

## **ORDINANCE 2023 – 8B**

**Language passed to a second reading on October 2, 2023 and further amended in City Council on November 6, 2023.**

### **Amend Chapter 14.04 – Fair Housing as follows:**

#### **14.04.030 Definitions.**

A. "Accessible" means with respect to buildings containing covered multifamily dwellings that the public or common use areas to the building can be approached, entered and used by individuals with physical disabilities. "Accessible route" means a continuous unobstructed path connecting accessible elements and space in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe and usable by people with other disabilities.

B. "Age" means the actual or perceived chronological age of an individual eighteen years or older.

C. "Aggrieved person" includes anyone who claims to have been injured or is about to be injured by any unlawful practice listed in Section 14.04.040 of this Chapter.

D. "Blockbusting" means any effort, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry into a neighborhood of a person or persons of a particular race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.

E. "Covered multifamily dwelling" means buildings consisting of four or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units.

F. "Disability" means a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such impairment, or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act [21 USC 802].

G. "Discrimination" shall mean a policy or practice that by design or effect segregates, creates unequal status, separates, or has a disproportionate impact on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.

H. "Dwelling" as used herein means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereupon of any such building, structure or portion thereof. A "dwelling unit" is a unit of residence for a family of one or more persons.

I. "Family" shall include a single individual.

J. "Family structure" means a single person, or two persons, or a lawful consensual non-monogamous or lawful consensual multi-partner family structure which may include one or more parents, stepparents or legal guardians of a minor child or children and/or two or more consenting adults in a multi-partner and/or multi-parent family structure, including stepparents, multi-generational and/or other non-nuclear families.

K. "Family status" shall mean the actual or supposed condition of having children below the age of eighteen years domiciled with a parent, or another person having parental custody of such child or children, or the designee of such parent or other person having such custody with the written permission of such parent or other person. The protection afforded against discrimination on the basis of family status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years. Nothing herein shall limit the applicability of reasonable local, state, or federal restrictions regarding the maximum number of persons permitted to occupy a dwelling.

L. "Gender identity" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

M. "Housing set aside for, or limited to, the elderly" means housing:

1. Provided under any state or federal program specifically designed and operated to assist elderly persons; or
2. Intended for, and solely occupied by, persons sixty-two years of age or older; or
3. Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. Housing qualifies as housing for the elderly under this section if and only if:
  - a. It has significant facilities and services designed to meet the physical or social needs of elderly persons, or if provision of such facilities and services is not practicable, or that such housing is necessary to provide important housing opportunities for elderly persons; and
  - b. At least eighty percent (80%) of the units are occupied by at least one person fifty-five years of age or older; and
  - c. There is publication and notice of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

N. "Marital status" means the actual or supposed state of being or having been single, married, separated, or divorced.

O. "Military status" means the actual or supposed condition of being, not being, having been or not having been in the service of the military.

P. "Person" includes one or more individuals, partnerships, associations, corporations, labor organizations, legal representatives, mutual companies, joint-stock companies, unincorporated organizations, fiduciaries, trustees, trustees in bankruptcy, receivers, the City of Cambridge, and all political subdivisions, boards, and commissions thereof.

Q. "Real estate transaction" shall mean the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or secured by residential real estate; or the selling, brokering or appraising of residential real property.

R. "Relationship status" means the actual or perceived involvement or lack thereof of an individual in a lawful, intimate personal relationship or relationships including but not limited to interpersonal relationships between two or more consenting adults that involve romantic physical or emotional intimacy.

S. "Reasonable attorney's fees and costs" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees. The amount of fees and costs awarded shall be based upon prevailing market rates for the kind and quality of services furnished.

T. "Religious creed" means the actual or supposed faith, belief, or moral philosophy of an individual or the lack thereof.

U. "Sexual orientation" shall mean the actual or supposed heterosexuality, homosexuality, or bisexuality of an individual.

V. "Source of income" means public assistance reciprocity. "Source of income" shall not include income derived from criminal activity.

