

SENATE No. 1120

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preventing discriminatory land use and permitting decisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/2/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 1120

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1120) of Sonia Chang-Diaz, Michael J. Barrett, James B. Eldridge and Marjorie C. Decker for legislation to prevent discriminatory land use and permitting decisions. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1059 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to preventing discriminatory land use and permitting decisions.

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

1 Section 4 of chapter 151B of the General Laws, as appearing in the 2014 Official Edition,
2 shall be amended by adding after paragraph 19(a) the following paragraph:-

3 20. For a local or state administrative, legislative or regulatory body or instrumentality to
4 engage in discriminatory land use practices. As used in this subsection, "discriminatory land use
5 practices" shall mean to enact or enforce any land use regulation, policy or ordinance, or to make
6 a permitting or funding decision with respect to housing or proposed housing, or to take other
7 actions the purpose or effect of which would limit or exclude (a) housing accommodations for
8 families or individuals with incomes at or below 80% of the area median income, as defined by
9 the U.S. Department of Housing and Urban Development; (b) housing accommodations with
10 sufficient bedrooms for families with children; or (c) families or individuals based on race, color,

11 religious creed, national origin, sex, gender identity, sexual orientation, which shall not include
12 persons whose sexual orientation involves minor children as the sex object, age, genetic
13 information, ancestry, marital status, veteran status or membership in the armed forces,
14 blindness, hearing impairment, or because such person possesses a trained dog guide as a
15 consequence of blindness or hearing impairment or other handicap of such person or persons,
16 disability condition, or familial status.

17 It shall not be a violation of this chapter if a local government entity whose action or
18 inaction has an unintended discriminatory effect proves that the action or inaction was motivated
19 and justified by a substantial, legitimate, non-discriminatory bona fide governmental interest, and
20 the complaining party cannot prove that those interests can be served by another practice that has
21 a less discriminatory effect.