

SENATE No. 2980

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—

SENATE, March 9, 2026.

The committee on Housing to whom was referred the petition (accompanied by bill, Senate, No. 965) of Julian Cyr for legislation to promote fair housing by preventing discrimination against affordable housing, report the accompanying bill (Senate, No. 2980).

For the committee,
Julian Cyr

SENATE No. 2980

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act promoting fair and 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 31 of Chapter 23B, as appearing in the 2024 Official Edition, is
2 hereby amended by inserting the following clause:-

3 (v) Enforcing discriminatory land use practices under section 31A.

4 SECTION 2. Chapter 23B is hereby amended by inserting the following new section:-

5 Section 31A. Discriminatory land use enforcement

6 (a) It shall be an unlawful practice for any public board or body to engage in
7 discriminatory land use practices. For the purposes of this section, a “discriminatory land use
8 practice” shall mean any action or inaction, including but not limited to the enforcement of land
9 use ordinances or bylaws and permitting and funding decisions, with the purpose or effect of
10 limiting or excluding: (1) housing accommodations for families or individuals with incomes at or
11 below 80 per cent of the area median income as defined by the United States Department of
12 Housing and Urban Development; (2) housing accommodations sufficient for families with

13 children including those with more than two bedrooms; or (3) families or individuals based on
14 race, color, religious creed, national origin, sex, gender identity, sexual orientation, age, genetic
15 information, ancestry, marital status, veteran status or membership in the armed forces, familial
16 status, disability condition, blindness, hearing impairment or because a person possesses a
17 trained dog guide as a consequence of blindness, hearing impairment or other handicap.

18 (b) The office of fair housing shall receive, investigate and pass upon complaints of
19 unlawful practices alleging discriminatory land use practices. The office may, in fulfilling
20 requirements under this section, establish and maintain offices within the commonwealth; meet
21 and function at any place within the commonwealth; appoint attorneys, investigators, clerks, and
22 other employees or agents and prescribe their duties; fix their compensation within the
23 limitations provided by law; adopt, promulgate, amend, and rescind rules, regulations, and
24 procedural guidelines necessary to carry out the provisions of this section; and hold hearings,
25 subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person
26 under oath, and in connection therewith, to require the production for examination of any books
27 or papers relating to any matter under investigation or in question before the commission.

28 (c) Any person claiming to be aggrieved by an alleged discriminatory land use practice
29 may submit a verified complaint in writing to the office. The attorney general may, in like
30 manner, file such complaint. After the filing of any complaint, the office shall investigate and
31 determine whether probable cause exists for crediting the allegations of the complaint. If the
32 office determines, after such investigation or preliminary hearing that probable cause exists for
33 crediting the allegations of a complaint relative to a discriminatory land use practice, the office
34 shall immediately serve notice upon the complainant and respondent of their right to elect
35 judicial determination of the complaint. If any complainant or respondent elects judicial

36 determination under this subsection, the office shall authorize, and not later than 30 days after
37 the election is made, the attorney general shall commence and maintain, a civil action on behalf
38 of the complainant in the superior court for the county in which the unlawful practice occurred.
39 Any complainant may intervene as of right in said civil action. If the court in such civil action
40 finds that a discriminatory land use practice has occurred, the court may grant any relief which a
41 court could grant with respect to such discriminatory land use practice in a civil action.

42 (d) It shall not be a violation of this chapter if a person whose action or inaction has an
43 unintended discriminatory effect; provided, that the action or inaction was motivated and
44 justified by a substantial, legitimate, nondiscriminatory, bona fide governmental interest and that
45 said interests cannot be served by any other policy or practice that has a less discriminatory
46 effect.

47 SECTION 3. The executive office of housing and livable communities shall promulgate
48 regulations pursuant to section 31A of chapter 23B, as inserted by section 2 of this act, within
49 two years of the passage of this act.

50 SECTION 4. Sections 1 and 2 shall take effect two years after the passage of this act.