

**SENATE . . . . . No. 929**

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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>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

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By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 929) of Sonia Chang-Diaz, Carlos Henriquez, Denise Provost, Denise Andrews and other members of the General Court for legislation to prevent discriminatory land use and permitting decisions. . Municipalities and Regional Government.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1010 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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 following  
2 paragraph after paragraph 19(a):

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