

Date: November 6, 2023
To: Yi-An Huang, City Manager
Fr: Carolina Almonte, Acting Executive Director, Cambridge Human Rights Commission
Re: Additional Response to Calendar Item No. 1 (POR 2023-97) of June 5, 2023, requesting that the City Manager work with the Law Department and Human Rights Commission and all other Relevant Departments to Provide Comments on the attached Draft Amendments to the Cambridge Human Rights Ordinance and the Cambridge Fair Housing Ordinance.

I write in follow up to my original response, dated September 8, 2023, attached as **Exhibit A**, to the above referenced policy order. In preparing this additional response, I discussed the proposed amendments and my recommendations with the Cambridge Human Rights Commission (“CHRC”) during our monthly meeting on October 5, 2023. Overall, the CHRC was in favor of my recommendations.

When discussing the recommendations, Commissioners recommended adding “lawful” in the definition of “Relationship Status” and “Family Structure” to make clear that unlawful relationships, such as polygamy and incest, are not protected under the City’s Ordinances. Another Commissioner asked if these changes will protect pregnant women and households that include a grandparent and child. I explained that pregnant women fall under “Family Status” discrimination complaints. “Multi-generational households,” including those with grandparents and children, would be covered under “Family Structure” discrimination complaints. Lastly, a Commissioner raised a concern about current staffing levels since the Commission will be the only enforcement agency to handle these types of complaints in Cambridge. I explained that the Commission is looking into hiring additional personnel.

Furthermore, CHRC has no objection to using “non-nuclear” in place of “non-traditional” in the definition of “Family Structure,” as proposed by a local advocate. We agree that this change provides for greater precision and inclusivity.

As part of the Commission’s grant funding from HUD for its enforcement efforts, changes to the Fair Housing Ordinance must be reviewed by HUD and found to be “substantially equivalent” to the Federal Fair Housing Act (FHA) before HUD will approve the proposed changes. The proposed amendments to the Fair Housing Ordinance have been reviewed by HUD and HUD has indicated that the proposed amendments do not impact HUD’s prior finding that the Fair Housing Ordinance is substantially equivalent to the Federal Fair Housing Act because the proposed amendments are simply adding additional protected classes.


In sum, based on input from the CHRC and advocates, I recommend the following revised edits to the proposed draft amendments to the Human Rights and Fair Housing Ordinances, as proposed in POR 2023-97, which was Calendar Item No. 1 of June 5, 2023, for the full City Council’s consideration. Please see my attached redlined edits to the proposed recommended amendments as **Exhibit B**. The redlined amendments were accepted by the Ordinance Committee on September 12, 2023, and I recommend the further highlighted amendments, as explained above.

REVISED EDITS TO PROPOSED AMENDMENTS

As shown in the attached redlined ordinances, each category would be added to both ordinances under CHRC's jurisdiction. The new proposed definitions are as follows:

1. **“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.
2. **“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.

Very truly yours,



Carolina Almonte
Acting Executive Director

Enc.

Date: September 8, 2023
To: Yi-An Huang, City Manager
Fr: Carolina Almonte, Acting Executive Director, Cambridge Human Rights Commission
Re: Response to POR 2023-97 of June 5, 2023, requesting that the City Manager work with the Law Department and Human Rights Commission and all other Relevant Departments to Provide Comments on the attached Draft Amendments to the Cambridge Human Rights Ordinance and the Cambridge Fair Housing Ordinance.

I write in response to above referenced policy order. The City Council requested that the City Manager “[w]ork with the Law Department, Human Rights Commission, and all other relevant departments to provide comments on the attached draft amendments at least 48 hours in advance of the scheduled hearing of the Ordinance Committee.”

In preparing this response, I consulted with the Law Department. The Cambridge Human Rights Commission (“CHRC”) was not able to meet in advance to review the proposed amendments and my recommendations, but I welcome the opportunity to do so before the Council acts. Based on input from the Law Department, I recommend the following edits to the proposed draft amendments to the Human Rights and Fair Housing Ordinances, as proposed in POR 2023-97, which was Calendar Item No. 1 of June 5, 2023, for the Ordinance Committee’s consideration. Please see my attached redlined edits to the proposed recommended amendments as **Exhibit A**.

