

HOUSE No. 1655

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 increasing fair housing protections for victims of abusive behavior.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------------|-----------------------|------------------|
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> | <i>1/20/2023</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>1/25/2023</i> |

HOUSE No. 1655

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 1655) of Jay D. Livingstone and David Henry Argosky LeBoeuf relative to fair housing protections for victims of abusive behavior. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act increasing fair housing protections for victims of abusive behavior.

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 General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after paragraph 23 the following paragraph:-

3 24. The term “victim of abusive behavior” shall mean any person who is experiencing or
4 has experienced abusive behavior.

5 25. The term “abusive behavior” in this section shall mean (i) any behavior constituting
6 domestic violence; (ii) stalking in violation of section 43 of chapter 265; (iii) sexual assault,
7 which shall include a violation of sections 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23,
8 23A, 23B, 24, 24B, 26D, 50 or 51 of chapter 265 or sections 2, 3, or 35A of chapter 272; or (iv)
9 kidnapping in violation of the third paragraph of section 26 of chapter 265.

10 26. The term “domestic violence” in this section shall mean abuse against a person by (i)
11 the person’s current or former spouse; (ii) someone with whom the person shares a child in
12 common; (iii) someone with whom the person is or was cohabitating; (iv) someone with whom

13 the person is related by consanguinity, adoption, or marriage; (v) someone with whom the person
14 has or had an intimate, sexual, or romantic relationship or to whom the person is or was engaged
15 to be married; or (vi) someone with whom the person is in a guardianship relationship.

16 27. The term “abuse” in this section shall mean (i) attempting to cause or causing
17 physical harm; (ii) placing another in fear of imminent serious physical harm; (iii) causing
18 another to engage involuntarily in sexual relations by force, threat, or duress or engaging or
19 threatening to engage in sexual activity with a dependent child; (iv) engaging in psychological,
20 emotional, or mental abuse; (v) depriving another of health care, housing, food, or other
21 necessities of life; (vi) engaging in harassment as defined in section 1 of chapter 258E; or (vii)
22 restraining the liberty of another.

23 28. The term “psychological, emotional, or mental abuse” in this section shall mean a
24 pattern of threatening, humiliating, or intimidating actions that is designed to induce or likely to
25 induce fear or terror or to restrict another person’s ability to exercise free will or autonomy,
26 including but not limited to unreasonably engaging in any of the following as part of such a
27 pattern:

28 (i) Isolating another person from friends, family, or other sources of support;

29 (ii) Limiting another person’s access to or use of family or personal money or financial
30 resources;

31 (iii) Controlling, regulating, or monitoring the another person’s activities, movements,
32 communications, daily behavior, finances, economic resources, or access to services;

33 (iv) Belittling, degrading, or demeaning another person;

34 (v) Threatening to harm or kill another or another person's family member;

35 (vi) Threatening to publish personal or false information about another person or to make
36 false reports to law enforcement authorities about another person;

37 (vii) Damaging another person's property or household goods; or

38 (viii) Forcing another person to take part in criminal activity or child abuse.

39 SECTION 2. Section 4 of said chapter 151B, as so appearing, is hereby amended by
40 striking the first sentence of subsection 3B and inserting in place thereof the following sentence:-

41 For any person whose business includes granting mortgage loans or engaging in
42 residential real estate-related transactions to discriminate against any person in the granting of
43 any mortgage loan or in making available such a transaction, or in the terms or conditions of
44 such a loan or transaction, because of race, color, religion, sex, gender identity, sexual
45 orientation which shall not include persons whose sexual orientation involves minor children as
46 the sex object, children, status as a victim of abusive behavior, national origin, genetic
47 information, ancestry, age or handicap.

48 SECTION 3. Said section 4 of chapter 151B, as so appearing, is hereby further amended
49 by striking the first sentence of subsection 6 and inserting in place thereof the following
50 sentence:-

51 For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent
52 of publicly assisted or multiple dwelling or contiguously located housing accommodations or
53 other person having the right of ownership or possession or right to rent or lease, or sell or
54 negotiate for the sale of such accommodations, or any agent or employee of such a person, or

55 any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or
56 lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of
57 persons such accommodations because of the race, religious creed, color, national origin, sex,
58 gender identity, sexual orientation, which shall not include persons whose sexual orientation
59 involves minor children as the sex object, age, genetic information, ancestry, or marital status of
60 such person or persons or because such person is a veteran or member of the armed forces, or
61 because such person is blind, or hearing impaired or has any other handicap, or because such
62 person is a victim of abusive behavior; (b) to discriminate against any person because of his race,
63 religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not
64 include persons whose sexual orientation involves minor children as the sex object, age,
65 ancestry, or marital status or because such person is a veteran or member of the armed forces, or
66 because such person is blind, or hearing impaired or has any other handicap in the terms,
67 conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings
68 of facilities and services in connection therewith, or because such a person possesses a trained
69 dog guide as a consequence of blindness, or hearing impairment, or because such person is a
70 victim of abusive behavior; (c) to cause to be made any written or oral inquiry or record
71 concerning the race, religious creed, color, national origin, sex, gender identity, sexual
72 orientation, which shall not include persons whose sexual orientation involves minor children as
73 the sex object, age, genetic information, ancestry or marital status of the person seeking to rent or
74 lease or buy any such accommodation, or concerning the fact that such person is a veteran or a
75 member of the armed forces or because such person is blind or hearing impaired or has any other
76 handicap, or because such person is a victim of abusive behavior.

