

HOUSE No. 1747

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

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 passage of the accompanying bill:

An Act Relative to Housing Discrimination Against Victims of Domestic Violence, Rape, Sexual Assault and Stalking.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christine E. Canavan	10th Plymouth
John D. Keenan	7th Essex
Peter v. Kocot	1st Hampshire
Pam Richardson	6th Middlesex
Ellen Story	3rd Hampshire
Denise Provost	27th Middlesex
Tom Sannicandro	7th Middlesex
Martha M. Walz	8th Suffolk
Cory Atkins	14th Middlesex
Linda Dorcena Forry	12th Suffolk
Lida E. Harkins	13th Norfolk
Kay Khan	11th Middlesex
Barbara A. L'Italien	18th Essex
Sarah K. Peake	4th Barnstable
James B. Eldridge	Middlesex and Worcester
Ruth B. Balser	12th Middlesex
Steven J. D'Amico	4th Bristol
Jennifer M. Callahan	18th Worcester

Elizabeth A. Malia	11th Suffolk
Anne M. Gobi	5th Worcester
Mary E. Grant	6th Essex
Kay Khan	11th Middlesex
William Lantigua	16th Essex
Frank I. Smizik	15th Norfolk
Alice K. Wolf	25th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 755 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO HOUSING DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT AND STALKING.

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 2004 Official
2 Edition, is hereby amended by adding, after line 167, the following paragraphs;-
- 3 24. The term “domestic violence” shall have the same meaning as “abuse” as set forth in section
4 1 of chapter 209A.
- 5 25. The term “rape” shall mean the commission of any act as set forth in section 22 of chapter
6 265 or sections 2, 3 or 17 of chapter 272.
- 7 26. The term “sexual assault” shall mean the commission of any act as set forth in sections 13F
8 or 24 of chapter 265 or sections 3 or 17 of chapter 272.
- 9 27. The term “Stalking” shall mean the commission of any act as set forth in section 43 of
10 chapter 265.

11 SECTION 2. Subsection 3(c) of section 4 of chapter 151B of the General Laws, as so appearing,
12 is hereby amended by inserting, in line 138, after the word “age,” the following words:-

13 “status as a victim of domestic violence, rape, sexual assault, or stalking.”

14 SECTION 3. Subsection 6 (a) of section 4 of said chapter 151B, as so appearing, is hereby
15 amended by inserting, in line 165, after the words “or marital status of such person or persons”
16 the following words:-

17 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

18 SECTION 4. Subsection 6 (b) of section 4 of said chapter 151B, as so appearing, is hereby
19 further amended by inserting, in line 171, after the words “marital status” the following words:-

20 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

21 SECTION 5. Subsection 6 (c) of section 4 of said chapter 151B, as so appearing, is hereby
22 further amended by inserting, in line 181, after the word “ancestry” the following words:-

23 “or status as a victim of domestic violence, rape, sexual assault, or stalking”

24 SECTION 6: Subsection 7(a) of section 4 of chapter 151B, as so appearing, is hereby amended
25 by inserting, in line 228, after the words “marital status,” the following words:-

26 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

27 SECTION 7: Subsection 7(b) of section 4 of chapter 151B, as so appearing, is hereby further
28 amended by inserting, in line 236, after the words “marital status,” the following words:-

29 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

30 SECTION 8: Subsection 7(c) of section 4 of chapter 151B, as so appearing, is hereby further
31 amended by inserting, in line 245, after the words “marital status,” the following words:-

32 “status as a victim of domestic violence, rape, sexual assault, or stalking,”

33 SECTION 9: Chapter 186 of the General Laws, as appearing in the 2004 Official Edition, is
34 hereby amended by adding after section 22 the following new section;-

35 186:23 Early termination of rental agreements;

36 Section 23. 1. For the purposes of this section the following words shall have the following
37 meanings:

38 "Domestic violence" shall have the same meaning as “abuse” as set forth in section 1 of chapter
39 209A.

40 “Rape” shall mean the commission of any act as set forth in section 22 of chapter 265 or sections
41 2, 3 or 17 of chapter 272.

42 “Sexual assault” shall mean the commission of any act as set forth in sections 13F or 24 of
43 chapter 265 or sections 3 or 17 of chapter 272.

44 “Stalking” shall mean the commission of any act as set forth in section 43 of chapter 265.

45 "Qualified third party" shall mean a police officer, licensed medical care provider, an employee
46 of a court of the state acting in the course of his or her duties, member of the clergy, attorney,

47 social worker, licensed mental health professional or other licensed counselor, or advocate
48 working at an agency that assists victims of domestic violence, sexual assault, or stalking.

