

SENATE No. 1059

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

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 relative to preventing discriminatory land use and permitting decisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>

SENATE No. 1059

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1059) of Sonia Chang-Diaz, Benjamin Swan, David M. Rogers and James B. Eldridge for legislation to prevent discriminatory land use and permitting decisions. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 929 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act relative to preventing discriminatory land use and permitting decisions.

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 4 of chapter 151B of the General Laws shall be amended by adding after
2 paragraph 19(a) the following paragraph:-

3 20. It shall be an unlawful discriminatory practice for a local or state government entity
4 to discriminate in land use decisions or in the permitting of development based on race, color,
5 religion, sex, national origin, disability condition, familial status, or, except as otherwise
6 provided by law, the fact that a development or proposed development contains affordable
7 housing units for families or individuals with incomes below 80 per cent of area median income.
8 A local government is participating in an unlawful discriminatory practice if the local
9 government was motivated in full, or in part, in its action or inaction on a land use decision or
10 permitting of development by the fact that a development or proposed development contains

11 affordable housing units for households with incomes below 80 per cent of area median income.
12 It shall not be a violation of this chapter if land use decisions or permitting of development is
13 based on considerations of limiting unreasonably high concentrations of affordable housing. It
14 shall not be a violation of this chapter if a local government entity whose action or inaction has
15 an unintended discriminatory effect proves that the action or inaction was motivated and justified
16 by a legitimate, bona fide governmental interest.