

**SENATE . . . . . No. 781**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sonia Chang-Diaz***

*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:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/28/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/1/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>3/4/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/14/2019</i>

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By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 781) of Sonia Chang-Diaz, William N. Brownsberger, Mike Connolly, Jennifer E. Benson and other members of the General Court for legislation to promote fair housing by preventing discrimination against affordable housing. Housing.

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**The Commonwealth of Massachusetts**

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**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:*

1           SECTION 1. 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  
11 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

13 involves minor children as the sex object, age, genetic information, ancestry, marital status,  
14 veteran status or membership in the armed forces, familial status, disability condition, blindness,  
15 hearing impairment or because a person possesses a trained dog guide as a consequence of  
16 blindness, hearing impairment or other handicap.

17           It shall not be a violation of this chapter if a local or state government entity whose action  
18 or inaction has an unintended discriminatory effect proves that the action or inaction was  
19 motivated and justified by a substantial, legitimate, nondiscriminatory, bona fide governmental  
20 interest and the complaining party is unable to prove that those interests can be served by any  
21 other practice that has a less discriminatory effect.