Please note that the Domestic Partnership Ordinance, Chapter 2.119 of the Cambridge Municipal Code, is not under the jurisdiction of the Cambridge Human Rights Commission so therefore, the Human Rights Commission has not commented on those proposed changes. The Law Department has advised that the Domestic Partnership Ordinance was amended on March 8, 2021, to amend the definition of domestic partnership to two or more person who meet the stated criteria, and the further amendments proposed in this Council Order make that ordinance consistent with the proposed amendments to the Human Rights and Fair Housing Ordinances, but otherwise do not substantively change the Domestic Partnership Ordinance.

A. BACKGROUND

By way of background, the CHRC enforces two ordinances under its jurisdiction. The Cambridge Human Rights Ordinance, Chapter 2.76 *et. seq.* of the Cambridge Municipal Code, currently covers discrimination in employment and places of public accommodation based on the following protected classes: race; color; sex; age; religious creed; disability; national origin or ancestry; sexual orientation; gender identity or gender expression; marital status; family status; military status; and source of income. The Cambridge Fair Housing Ordinance, Chapter 14.04 *et. seq.* of the Cambridge Municipal Code, currently covers discrimination in housing based on the following protected classes: race; color; sex; age; religious creed; disability; national origin or ancestry; sexual orientation; gender identity or gender expression; marital status; family status; military status; and source of income.

The U.S. Department of Housing and Urban Development (“HUD”) has determined that the Cambridge Fair Housing Ordinance is substantially equivalent to the federal Fair Housing Act (“FHA”). As part of the Commission’s grant funding from HUD for its enforcement efforts, changes to the Fair Housing Ordinance must be reviewed by HUD and found to be “substantially equivalent” to the FHA before HUD will approve the proposed changes. Therefore, the proposed amendments to the Fair Housing Ordinance must be reviewed and approved by HUD and found to be substantially equivalent to the Federal Fair Housing Act.

Amending the Fair Housing Ordinance will also require a petition to the Legislature to amend Chapter 413 of the Acts of 1991, the Special Act that authorized the City Council to enact the Fair Housing Ordinance.

B. EDITS TO PROPOSED AMENDMENTS

Overall, the CHRC supports the intent of the proposed amendments but has concerns that the language as currently proposed is vague, confusing, and potentially unenforceable. CHRC proposes, alternatively, clearer language that defines “Relationship Status” and “Family Structure” separately. As shown in the attached redlined ordinances, each category would be added to both ordinances under CHRC’s jurisdiction. The new proposed definitions are as follows:

- 1 **“Relationship Status”** means the actual or perceived involvement or lack thereof of an individual in an 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.”

- 2 **“Family Structure”** means a single person, or two persons, or a consensual non-monogamous or 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-traditional families.”

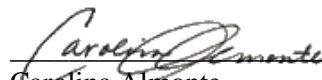
C. FEDERAL AND STATE LAWS

Currently, complaints alleging discrimination based on Relationship Status or Family Structure are not under the jurisdiction of the Massachusetts Commission Against Discrimination (“MCAD”). The state anti-discrimination statute, MGL c. 151B, has not been amended to include Relationship Status or Family Structure. MCAD is charged with enforcing MGL c. 151B. Likewise, the Federal Fair Housing Act does not include Relationship Status or Family Structure as herein defined. Therefore, if the Council adopts the amendments to the Human Rights Ordinance and the state legislature accepts the City Council’s home rule petition to amend the Fair Housing Ordinance, discrimination in Cambridge based upon Relationship Status or Family Structure, would only be investigated and enforced solely by CHRC.

D. CONCLUSION

We recommend the proposed revised edits to the amendments to the Human Rights and Fair Housing Ordinance, as they offer greater specificity and enforceability. Amendments to the Fair Housing Ordinance will also require state legislative approval. As such, a proposed Home Rule Petition must also be submitted to the City Council for the City Council’s consideration and referral to the Ordinance Committee.

