



**Testimony submitted to the Joint Committee on Housing
In Support of H.1295/S.859 An Act promoting fair housing by preventing discrimination against
affordable housing
By Lucy Kennedy, Affordable Housing Specialist
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The League of Woman Voters of Massachusetts supports H.1295/S.859 which prohibits government bodies from discriminatory practices directed toward housing and land use. The bill affects the actions of all local, administrative, legislative or regulatory bodies. Discriminatory land practices are defined to include any action which would limit or exclude: (1) housing accommodations for families or individuals with incomes at or below 80 percent of the area median income (AMI); (2) accommodations with sufficient bedrooms for families with children, including those with more than two bedrooms; (3) families or individuals based on race, color, religious creed, national origin, sex, gender identity, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), age, genetic information, ancestry, marital status, veteran status or membership in the armed forces, familial status, disability condition, blindness, hearing impairment or because a person possesses a trained dog guide as a consequence of blindness, hearing impairment or other handicap.

Local or state government entities can prove an unintended discriminatory effect if it was justified by a substantial, legitimate nondiscriminatory governmental interest. Aggrieved parties and the Attorney General may institute civil actions for up to three years after a violation.

The right to a place to live is so fundamental to life itself and to being a part of the human community that all residents deserve that this right be protected. Unfortunately, that has not been the case in the past and we want to be sure that we do not continue discriminatory practices or institute new ones that keep Black, Indigenous and other persons of color out of housing generally, or out of specific programs or housing developments.

Historically, redlining meant that home loans were not available in certain areas or were more expensive for persons of color or ethnic minorities. Tax supported subsidized housing was segregated through most of the 20th century. Even when segregation practices and restrictive covenants were outlawed, the fact that people tend to remain in housing units for long periods has meant that many areas remain substantially closed to certain individuals and families. In Massachusetts, zoning has been around since the 1920s and, while contributing to orderly development and healthy housing standards, it can also limit lower cost housing and contribute to income segregation.

We know that resistance to fair housing is deeply entrenched, and we need to be especially vigilant against government policies and loopholes that maintain different types of discrimination. The barriers to home ownership because of discrimination have led to immense disparities in accumulated wealth between persons deemed white and those of other racial and rightly includes an expansive list of persons who have been and could be subject to discrimination, and we need to name and protect them all.

League support for this bill comes from a long-held position that there should be equality of opportunity for all persons in housing (as well as in education and employment). Opportunities for purchase or renting

of homes should not be restricted because of discriminatory reasons. In the enforcement of fair housing laws, speedy resolution should be ensured, administrative procedures should be clearly defined and widely publicized, and the process should ensure protection for both complainant and persons or institutions against whom complaints are lodged. This bill does specify the enforcement process clearly and it must be initiated within a reasonable period of three years.

LWVMA represents 44 local Leagues across the Commonwealth. We urge the Joint Committee on Housing to report this bill favorably and to follow its progress to enactment in this 193rd session.