

**HOUSE . . . . . No. 2317**

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**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:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/20/2017</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>Byron Rushing</i>	<i>9th Suffolk</i>	

**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:*

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

4 24. The term “survivor of domestic violence” shall mean (a) any person who has been the  
5 victim of domestic violence as defined in section 23 of chapter 186; (b) the victim of abuse as  
6 defined in section 1 of chapter 209A; (c) the victim of rape as set forth in sections 22, 22A, 22B,  
7 22C, 23, 23A, 23B, 24 or 24B of chapter 265 or sections 2, 3 or 17 of chapter 272; (d) the victim  
8 of sexual assault as set forth in sections 13B, 13B1/2, 13B3/4, 13F, 13H or 13K of chapter 265 or  
9 section 35A of chapter 272; or (e) the victim of stalking as set forth in section 43 of chapter 265  
10 or criminal harassment as set forth in sections 43 or 43A of chapter 265.

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

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

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

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

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

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

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

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

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

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

86 7B. For any person to make print, or publish, or cause to be made, printed, or published  
87 any notice, statement or advertisement, with respect to the sale or rental of multiple dwelling,  
88 contiguously located, publicly assisted or other covered housing accommodations that indicates  
89 any preference, limitation, or discrimination based on race, color, religion, sex, gender identity,  
90 sexual orientation which shall not include persons whose sexual orientation involves minor  
91 children as the sex object, national origin, genetic information, ancestry, children, marital status,  
92 public assistance recipiency, or handicap, or because such person is a survivor of domestic  
93 violence, or an intention to make any such preference, limitation or discrimination except where  
94 otherwise legally permitted.

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

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

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