Very truly yours,



Carolina Almonte
Acting Executive Director

Enc.

Amend Chapter 2.76 – Human Rights Commission as follows: 2.76.020 - Purpose.

The Cambridge Human Rights Commission shall work with the City Manager and/or their assistants on matters pertaining to the human rights of all City residents citizens. The main purpose for which the ordinance codified in this chapter is enacted is to protect the human rights of all the residents citizens of the City.

2.76.030 Definitions.

As used in this chapter:

1. "Age" means the actual or supposed chronological age of an individual eighteen years or older.
2. "Bona fide occupational qualification" means a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income that is a requirement for employment and has been certified as such by the Cambridge Human Rights Commission (referred to in this chapter as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. "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 impairment.
4. "Discrimination" means 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, family and relationship structure, gender identity, marital status, family status, military status or source of income.
5. "Educational facility" means any person, whether organized for profit or not-for-profit, that holds itself out to the public as providing instruction in the arts, sciences, trades or any other area of learning.
6. "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.
~~6. "Family or relationship structure" means the actual or perceived involvement, or lack thereof, of an individual in an intimate personal relationship or relationships. It includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s). For the purposes of this definition, "intimate personal relationship" shall include any interpersonal relationship between two or more adult individuals that involves romantic, physical, or emotional intimacy. This includes, but is not limited to, multi-partner/multi-parent or consensually non-monogamous families or relationships, diverse family structures, stepfamilies, multi-generational households, and consensual sexual and/or intimate relationships, including asexual and aromantic relationships.~~
- 7.76. "Family status" means the actual or supposed condition of having minor children living with the individual or not.

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~~8.87.~~ "Gender Identity" means a person's gender-related identity, appearance or behavior, whether or not ~~that~~ that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

~~9.98.~~ "Labor organization" means any association, regardless of its form of organization, or employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.

~~10.409.~~ "Marital status" means the actual or supposed state of being or having been married, separated or divorced, or not.

~~11.410.~~ "Military status" means the actual or supposed condition of being or having been in the service of the military, or not.

~~12.424.~~ "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.

~~13.4312.~~ a. "Public accommodation" means any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, restrooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ball parks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings accommodating the public, clubs, societies and social associations that are public or quasi-public banks, finance companies, insurance companies, streets and parking lots.

- b. Nothing contained in this chapter shall be construed to include or apply to any place of accommodation that is by its nature distinctly private; provided, that where public use is permitted that use shall be covered by this chapter and further provided, that an establishment that has membership requirements but otherwise qualifies as a public accommodation shall be deemed a public accommodation for the purpose of this chapter if its membership requirements (1) consist only of the payment of fees or dues; (2) consist of requirements under which a substantial portion of the residents of or visitors to the City could qualify; or (3) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, ~~relationship status, family structure, family and relationship structure.~~ gender identity, marital status, family status, military status or source of income.

~~14.4413.~~ "Real estate transaction" means any intercourse among any persons that involves a building, structure or portion thereof, or parcel of land, developed or undeveloped, whether privately owned or owned by a public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental or other provision, term or offer of the same.

15. "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.

16.1514. "Religious creed" means the actual or supposed faith, belief or moral philosophy of an individual or the lack thereof.

17.1615. "Same sex" means occupying the same social and identity roles as another with respect to being male or female.

18.1716. "Sexual orientation" means the actual or supposed heterosexuality, homosexuality or bisexuality of an individual.

19.1817. "Source of income" means public assistance reciprocity. "Source of income" shall not include income derived from criminal activity.

2.76.080 - Recommendations of deficiencies.

