

SENATE No. 985

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 bullying in public housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>1/23/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/24/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/29/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/29/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/29/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/29/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/4/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/7/2019</i>

SENATE No. 985

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 985) of Joan B. Lovely, Paul F. Tucker, Michael O. Moore, Timothy R. Whelan and other members of the General Court for legislation relative to bullying in public housing. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to bullying in public housing.

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. Chapter 121B of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting, after section 32G, the following new section:-

3 Section 32G. (a) As used in this section, the following words shall have the following
4 meanings unless context clearly requires otherwise:

5 “Bullying,” the repeated use by one or more residents or employees of a covered
6 residential community of a written, verbal or electronic expression or a physical act or gesture or
7 any combination thereof, directed at a target who: (i) causes physical or emotional harm to the
8 target or damage to the target’s property; (ii) places the target in reasonable fear of harm to
9 himself or damage to his property; (iii) creates a hostile environment for the target; (iv) infringes
10 on the rights of target; or (v) materially and substantially disrupts the orderly operation of a
11 covered residential community. For the purposes of this section, bullying shall include but not be
12 limited to cyber-bullying, group or social bullying, and mobbing.

13 “Covered residential community,” a public or privately owned multifamily residential
14 housing development subsidized in whole or in part by the United States Department of Housing
15 and Urban Development or the commonwealth and serving elderly persons aged 55 or older or
16 persons with disabilities.

17 “Cyber-bullying,” bullying through the use of technology or any electronic
18 communication. Cyber-bullying shall include (i) the creation of a web page or blog in which the
19 creator assumes the identity of another person or (ii) the knowing impersonation of another
20 person as the author of posted content or messages if the creation or impersonation creates any of
21 the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber
22 bullying shall also include the distribution by electronic means of communication to more than
23 one person or the posting of material on an electronic medium that may be accessed by one or
24 more persons, if the distribution or posting creates any of the conditions enumerated in clauses
25 (i) to (v), inclusive, of the definition of bullying.

26 “Department,” the department of housing and community development.

27 “Group or social bullying,” is the attempt by several persons acting together to engage in
28 bullying conduct toward one or more targets by intentional, repeated, aggressive speech or action
29 capable of causing harm.

30 “Hostile environment,” a situation in which bullying causes the residential environment
31 to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to
32 interfere with a resident’s quiet enjoyment of tenancy or rights as a tenant.

33 “Mobbing,” is bullying that owner/managers or employees condone or take part in with
34 the purpose of demeaning the target and excluding the target from the social life, quiet
35 enjoyment of occupancy, or occupancy status in a covered residential community.

36 “Owner/manager,” the owner of a covered residential community or the property
37 manager or management agent responsible for overseeing a covered residential community.

38 “Perpetrator,” a person who engages in bullying or retaliation, or an owner/manager
39 whose employees engage in, support or condone bullying, group or social bullying, or mobbing.

40 “Protective service agency,” an entity that provide services necessary to prevent,
41 eliminate, or remedy bullying, harassment, mobbing, and hostile environment harassment on an
42 elderly person or a person with disability including, but not limited to, mental health, support and
43 advocacy services, and community organization services.

44 (b) The department, subject to appropriation, shall establish a statewide tenant protective
45 services ombuds program to provide resources to targets of bullying in covered residential
46 communities, including legal and other recourses available to targets of bullying and information
47 on relevant protective services agencies; monitoring and ensuring compliance with relevant
48 statutes, regulations, rules and policies pertaining to bullying in covered residential communities;
49 and receiving and referring complaints of bullying to the proper enforcement authority.

50 (c) The ombuds shall maintain and staff a hotline to receive reports of bullying in covered
51 residential communities. The hotline shall include, but may not be limited to, a monitored
52 telephone line, a monitored email address, and a monitored postal service address. Reports of
53 bullying received by the hotline shall be reviewed by and responded to in a timely manner.

54 (1) Any person may file a complaint of bullying where there is reasonable cause to
55 believe that an elderly or disabled person is suffering from bullying; has died as a result thereof;
56 has been or is threatened with unfair or illegal eviction; or is experiencing hostile environment.

57 (2) No person making a report shall be liable in any civil or criminal action by reason of
58 submitting a report if such report were made in good faith; provided, however, that no person
59 who abuses or bullies a targeted person shall be exempt from civil or criminal liability by reason
60 of reporting such abuse.

61 (3) Any person who makes a malicious and false report shall be punished by a fine of not
62 more than five hundred dollars.

63 (4) Any person who seeks to prevent good faith reports or to retaliate against a person
64 who makes or assists another in making such a report shall be punished by a fine of not more
65 than five hundred dollars. A victim of such interference or retaliation may file a complaint with
66 the tenant protective services ombuds and shall be protected from retaliation.

67 (d) Owner/managers and employees shall report all instances of bullying to the tenant
68 protective services ombuds program.

69 (e) The ombuds shall keep a record of all complaints of bullying received. Upon
70 recognition of a pattern or practice of bullying by a specific individual or at a specific covered
71 residential community, the ombuds shall refer the matter to the office of the attorney general.

72 (f) Owner/managers shall provide written notice to all tenants of their right to be free
73 from bullying and harassment. Such notice shall include the definition of bullying, the legal and

74 other recourses available to targets of bullying, and the tenant protective services ombuds hotline
75 information.

76 (g) The department shall promulgate regulations for the enforcement of this section.