

**SENATE . . . . . No. 1010**

---

**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>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>

**SENATE . . . . . No. 1010**

By Ms. Chang-Diaz, petition (accompanied by bill, Senate, No. 1010) of Forry, Andrews, Balsler and other members of the General Court for legislation to prevent discriminatory land use and permitting decisions. [Joint Committee on Municipalities and Regional Government].

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

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 shall be amended by adding the  
2 following paragraph after paragraph 19(a):

3                   20. It shall be an unlawful discriminatory practice for a local or state  
4 government entity to discriminate in land use decisions or in the permitting of development  
5 based on race, color, religion, sex, national origin, disability condition, familial status, or, except  
6 as otherwise provided by law, the fact that a development or proposed development contains  
7 affordable housing units for families or individuals with incomes below 80 per cent of area  
8 median income. A local government is participating in an unlawful discriminatory practice if the  
9 local government was motivated in full, or in part, in its action or inaction on a land use decision  
10 or permitting of development by the fact that a development or proposed development contains  
11 affordable housing units for households with incomes below 80 per cent of area median income.

12 It shall not be a violation of this chapter if land use decisions or permitting of development is  
13 based on considerations of limiting unreasonably high concentrations of affordable housing. It

14 shall not be a violation of this chapter if a local government entity whose action or inaction has  
15 an unintended discriminatory effect proves that the action or inaction was motivated and justified  
16 by a legitimate, bona fide governmental interest.