



Prohibiting Exclusionary Zoning (HD.1472 & [SD.1099](#))

An Act relative to promoting fair housing by preventing discrimination against affordable housing

Sponsored by Rep. Christine Barber & Sen. Sonia Chang-Diaz

This legislation would promote fair housing and diverse communities by prohibiting cities and towns from making land use decisions based on a development having affordable housing or housing that is suitable for families with children.

These bills will encourage the development and availability of family and affordable housing in wider areas of the Commonwealth while protecting communities against frivolous claims of discrimination.

The Commonwealth's exclusionary zoning and land use barriers impede the development of affordable housing, which disproportionately affects protected classes, including families with children and minorities. For example, local policies, including the elimination of multifamily zoning and the growing tendency to limit new developments to projects that only have 1 or 2 bedrooms or restrict occupancy to age 55+ households, limit housing opportunities for families with children in many suburbs and small towns.

The Commonwealth's Anti-Discrimination Act, Chapter 151B, prohibits certain actions that discriminate or would have a discriminatory effect on a person because of an individual's race, color, religious creed, national origin, sex, gender identity, or sexual orientation.

This legislation would add to this list discriminatory land use practices at the state or local level. Discriminatory land use practices would include: zoning, permitting, or other actions that limit or exclude affordable housing, housing for families with children, or any household on the basis of any of the protected classes listed above.

However, the legislation provides a safe harbor for makes clear that government entities are entitled to make land use decisions based on any bona fide governmental interest. Communities that have supported affordable housing or housing for families with children are explicitly protected by this statute. Any claim would require a rigorous showing of discriminatory effect to challenge a land-use practice under ch. 151B. These cases would not be undertaken lightly as these are difficult and expensive cases to prove.

At a time when federal fair housing protections are being dismantled, this legislation will strengthen Massachusetts' fair housing and anti-discrimination laws. This bill will help ensure all residents of the Commonwealth have opportunities for true housing choice.



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