HOUSE No. 1344

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 promoting fair housing by preventing discrimination against affordable housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christine P. Barber	34th Middlesex	1/16/2019
Jennifer E. Benson	37th Middlesex	1/29/2019
Natalie M. Blais	1st Franklin	2/1/2019
Peter Capano	11th Essex	2/1/2019
Mike Connolly	26th Middlesex	1/31/2019
Daniel R. Cullinane	12th Suffolk	2/1/2019
Marjorie C. Decker	25th Middlesex	1/29/2019
Diana DiZoglio	First Essex	1/31/2019
Mindy Domb	3rd Hampshire	1/30/2019
James B. Eldridge	Middlesex and Worcester	1/29/2019
Carmine Lawrence Gentile	13th Middlesex	1/30/2019
Carlos González	10th Hampden	1/29/2019
James K. Hawkins	2nd Bristol	2/1/2019
Natalie M. Higgins	4th Worcester	1/29/2019
Daniel J. Hunt	13th Suffolk	1/30/2019
Patricia D. Jehlen	Second Middlesex	1/31/2019
Mary S. Keefe	15th Worcester	1/31/2019
Kay Khan	11th Middlesex	1/30/2019

Jack Patrick Lewis	7th Middlesex	1/31/2019
Elizabeth A. Malia	11th Suffolk	2/1/2019
Paul W. Mark	2nd Berkshire	2/1/2019
Liz Miranda	5th Suffolk	1/30/2019
James J. O'Day	14th Worcester	1/24/2019
Rebecca L. Rausch	Norfolk, Bristol and Middlesex	2/1/2019
David M. Rogers	24th Middlesex	1/31/2019
Lindsay N. Sabadosa	1st Hampshire	2/1/2019
José F. Tosado	9th Hampden	1/31/2019
Bud L. Williams	11th Hampden	1/30/2019

HOUSE No. 1344

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 1344) of Christine P. Barber and others relative to preventing discrimination against affordable housing. The Judiciary.

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-First General Court (2019-2020)

An Act promoting fair housing by preventing discrimination against affordable housing.

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

- SECTION 31. Section 4 of chapter 151B of the General Laws, as appearing in the 2016
- 2 Official Edition, 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 limit or
- 8 exclude: (a) housing accommodations for families or individuals with incomes at or below 80 per
- 9 cent of the area median income as defined by the United States Department of Housing and
- 10 Urban Development; (b) housing accommodations with sufficient bedrooms for families with
- children; or (c) families or individuals based on race, color, religious creed, national origin, sex,
- 12 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 forces, familial status, disability condition, blindness, hearing impairment or because a person possesses a trained dog guide as a consequence of blindness, hearing impairment or other handicap.

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