

HOUSE No. 1747

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Housing Discrimination Against Victims of Domestic Violence, Rape, Sexual Assault and Stalking..

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

1 SECTION 1. Section 1 of chapter 151B of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by adding, after line 167, the following paragraphs;-

3 24. The term “domestic violence” shall have the same meaning as “abuse” as set forth in
4 section 1 of chapter 209A.

5 25. The term “rape” shall mean the commission of any act as set forth in section 22 of
6 chapter 265 or sections 2, 3 or 17 of chapter 272.

7 26. The term “sexual assault” shall mean the commission of any act as set forth in
8 sections 13F or 24 of chapter 265 or sections 3 or 17 of chapter 272.

9 27. The term “Stalking” shall mean the commission of any act as set forth in section 43 of
10 chapter 265.

11 SECTION 2. Subsection 3(c) of section 4 of chapter 151B of the General Laws, as so
12 appearing, is hereby amended by inserting, in line 138, after the word “age,” the following
13 words:-

14 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

15 SECTION 3. Subsection 6 (a) of section 4 of said chapter 151B, as so appearing, is
16 hereby amended by inserting, in line 165, after the words “or marital status of such person or
17 persons” the following words:-

18 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

19 SECTION 4. Subsection 6 (b) of section 4 of said chapter 151B, as so appearing, is
20 hereby further amended by inserting, in line 171, after the words “marital status” the following
21 words:-

22 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

23 SECTION 5. Subsection 6 (c) of section 4 of said chapter 151B, as so appearing, is
24 hereby further amended by inserting, in line 181, after the word “ancestry” the following words:-

25 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

26 SECTION 6: Subsection 7(a) of section 4 of chapter 151B, as so appearing, is hereby
27 amended by inserting, in line 228, after the words “marital status,” the following words:-

28 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

29 SECTION 7: Subsection 7(b) of section 4 of chapter 151B, as so appearing, is hereby
30 further amended by inserting, in line 236, after the words “marital status,” the following words:-

31 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

32 SECTION 8: Subsection 7(c) of section 4 of chapter 151B, as so appearing, is hereby
33 further amended by inserting, in line 245, after the words “marital status,” the following words:-

34 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

35 SECTION 9: Chapter 186 of the General Laws, as appearing in the 2004 Official
36 Edition, is hereby amended by adding after section 22 the following new section;-

37 186:23 Early termination of rental agreements;

38 Section 23. 1. For the purposes of this section the following words shall have the
39 following meanings:

40 "Domestic violence" shall have the same meaning as “abuse” as set forth in section 1 of
41 chapter 209A.

42 “Rape” shall mean the commission of any act as set forth in section 22 of chapter 265 or
43 sections 2, 3 or 17 of chapter 272.

44 “Sexual assault” shall mean the commission of any act as set forth in sections 13F or 24
45 of chapter 265 or sections 3 or 17 of chapter 272.

46 “Stalking” shall mean the commission of any act as set forth in section 43 of chapter 265.

47 "Qualified third party" shall mean a police officer, licensed medical care provider, an
48 employee of a court of the state acting in the course of his or her duties, member of the clergy,
49 attorney, social worker, licensed mental health professional or other licensed counselor, or

50 advocate working at an agency that assists victims of domestic violence, sexual assault, or
51 stalking.

52 2. (a) If a tenant notifies the landlord in writing that he or she is a victim of domestic
53 violence, rape, sexual assault or stalking, and either (a)(i), (ii), or (iii) of this subsection applies,
54 then subsection (3) of this section applies:

55 (i) The tenant has a valid order for protection under chapter 209A;

56 (ii) The tenant has notified a law enforcement officer of an act or acts of domestic
57 violence, rape, sexual assault or stalking; or

58 (iii) The tenant has consulted with a qualified third party and reported the domestic
59 violence, rape, sexual assault or stalking to the qualified third party.

