

SENATE No. 866

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 homes for all.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/18/2021</i>

SENATE No. 866

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 866) of Sonia Chang-Diaz and Erika Uyterhoeven for legislation relative to homes for all. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to homes for all.

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 4 of said chapter 151B, as appears in the 2018 Official Edition of
2 the General Laws, is hereby amended by inserting after subsection 19 the following two
3 subsections:-

4 20. For the owner, lessee, sublessee, licensed real estate broker, assignee or managing
5 agent of publicly assisted or multiple dwelling or contiguously located housing accommodations
6 or other person having the right of ownership or possession or right to rent or lease, or sell or
7 negotiate for the sale of such accommodations, or any agent or employee of such a person, or
8 any organization of unit owners in a condominium or housing cooperative to request from or
9 about an applicant for housing accommodations any information, to make or keep a record of
10 such information, to use any form of application or application blank which requests such
11 information, or to exclude, limit or otherwise discriminate against any person by reason of his or
12 her failure to furnish such information through a written application or oral inquiry or otherwise
13 regarding: (i) an arrest, detention, or disposition regarding any violation of law in which no

14 conviction resulted, or (ii) a first conviction for any of the following misdemeanors:
15 drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the
16 peace, or (iii) any conviction of a misdemeanor where the date of such conviction or the
17 completion of any period of incarceration resulting therefrom, whichever date is later, occurred 3
18 or more years prior to the date of such applicant's application for housing or such request for
19 information, unless such person has been convicted of any offense within 3 years immediately
20 preceding the date of such application for employment or such request for information, or (iv) a
21 criminal record, or anything related to a criminal record, that has been sealed or expunged
22 pursuant to chapter 276.

23 No person shall be held under any provision of any law to be guilty of perjury or of
24 otherwise giving a false statement by reason of his failure to recite or acknowledge such
25 information as he has a right to withhold by this subsection.

26 Nothing contained herein shall be construed to affect the application of section 34 of
27 chapter 94C, or of chapter 276 relative to the sealing of records.

28 21. For the owner, lessee, sublessee, licensed real estate broker, assignee or managing
29 agent of publicly assisted or multiple dwelling or contiguously located housing accommodations
30 or other person having the right of ownership or possession or right to rent or lease, or sell or
31 negotiate for the sale of such accommodations, or any agent or employee of such a person, or
32 any organization of unit owners in a condominium or housing cooperative r to request on its
33 initial written application form criminal offender record information; provided, however, that
34 except as otherwise prohibited by subsection 20 an owner may inquire about any criminal
35 convictions on an applicant's application form if the applicant is applying for housing for which

- 36 any federal or state law or regulation creates mandatory or presumptive disqualification based on
- 37 a conviction for 1 or more types of criminal offenses.