49 2. (a) If a tenant notifies the landlord in writing that he or she is a victim of domestic violence,
50 rape, sexual assault or stalking, and either (a)(i), (ii), or (iii) of this subsection applies, then
51 subsection (3) of this section applies:

52 (i) The tenant has a valid order for protection under chapter 209A;

53 (ii) The tenant has notified a law enforcement officer of an act or acts of domestic violence, rape,
54 sexual assault or stalking; or

55 (iii) The tenant has consulted with a qualified third party and reported the domestic violence,
56 rape, sexual assault or stalking to the qualified third party.

57 (b) When a copy of the order for protection, police report, or verification of consultation with or
58 report to a qualified third party, as required under (a) of this subsection, is made available to the
59 landlord, the tenant may terminate the rental agreement and quit the premises without further
60 obligation under the rental agreement. However, the request to terminate the rental agreement
61 must occur within six months of the most recent acts, events, or circumstances that gave rise to
62 the protective order, report to a law enforcement officer, or consultation with or report to a
63 qualified third party. Verification of consultation with or reporting to a qualified third party may
64 consist of a signed statement of the qualified third party or a form routinely provided by the
65 qualified third party for completion by clients. This form must be in substantially the following
66 form:

67

68 Name of organization, agency, clinic, professional service provider]

69 I am a victim of . . . domestic violence as provided by section 1 of chapter 209A.

70 . . . rape as provided by section 22 of chapter 265 or sections 2, 3 or 17 of chapter 272.

71 . . . sexual assault as provided by sections 13F or 24 of chapter 265 or sections 3 or 17 of chapter
72 272.

73 . . . stalking as provided by section 43 of chapter 265.

74

75 Signature

76 I have been provided with a copy of the statutes cited in subsection 2 of section 22 of this act.

77 The incident(s) that I rely on in support of this declaration occurred on the following date(s): . . .

78

79 I state under penalty of perjury under the laws of the state of Massachusetts that the foregoing is

80 true and correct. Dated at.(city). ., Massachusetts, this . . . day of, 20.

81 Signature

82 I verify that I have provided to the person whose signature appears above a copy of the statutory
83 language cited above and subsequently that individual informed me of his or her status as a
84 victim of domestic violence, rape, sexual assault or stalking on this . . . day of . . . , 20. ..

85

86 Signature of authorized officer/employee of (Organization, agency, clinic, professional service
87 provider)

88 3. A tenant who terminates a rental agreement under this section is discharged from the payment
89 of rent for any period following the quitting date, and is entitled to a pro rata refund of any
90 prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the
91 deposit together with any refund due. Other tenants who are parties to the rental agreement are
92 not released from their obligations under the rental agreement or other obligations under this
93 chapter.

94 4. (a) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a
95 rental agreement based on the tenant's or applicant's or a member of his or her household's status
96 as a victim of domestic violence, sexual assault or stalking, or based upon actions or failure to
97 act that resulted from domestic violence, sexual assault or stalking directed at the tenant's or a
98 member of his or her household's status as a victim of domestic violence, sexual assault or
99 stalking. A landlord shall not terminate a tenancy of a tenant who has provided temporary
100 shelter to a victim of domestic violence, sexual assault or stalking based upon alleged
101 unauthorized occupants. A landlord may not refuse to enter into a rental agreement based on the

102 tenant or applicant having terminated or having a history of having terminated a rental agreement
103 under subsection 2 of this section.

104 (b) A landlord who refuses to enter into a rental agreement or who terminates a tenancy or
105 refuses to enter into a new tenancy in violation of this section shall be liable to the tenant or
106 applicant in a civil action for damages sustained by the tenant or applicant. The tenant or
107 applicant may also recover court costs and reasonable attorneys' fees.

108 (c) This section does not prohibit adverse housing decisions based upon other lawful factors
109 within the landlord's knowledge.

110 5. (a) A tenant screening service provider may not include information in a written or oral report
111 to a landlord pertaining to domestic violence, rape, sexual assault or stalking; pertaining to the
112 fact that the subject of the report is a victim of domestic violence, rape, sexual assault or
113 stalking; or stating that the subject of the report has terminated a rental agreement under
114 subsection 2 of this section.

115 (b) A tenant screening service provider who violates this section shall be liable in a civil action
116 for damages sustained by the subject of the report. The subject of the report may recover court
117 costs and reasonable attorneys' fees.

118 (c) In any new action brought for possession of premises occupied for dwelling purposes
119 involving domestic violence, sexual assault, rape or stalking, the court, consistent with its
120 existing equitable authority, shall have the authority to craft an equitable solution which protects
121 the legitimate concerns of all parties.

122 SECTION 10: Chapter 239 section 2A of the General laws, as appearing in the 2004 Official
123 Edition is hereby amended in line 14, at the end of the first sentence, by adding the following :-

124 , or the tenant or a member of her or his household's taking any action pursuant to
125 chapter 209A or reporting to any law enforcement official or court official the violation of any
126 order issued pursuant to Chapter 209A or any act of abuse as set forth in section 8 of Chapter
127 209A directed against him or her. Further, no owner of residential property may retaliate against
128 any tenant or household member for having reported an assault to the police.