

HOUSE No. 3024

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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: | DATE ADDED: |
|----------------------------|--------------------------------|------------------|
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>1/20/2017</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | |

HOUSE No. 3024

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 3024) of Christine P. Barber and others that discriminatory land use practices of legislative or regulatory bodies or instrumentalities be considered unlawful. The Judiciary.

The Commonwealth of Massachusetts

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

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, as appearing in the 2014 Official Edition,
2 is hereby amended by adding the following paragraph:-

3 20. For a local or state administrative, legislative or regulatory body or instrumentality to
4 engage in a discriminatory land use practice. For the purposes of this paragraph, a
5 “discriminatory land use practice” shall mean: (i) enacting or enforcing any land use regulation,
6 policy or ordinance; (ii) making a permitting or funding decision with respect to housing or
7 proposed housing; or (iii) taking any other action the purpose or effect of which would make
8 unavailable or deny housing accommodations for families or individuals based on race, color,
9 religious creed, national origin, sex, gender identity, sexual orientation, which shall not include
10 persons whose sexual orientation involves minor children as the sex object, age, genetic
11 information, ancestry, marital status, veteran status or membership in the armed forces, familial
12 status, including families with children, disability condition, blindness, hearing impairment or

13 because a person possesses a trained dog guide as a consequence of blindness, hearing
14 impairment or other handicap, or because the housing or proposed housing consists of publicly
15 assisted housing accommodations or is expected to receive or serve tenants receiving federal,
16 state, or local housing subsidies, or because of any requirement of such public assistance, rental
17 assistance, or housing subsidy program.

18 It shall not be a violation of this chapter if a local government entity: (i) whose action or
19 inaction has an unintended discriminatory effect proves that the action or inaction was motivated
20 and justified by a substantial, legitimate, nondiscriminatory, bona fide governmental interest and
21 the complaining party is unable to prove that those interests can be served by any other practice
22 that has a less discriminatory effect; or (ii) demonstrates that it has consistently supported
23 housing described in (iii) above and that the entity's action or inaction was motivated and
24 justified by a substantial, legitimate nondiscriminatory bona fide governmental interest.