77 SECTION 4. Said section 4 of chapter 151B, as so appearing, is hereby further amended
78 by striking the first sentence of subsection 7 and inserting in place thereof the following
79 sentence:-

80 For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other
81 covered housing accommodations or of land intended for the erection of any housing
82 accommodation included under subsections 10, 11, 12, or 13 of section one, or other person
83 having the right of ownership or possession or right to rent or lease or sell, or negotiate for the
84 sale or lease of such land or accommodations, or any agent or employee of such a person or any
85 organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or
86 lease or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or
87 group of persons such accommodations or land because of race, color, religious creed, national
88 origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual
89 orientation involves minor children as the sex object, age, genetic information, ancestry, or
90 marital status, veteran status or membership in the armed forces, blindness, hearing impairment,
91 or because such person possesses a trained dog guide as a consequence of blindness or hearing
92 impairment or other handicap of such person or persons, or because such person is a victim of
93 abusive behavior; (b) to discriminate against any person because of his race, color, religious
94 creed, national origin, sex, gender identity, sexual orientation, which shall not include persons
95 whose sexual orientation involves minor children as the sex object, age, genetic information,
96 ancestry, or marital status, veteran status or membership in the armed services, blindness, or
97 hearing impairment or other handicap, or because such person possesses a trained dog guide as a
98 consequence of blindness or hearing impairment, or because such person is a victim of abusive
99 behavior in the terms, conditions or privileges of such accommodations or land or the acquisition

100 thereof, or in the furnishing of facilities and services in the connection therewith; or (c) to cause
101 to be made any written or oral inquiry or record concerning the race, color, religious creed,
102 national origin, sex, gender identity, sexual orientation, which shall not include persons whose
103 sexual orientation involves minor children as the sex object, age, genetic information, ancestry,
104 marital status, veteran status or membership in the armed services, blindness, hearing impairment
105 or other handicap or because such person possesses a trained dog guide as a consequence of
106 blindness or hearing impairment, or status as a victim of abusive behavior of the person seeking
107 to rent or lease or buy any such accommodation or land; provided, however, that this subsection
108 shall not apply to the leasing of a single apartment or flat in a two family dwelling, the other
109 occupancy unit of which is occupied by the owner as his residence.

110 SECTION 5. Said section 4 of chapter 151B, as so appearing, is hereby further amended
111 by striking subsection 7B and inserting in place thereof the following subsection:-

112 7B. For any person to make print, or publish, or cause to be made, printed, or published
113 any notice, statement or advertisement, with respect to the sale or rental of multiple dwelling,
114 contiguously located, publicly assisted or other covered housing accommodations that indicates
115 any preference, limitation, or discrimination based on race, color, religion, sex, gender identity,
116 sexual orientation which shall not include persons whose sexual orientation involves minor
117 children as the sex object, national origin, genetic information, ancestry, children, marital status,
118 public assistance reciprocity, handicap, or status as a victim of abusive behavior or an intention to
119 make any such preference, limitation or discrimination except where otherwise legally permitted.

120 SECTION 6. Section 9 of said chapter 151B, as so appearing, is hereby amended by
121 inserting after the last paragraph the following:

122 In an action before the commission or a court with competent jurisdiction, a party
123 claiming to be aggrieved under section 4 for discrimination on the basis of his or her status as a
124 victim of abusive behavior shall be presumed for the purposes of establishing a prima facie case
125 to be a victim of abusive behavior by producing any one of the following documents: (1) A
126 protective order, or an order of equitable relief or other documentation, issued by a court of
127 competent jurisdiction as a result of such abusive behavior, including but not limited to an order
128 issued pursuant to chapter 209A or chapter 258E; (2) A document under the letterhead of a court,
129 public agency, or social service, health care, or other service provider that the victim of such
130 abusive behavior attended for the purposes of acquiring assistance as it relates to the abusive
131 behavior;

132 (3) A police report or statement of a victim or witness provided to police, including a
133 police incident report, documenting such abusive behavior; (4) Documentation that the
134 perpetrator of such abusive behavior has been convicted of, has been adjudicated a juvenile
135 delinquent by reason of, or has admitted to sufficient facts to support a finding of guilt of any
136 offense constituting such abusive behavior; (5) Documentation of health care treatment as a
137 result of such abusive behavior; (6) A sworn statement, signed under the penalties of perjury,
138 provided by a counselor, social worker, health care worker, member of the clergy, shelter
139 worker, legal advocate, or other professional who has assisted the victim of such abusive
140 behavior in addressing the effects of such abusive behavior; (7) A sworn statement, signed under
141 the penalties of perjury, from the victim of such abusive behavior attesting to such abusive
142 behavior; or (8) Any other form of documentation or relevant evidence that reasonably
143 corroborates or certifies that the employee, prospective employee, or family member of the
144 employee or prospective employee is a victim of abusive behavior.