HOUSE DOCKET, NO. 2955 FILED ON: 1/20/2017

HOUSE . . . . . No. 2317

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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 to increase fair housing protections for domestic violence survivors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	*8th Suffolk*	*1/20/2017*
Daniel J. Hunt	*13th Suffolk*	*1/20/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/20/2017*
Elizabeth A. Malia	*11th Suffolk*	*1/20/2017*
Byron Rushing	*9th Suffolk*	*1/20/2017*

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HOUSE . . . . . No. 2317

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 2317) of Jay D. Livingstone and others relative to housing discrimination against domestic violence survivors. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to increase fair housing protections for domestic violence survivors.

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

SECTION 1. Section 1 of chapter 151B of the Massachusetts General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after paragraph 23 the following paragraph:-

24. The term "survivor of domestic violence" shall mean (a) any person who has been the victim of domestic violence as defined in section 23 of chapter 186; (b) the victim of abuse as defined in section 1 of chapter 209A; (c) the victim of rape as set forth in sections 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B of chapter 265 or sections 2, 3 or 17 of chapter 272; (d) the victim of sexual assault as set forth in sections 13B, 13B1/2, 13B3/4, 13F, 13H or 13K of chapter 265 or section 35A of chapter 272; or (e) the victim of stalking as set forth in section 43 of chapter 265 or criminal harassment as set forth in sections 43 or 43A of chapter 265.

SECTION 2. Section 4 of chapter 151B of the Massachusetts General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking the first sentence of subsection 3B and inserting in place thereof the following sentence:-

For any person whose business includes granting mortgage loans or engaging in residential real estate-related transactions to discriminate against any person in the granting of any mortgage loan or in making available such a transaction, or in the terms or conditions of such a loan or transaction, because of race, color, religion, sex, gender identity, sexual orientation which shall not include persons whose sexual orientation involves minor children as the sex object, children, status as a survivor of domestic violence, national origin, genetic information, ancestry, age or handicap.

SECTION 3. Section 4 of chapter 151B of the Massachusetts General Laws, as so appearing, is hereby further amended by striking the first sentence of subsection 6 and inserting in place thereof the following sentence:-

For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent of publicly assisted or multiple dwelling or contiguously located housing accommodations or other person having the right of ownership or possession or right to rent or lease, or sell or negotiate for the sale of such accommodations, or any agent or employee of such a person, or any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of persons such accommodations because of the race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status of

such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap, or because such person is a survivor of domestic violence; (b) to discriminate against any person because of his race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap in the terms, conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings of facilities and services in connection therewith, or because such a person possesses a trained dog guide as a consequence of blindness, or hearing impairment, or because such person is a survivor of domestic violence; (c) to cause to be made any written or oral inquiry or record concerning the race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry or marital status of the person seeking to rent or lease or buy any such accommodation, or concerning the fact that such person is a veteran or a member of the armed forces or because such person is blind or hearing impaired or has any other handicap, or because such person is a survivor of domestic violence.

SECTION 4. Section 4 of chapter 151B of the Massachusetts General Laws, as so appearing, is hereby further amended by striking the first sentence of subsection 7 and inserting in place thereof the following sentence:-

For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other covered housing accommodations or of land intended for the erection of any housing accommodation included under subsections 10, 11, 12, or 13 of section one, or other person

having the right of ownership or possession or right to rent or lease or sell, or negotiate for the sale or lease of such land or accommodations, or any agent or employee of such a person or any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or lease or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or group of persons such accommodations or land because of race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status, veteran status or membership in the armed forces, blindness, hearing impairment, or because such person possesses a trained dog guide as a consequence of blindness or hearing impairment or other handicap of such person or persons, or because such person is a survivor of domestic violence; (b) to discriminate against any person because of his race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status, veteran status or membership in the armed services, blindness, or hearing impairment or other handicap, or because such person possesses a trained dog guide as a consequence of blindness or hearing impairment in the terms, conditions or privileges of such accommodations or land or the acquisition thereof, or in the furnishing of facilities and services in the connection therewith, or because such person is a survivor of domestic violence; or (c) to cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, marital status, veteran status or membership in the armed services, blindness, hearing impairment or other handicap or because such person possesses a trained dog guide as a consequence of

blindness or hearing impairment, or status as a survivor of domestic violence of the person seeking to rent or lease or buy any such accommodation or land; provided, however, that this subsection shall not apply to the leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of which is occupied by the owner as his residence.

SECTION 5. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby further amended by striking subsection 7B and inserting in place thereof the following subsection:-

7B. For any person to make print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of multiple dwelling, contiguously located, publicly assisted or other covered housing accommodations that indicates any preference, limitation, or discrimination based on race, color, religion, sex, gender identity, sexual orientation which shall not include persons whose sexual orientation involves minor children as the sex object, national origin, genetic information, ancestry, children, marital status, public assistance recipiency, or handicap, or because such person is a survivor of domestic violence, or an intention to make any such preference, limitation or discrimination except where otherwise legally permitted.

SECTION 6. Section 9 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after the last paragraph the following:

In an action before the commission or a court with competent jurisdiction, a party claiming to be aggrieved under section 4 for discrimination on the basis of his or her status as a survivor of domestic violence shall be presumed for the purposes of establishing a prima facie case to be a survivor of domestic violence by producing any one of the following documents: (i)

a copy of a valid protection order under chapter 209A or obtained by the victim; (ii) written verification signed by an adult victim with the capacity to do so, describing the nature of the incidence(s) of domestic violence and/or abuse including the name of the victim and the perpetrator if known. This verification must be signed by the victim under the pains and penalties of perjury, that the incident described in such verification is true and warrants protection under this section; (iii) a record from a federal, state, or local court or law enforcement agency of an act of domestic violence or abuse and the name of the perpetrator if known; or (iv) documentation signed under the pains and penalties of perjury by the victim and a qualified third party describing the nature of the incidence(s) of domestic violence and/or abuse including the name of the victim and the perpetrator if known, and a statement that said description is true. "Qualified third party" shall mean (a) an employee, agent or volunteer of a victim service provider, (b) a medical professional, (c) an attorney, or (d) a mental health professional from whom the victim sought assistance relating to the domestic violence and/or abuse.