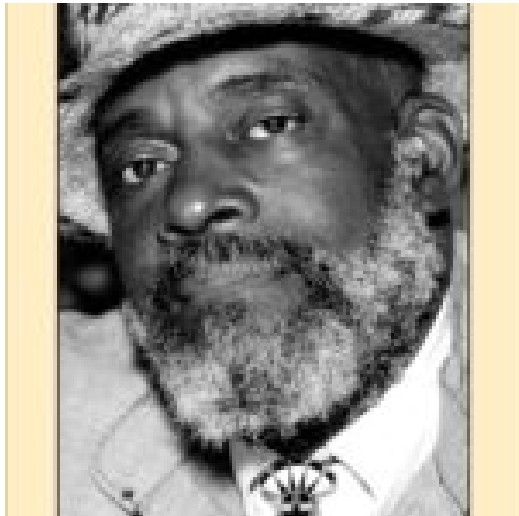




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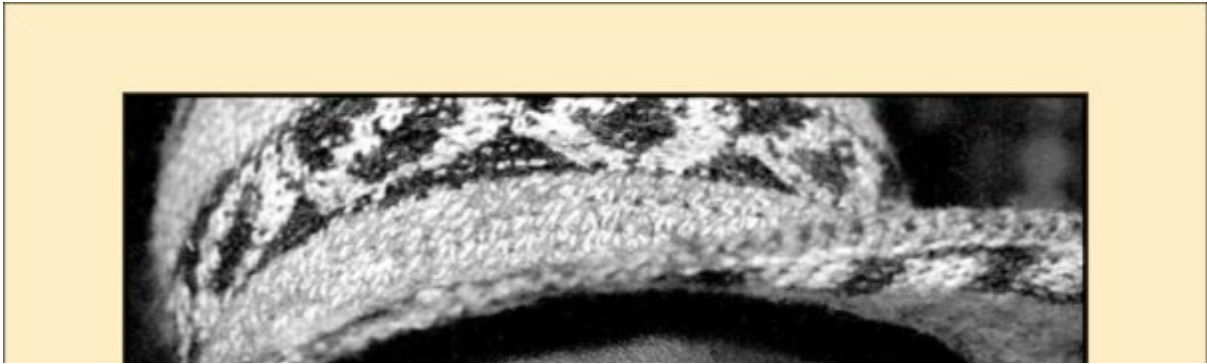
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