#### **14.04.040 Unlawful practices.**

A. It shall be an unlawful practice:

1. For any person whose business includes granting mortgage loans or engaging in residential real estate transactions to discriminate against any person in the granting of, refusal to grant, in making available, refusing to make available, or in the terms or conditions of, a loan or transaction because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income. Such transactions shall include, but are not limited to:

a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or the making or purchasing of loans or the provision of other financial assistance secured by residential or commercial real estate;

b. Any intercourse that involves the selling, brokering, inspection, repair, design, construction, alteration, leasing, subleasing, subletting, mortgaging, rental, or appraising of a building, structure, dwelling, or portion thereof, or parcel of land, developed, or undeveloped, whether privately or publicly owned. Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.

2. For any person to deny another person access to, or membership or participation in, a multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, color, religious creed, sex, age, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.

3. For any person to refuse to rent, lease, sell, or negotiate for sale, or otherwise to deny or withhold from any person or persons a dwelling or any services or facilities in connection therewith, or to print, publicize, advertise, make any written or oral statement, or otherwise communicate publicly or privately, in a manner that indicates any preference, limitation, or discrimination because of race, color, religious creed, sex, age, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
  4. For any person to misrepresent that a dwelling is not available for inspection, sale, or rental because of race, color, religious creed, sex, age, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
  5. For any person to engage in blockbusting by making implicit or explicit representations regarding the entry or prospective entry into the neighborhood or representations regarding the effects or consequences of any such entry or prospective entry of a person or persons of a particular race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
  6. For any person to make false representations regarding the availability of a suitable dwelling within a particular neighborhood or area; or in not disclosing or offering to show all properties listed or held for sale or rent within a particular neighborhood or area, or within a requested price or rental range; or make false representations regarding the listing, prospective listing, sale, prospective sale, or rental of any dwelling because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
  7. For any person to coerce, intimidate, threaten or interfere in any manner with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Chapter.
  8. For any person to restrict or attempt to restrict the housing choices of persons by engaging in any conduct relating to the sale or rental of a dwelling that otherwise makes unavailable or denies dwellings because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
  9. For any person to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or on the provision of services or facilities in connection therewith, because of race, color, sex, age, religious creed, disability national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income.
- B. For the purposes of this section, discrimination on the basis of disability includes:
1. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability

full enjoyment of the premises except that, in the case of a rental, that landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling;

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March thirteenth, nineteen hundred ninety-one, a failure to design and construct dwellings in such a manner that:

a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;

b. With respect to dwellings with a building entrance on an accessible route;

i. The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

ii. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and

iii. All premises within covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. Compliance with the appropriate requirements of the American National Standard for Accessible and Usable Buildings and Facilities ["ANSI's ICC A117.1-2017"] satisfies the requirements of this subsection.

C. The following practices shall not be deemed unlawful:

1. The leasing, rental, or other provision with or without a fee, of a space within a church, temple, synagogue, religious school, or other facility used for other than a commercial purpose, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin;

2. A private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members;

3. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which are determined by the Commission to be specifically designed to assist elderly persons, persons with disabilities, or economically disadvantaged individuals, provided that such programs shall not discriminate among elderly persons, persons with disabilities, or economically disadvantaged on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation,

relationship status, family structure, gender identity, marital status, or source of income;

4. The establishment of housing set aside for, or limited to, elderly persons or persons with disabilities, provided that such establishment shall not discriminate among elderly persons or persons with disabilities on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, military status, or source of income;

5. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate among its residents on the basis of race, color, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status, or source of income;

6. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including, but not limited to half-way houses, drug treatment centers, detoxification facilities, and shelters for the homeless.

D. The following practices shall be exempt from the provisions of this Chapter:

1. The leasing or renting of a room or rooms within a dwelling unit which is occupied by the owner as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such owner in order to gain access to the room or rooms thus let or rented;

2. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the owner as his or her residence.