

## AFFIRMATIVELY FURTHERING FAIR HOUSING LEGISLATION

**Bills:** [H.1373](#), *An Act promoting fair housing by preventing discrimination against affordable housing, &*

[S.867](#), *An Act promoting fair housing by preventing discrimination against affordable housing.*

**Sponsor:** Representative Christine Barber and Senator Sonia Chang-Díaz

**Prior History:** 02/19/2021: Legislation Filed  
03/29/2021: Referred to Joint Committee on Housing  
10/26/2021: Hearing before Joint Committee on Housing

**Summary:** This legislation strengthens fair housing laws in Massachusetts and fosters more inclusive communities by prohibiting municipal and state discriminatory zoning bylaws, ordinances, and land use decisions against affordable housing or housing for families with children.

### **Prohibiting Discriminatory Land Use Practices**

Explicitly prohibits and state administrative, legislative or regulatory body, or instrumentality to engage in discriminatory land use practices in the state's anti-discrimination law, Chapter 151B.

### **Definition of Discriminatory Land Use Practice**

Defines "discriminatory land use practice" as:

- Enacting or enforcing any land use regulation, policy or ordinance;
- Making a permitting or funding decision with respect to housing or proposed housing; or
- Taking any other action the purpose or effect of which would limit or exclude:
  - Housing affordable to households at or below 80% of the Area Median Income
  - Housing with sufficient bedrooms for families with children, including those with more than two bedrooms; or
  - Households based on race, color, national origin, sex, gender identity, sexual orientation, familial status, disability condition, or other protected classes in Massachusetts.

### **Protections for Actions Taken with Substantial Government Interest**

Protects state, municipal, or other administrative bodies whose actions were motivated and justified by a substantial, legitimate, nondiscriminatory, bona fide governmental interest and that the government entity is unable to prove that those interests cannot be served by any other policy or practice that has a less discriminatory effect.

The action of the state, municipal, or other administrative body is also protected if it demonstrates that it has consistently supported affordable housing, housing for families with children, or housing for those in protected classes.

**Enforcement**

Allows any person or class of persons to bring a civil action in Massachusetts courts within three years of any violation. Also allows the Attorney General of Massachusetts to seek enforcement of these protections.