- A. The Commission shall discuss human rights problem areas with the City Manager and make recommendations necessary to protect the human rights of all City residents citizens and employees.
- B. The Commission shall request of the City Manager, department heads and Superintendent of Schools, such information and staff support as is reasonable so that it may be properly informed.
- C. The Commission may review and comment on all matters pertaining to the human rights of City residents citizens. They may examine and scrutinize and comment on department budgets including the School Department budget.
- D. The City with the advice of the Commission shall employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The City may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.
- E. The Commission shall, when appropriate, request the assistance of the staff and commissions of the City engaged in related work, such as the Commission on the Status of Women, the Civic Unity Committee, the Commission for Persons with Disabilities, the Lesbian Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission, the Office of Equity and Inclusion, the Consumers' Council, the Council on Aging and the Veterans' Service Department, and shall at all times work cooperatively with these groups.
- F. The Commission shall receive aid, advice and opinions from the City Solicitor and the Legal Department, and be represented in court by the City Solicitor.
- G. The City Manager shall provide office space to the Commission in order to give easy access to resident citizen complaints.
- H. Each year, the Commission and the City Manager, together or separately, shall report to the City Council in writing as to the progress that is being made under this chapter. These written reports may properly contain suggestions and recommendations which will further the aims of this chapter.

2.76.110 Posting of discrimination policy required.

- A. The City, every City contractor and subcontractor, every employer with one hundred or more employees, every owner of an apartment building or housing complex of fifteen or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep posted the following notice at its place of business or in such apartment building or housing complex:

Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income is unlawful in the City of Cambridge. Chapter 2.76, Cambridge Municipal Code.

Cambridge Human Rights Commission
51 Inman Street
Cambridge, MA 02139
(617) 349-4396

B. The blanks in the model set out in subsection A of this section shall be properly filled with the address and telephone number of the offices of the Commission.

C. It shall be a crime punishable by a fine of not more than fifty dollars per violation to willfully violate this section.

2.76.120 Acts deemed lawful and unlawful—Exemptions.

The Commission shall receive and investigate complaints of presence in the City of prejudice, intolerance or bigotry, including but not limited to such matters as the choice of lifestyle and the consequences such attitudes in the community engender and initiate its own investigation of the following activities and unlawful practices except that complaints against the City of Cambridge, City Departments and/or City employees shall be referred to the Massachusetts Commission Against Discrimination ("MCAD") for investigating and resolution:

- A. It is an unlawful practice to deny any person or group equal access to services in employment, housing, education, recreation or other areas where such denial is based on limited English language skills.
- B.
 1. It is an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions or privileges of employment, training or apprenticeship, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such individual, unless based on a bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws, shall have the burden of showing:
 - a. That the discrimination is in fact a necessary result of a bona fide occupational qualification; and
 - b. That there exists no less discriminatory means of satisfying the occupational qualifications.
 2. Reasonable accommodation shall be made to enable the employment or continued employment of a person with a disability unless the employer can demonstrate that the extent of the accommodation required to meet the limitations of the person would impose an undue hardship or safety hazard to the employer's business.
 3. The following practices shall be exempt from the operation of this section:
 - a. Employment practices of an employer of fewer than six persons;
 - b. Employment of an individual by their parent, child or spouse;
 - c. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose;
 - d. Employment of an individual for work within the home of the employer;

- e. Employment of an individual for the rendering of services to the person of the employer or their family.

4. The following practices shall not be deemed unlawful:

- a. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities or veterans; provided, that such employment programs shall not discriminate among women, racial minorities or veterans on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- b. Employment limited to the elderly or persons with disabilities; provided, that such employment shall not discriminate among the elderly or persons with disabilities on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- c. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual seniority system); provided, that no such system or plan shall provide an excuse for failure to hire any individual.

C. It is an unlawful practice for any employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such individual. An employment agency that specializes in the recruitment and placement of the elderly or persons with disabilities shall be exempt from the operation of this section with respect to such specialized services; provided, that such services shall not discriminate among the elderly or persons with disabilities on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

D. It is an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such individual.

E. It is an unlawful practice for an employer, employment agency or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such individual, unless based on a bona fide occupational qualification or one of the exceptions set forth in subsections B. and C. of this section.

- F. 1. It is an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such person or of a person residing with such person.
- 2. This section does not create an affirmative duty to remove barriers for persons with disabilities in excess of the requirements of existing laws and ordinances, but reasonable

accommodation shall be made to enable the provision of housing for a person with a disability.

