

HOUSE No. 3363

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 domestic violence survivors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>

HOUSE No. 3363

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 3363) of Jay D. Livingstone and others relative housing discriminate for domestic violence survivors. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act increasing fair housing protections for domestic violence survivors.

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 “survivor of domestic violence” shall mean (a) any person who has been the
4 victim of domestic violence as defined in section 23 of chapter 186; (b) the victim of abuse as
5 defined in section 1 of chapter 209A; (c) the victim of rape as set forth in sections 22, 22A, 22B,
6 22C, 23, 23A or 23B of chapter 265 or sections 2, 3 or 17 of chapter 272; (d) the victim of
7 assault with intent to commit rape as set forth in sections 24 or 24B of chapter 265; (e) the victim
8 of sexual assault as set forth in sections 13B, 13B1/2, 13B3/4, 13F or 13H of chapter 265 or
9 section 35A of chapter 272; (f) the victim of stalking as set forth in section 43 of chapter 265; or
10 (g) the victim of criminal harassment as set forth in section 43A of chapter 265.

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

13 For any person whose business includes granting mortgage loans or engaging in
14 residential real estate-related transactions to discriminate against any person in the granting of
15 any mortgage loan or in making available such a transaction, or in the terms or conditions of
16 such a loan or transaction, because of race, color, religion, sex, gender identity, sexual
17 orientation which shall not include persons whose sexual orientation involves minor children as
18 the sex object, children, status as a survivor of domestic violence, national origin, genetic
19 information, ancestry, age or handicap.

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

23 For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent
24 of publicly assisted or multiple dwelling or contiguously located housing accommodations or
25 other person having the right of ownership or possession or right to rent or lease, or sell or
26 negotiate for the sale of such accommodations, or any agent or employee of such a person, or
27 any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or
28 lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of
29 persons such accommodations because of the race, religious creed, color, national origin, sex,
30 gender identity, sexual orientation, which shall not include persons whose sexual orientation
31 involves minor children as the sex object, age, genetic information, ancestry, or marital status of
32 such person or persons or because such person is a veteran or member of the armed forces, or
33 because such person is blind, or hearing impaired or has any other handicap, or because such
34 person is a survivor of domestic violence; (b) to discriminate against any person because of his
35 race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall

36 not include persons whose sexual orientation involves minor children as the sex object, age,
37 ancestry, or marital status or because such person is a veteran or member of the armed forces, or
38 because such person is blind, or hearing impaired or has any other handicap in the terms,
39 conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings
40 of facilities and services in connection therewith, or because such a person possesses a trained
41 dog guide as a consequence of blindness, or hearing impairment, or because such person is a
42 survivor of domestic violence; (c) to cause to be made any written or oral inquiry or record
43 concerning the race, religious creed, color, national origin, sex, gender identity, sexual
44 orientation, which shall not include persons whose sexual orientation involves minor children as
45 the sex object, age, genetic information, ancestry or marital status of the person seeking to rent or
46 lease or buy any such accommodation, or concerning the fact that such person is a veteran or a
47 member of the armed forces or because such person is blind or hearing impaired or has any other
48 handicap, or because such person is a survivor of domestic violence.

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

52 For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other
53 covered housing accommodations or of land intended for the erection of any housing
54 accommodation included under subsections 10, 11, 12, or 13 of section one, or other person
55 having the right of ownership or possession or right to rent or lease or sell, or negotiate for the
56 sale or lease of such land or accommodations, or any agent or employee of such a person or any
57 organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or
58 lease or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or

59 group of persons such accommodations or land because of race, color, religious creed, national
60 origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual
61 orientation involves minor children as the sex object, age, genetic information, ancestry, or
62 marital status, veteran status or membership in the armed forces, blindness, hearing impairment,
63 or because such person possesses a trained dog guide as a consequence of blindness or hearing
64 impairment or other handicap of such person or persons, or because such person is a survivor of
65 domestic violence; (b) to discriminate against any person because of his race, color, religious
66 creed, national origin, sex, gender identity, sexual orientation, which shall not include persons
67 whose sexual orientation involves minor children as the sex object, age, genetic information,
68 ancestry, or marital status, veteran status or membership in the armed services, blindness, or
69 hearing impairment or other handicap, or because such person possesses a trained dog guide as a
70 consequence of blindness or hearing impairment, or because such person is a survivor of
71 domestic violence in the terms, conditions or privileges of such accommodations or land or the
72 acquisition thereof, or in the furnishing of facilities and services in the connection therewith; or
73 (c) to cause to be made any written or oral inquiry or record concerning the race, color, religious
74 creed, national origin, sex, gender identity, sexual orientation, which shall not include persons
75 whose sexual orientation involves minor children as the sex object, age, genetic information,
76 ancestry, marital status, veteran status or membership in the armed services, blindness, hearing
77 impairment or other handicap or because such person possesses a trained dog guide as a
78 consequence of blindness or hearing impairment, or status as a survivor of domestic violence of
79 the person seeking to rent or lease or buy any such accommodation or land; provided, however,
80 that this subsection shall not apply to the leasing of a single apartment or flat in a two family
81 dwelling, the other occupancy unit of which is occupied by the owner as his residence.

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

84 7B. For any person to make print, or publish, or cause to be made, printed, or published
85 any notice, statement or advertisement, with respect to the sale or rental of multiple dwelling,
86 contiguously located, publicly assisted or other covered housing accommodations that indicates
87 any preference, limitation, or discrimination based on race, color, religion, sex, gender identity,
88 sexual orientation which shall not include persons whose sexual orientation involves minor
89 children as the sex object, national origin, genetic information, ancestry, children, marital status,
90 public assistance recipiency, handicap, or status as a survivor of domestic violence or an
91 intention to make any such preference, limitation or discrimination except where otherwise
92 legally permitted.

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

95 In an action before the commission or a court with competent jurisdiction, a party
96 claiming to be aggrieved under section 4 for discrimination on the basis of his or her status as a
97 survivor of domestic violence shall be presumed for the purposes of establishing a prima facie
98 case to be a survivor of domestic violence by producing any one of the following documents: (i)
99 a copy of a valid protection order under chapter 209A or 258E obtained by the victim; (ii)
100 written verification signed by an adult victim with the capacity to do so, describing the nature of
101 the incidence(s) of domestic violence or abuse including the name of the victim and the
102 perpetrator if known. This verification must be signed by the victim under the pains and penalties
103 of perjury, that the incident described in such verification is true and warrants protection under

104 this section; (iii) a record from a federal, state, or local court or law enforcement agency of an act
105 of domestic violence or abuse and the name of the perpetrator if known; or (iv) documentation
106 signed under the pains and penalties of perjury by the victim and a qualified third party
107 describing the nature of the incidence(s) of domestic violence or abuse including the name of the
108 victim and the perpetrator if known, and a statement that said description is true. “Qualified third
109 party” shall mean (a) an employee, agent or volunteer of a victim service provider, (b) a medical
110 professional, (c) an attorney or (d) a mental health professional from whom the victim sought
111 assistance relating to the domestic violence or abuse.