60 (b) When a copy of the order for protection, police report, or verification of consultation
61 with or report to a qualified third party, as required under (a) of this subsection, is made available
62 to the landlord, the tenant may terminate the rental agreement and quit the premises without
63 further obligation under the rental agreement. However, the request to terminate the rental
64 agreement must occur within six months of the most recent acts, events, or circumstances that
65 gave rise to the protective order, report to a law enforcement officer, or consultation with or
66 report to a qualified third party. Verification of consultation with or reporting to a qualified third
67 party may consist of a signed statement of the qualified third party or a form routinely provided
68 by the qualified third party for completion by clients. This form must be in substantially the
69 following form:

70

71 Name of organization, agency, clinic, professional service provider]

72 I am a victim of . . . domestic violence as provided by section 1 of chapter 209A.

73 . . . rape as provided by section 22 of chapter 265 or sections 2, 3 or 17 of chapter 272.

74 . . . sexual assault as provided by sections 13F or 24 of chapter 265 or sections 3 or 17 of
75 chapter 272.

76 . . . stalking as provided by section 43 of chapter 265.

77

78 Signature

79 I have been provided with a copy of the statutes cited in subsection 2 of section 22 of this
80 act.

81 The incident(s) that I rely on in support of this declaration occurred on the following
82 date(s):

83 I state under penalty of perjury under the laws of the state of Massachusetts that the
84 foregoing is true and correct. Dated at.(city). ., Massachusetts, this . . . day of . . . , 20. ...
85

86 Signature

87 I verify that I have provided to the person whose signature appears above a copy of the
88 statutory language cited above and subsequently that individual informed me of his or her status
89 as a victim of domestic violence, rape, sexual assault or stalking on this . . . day of . . . , 20. ..

90

91 Signature of authorized officer/employee of (Organization, agency, clinic, professional
92 service provider)

93 3. A tenant who terminates a rental agreement under this section is discharged from the
94 payment of rent for any period following the quitting date, and is entitled to a pro rata refund of
95 any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of
96 the deposit together with any refund due. Other tenants who are parties to the rental agreement
97 are not released from their obligations under the rental agreement or other obligations under this
98 chapter.

99 4. (a) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter
100 into a rental agreement based on the tenant's or applicant's or a member of his or her household's
101 status as a victim of domestic violence, sexual assault or stalking, or based upon actions or
102 failure to act that resulted from domestic violence, sexual assault or stalking directed at the
103 tenant's or a member of his or her household's status as a victim of domestic violence, sexual
104 assault or stalking. A landlord shall not terminate a tenancy of a tenant who has provided
105 temporary shelter to a victim of domestic violence, sexual assault or stalking based upon alleged
106 unauthorized occupants. A landlord may not refuse to enter into a rental agreement based on the
107 tenant or applicant having terminated or having a history of having terminated a rental agreement
108 under subsection 2 of this section.

109 (b) A landlord who refuses to enter into a rental agreement or who terminates a tenancy
110 or refuses to enter into a new tenancy in violation of this section shall be liable to the tenant or

111 applicant in a civil action for damages sustained by the tenant or applicant. The tenant or
112 applicant may also recover court costs and reasonable attorneys' fees.

113 (c) This section does not prohibit adverse housing decisions based upon other lawful
114 factors within the landlord's knowledge.

115 5. (a) A tenant screening service provider may not include information in a written or oral
116 report to a landlord pertaining to domestic violence, rape, sexual assault or stalking; pertaining to
117 the fact that the subject of the report is a victim of domestic violence, rape, sexual assault or
118 stalking; or stating that the subject of the report has terminated a rental agreement under
119 subsection 2 of this section.

120 (b) A tenant screening service provider who violates this section shall be liable in a civil
121 action for damages sustained by the subject of the report. The subject of the report may recover
122 court costs and reasonable attorneys' fees.

123 (c) In any new action brought for possession of premises occupied for dwelling purposes
124 involving domestic violence, sexual assault, rape or stalking, the court, consistent with its
125 existing equitable authority, shall have the authority to craft an equitable solution which protects
126 the legitimate concerns of all parties.

127 SECTION 10: Chapter 239 section 2A of the General laws, as appearing in the 2004
128 Official Edition is hereby amended in line 14, at the end of the first sentence, by adding the
129 following :-

130 , or the tenant or a member of her or his household's taking any action pursuant to
131 chapter 209A or reporting to any law enforcement official or court official the violation of any

132 order issued pursuant to Chapter 209A or any act of abuse as set forth in section 8 of Chapter
133 209A directed against him or her. Further, no owner of residential property may retaliate against
134 any tenant or household member for having reported an assault to the police.