

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

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

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 Massachusetts

**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 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
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; or (ii) demonstrates that it has consistently
22 supported housing described in (iii) above and that the entity's action or inaction was motivated
23 and justified by a substantial, legitimate nondiscriminatory bona fide governmental interest.