3. The following practices shall be exempt from the operation of this section:

- a. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessor as their residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessor in order to gain access to the room or rooms thus let or rented;
- b. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessor as their residence;
- c. The leasing, rental or other provision with or without fee or space within a church, temple, synagogue, religious school or other facility used primarily for religious purposes.

4. The following practices shall not be deemed unlawful:

- a. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, persons with disabilities or economically disadvantaged individuals; provided, that such programs shall not discriminate among the elderly, persons with disabilities or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- b. The establishment of housing set aside for or limited to the elderly or persons with disabilities; provided, that such establishment shall not discriminate among the elderly or persons with disabilities on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.
- c. The establishment of same-sex dormitories or portions thereof by educational facilities; provided that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.
- d. 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, shelters for the homeless, and the like.

G. It is an unlawful practice for any bank, financial institution or any other credit-granting or credit-approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such person. It shall not be an unlawful practice under this section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references and the number and age of dependents.

- H. 1. It is an unlawful practice for any insurance company, insurance agent or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status,

military status or source of income of such person, unless based on a bona fide actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

2. In accordance with federal court cases, it is the intention of this section that actuarial data be gender-neutral.

I. It is an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure; gender identity, marital status, family status, military status or source of income of such person.

J. 1. It is an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs opportunities or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure; gender identity, marital status, family status, military status or source of income of such person.

2. The following practices shall not be deemed unlawful:

- a. The establishment by an educational facility of minimum or maximum age requirements for any educational program; provided, that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- b. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion; provided, that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- c. The maintenance or establishment by an educational facility of a school or program limited to members of only one sex or otherwise segregated by sex; provided, that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- d. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities or veterans; provided, that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- e. The establishment by an educational facility of special programs designed to assist or provide special training for persons with disabilities, the elderly, individuals not fluent in English, or the economically disadvantaged; provided, that such selection shall not discriminate among persons with disabilities, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

K. 1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure; gender identity, marital status, family status, military status or source of income of such person.

- a. It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, "barrier" means any physical element of a facility that impedes access by people with disabilities.
 - b. In determining whether an action is readily achievable, factors to be considered include:
 - i. The nature and cost of the action needed under this section;
 - ii. The overall financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;
 - iii. The overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and
 - iv. the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.
 - c. Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.
 - d. These provisions shall not apply to entities other than those entities regulated by Title III of the Americans with Disabilities Act, 42 U.S.C. 12181-2189.
2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status, or source of income of such person.
3. The following practices shall not be deemed unlawful:
- a. The designation of a public accommodation for the exclusive or preferential use of the elderly or persons with disabilities;
 - b. The designation of a rest room or of a privately owned athletic or exercise facility for the exclusive or preferential use of members of a single sex;
 - c. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status or military status, provided such preference is not advertised as or implied to be a requirement for entry or use of such public accommodation.
- L. It is an unlawful practice for any person to harass, intimidate, threaten, assault or otherwise discriminate against any person in or upon any public accommodation because of

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the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of such person, or attempt to do so.

M. It is an unlawful practice for any person to commit any act forbidden by this chapter for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income of any person.

N. It is an unlawful practice for any person to aid, abet, incite, compel, coerce or conspire to the commission of any of the acts forbidden by this chapter or to attempt to do so.

O. It is an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter.

2.76.160 City discrimination policy.

A. Any practice that by design or effect discriminates against individuals, because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health and welfare of the City.

B. Accordingly, it is the policy of the City to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, family and relationship structure, gender identity, marital status, family status, military status or source of income and to prevent discrimination against such individuals in the provision of City services and in employment, housing and real estate, education, credit, bonding, insurance and public accommodations.

C. Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination.

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, family and relationship 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, family and relationship 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 or relationship structure" means the actual or perceived involvement, or lack thereof, of an individual in an intimate personal relationship or relationships. It includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s). For the purposes of this definition, "intimate personal relationship" shall include any interpersonal relationship between two or more adult individuals that involves romantic, physical, or emotional intimacy. This includes, but is not limited to,

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~~multi partner/multi parent or consensually non monogamous families or relationships, diverse family structures, stepfamilies, multi generational households, and consensual sexual and/or intimate relationships, including asexual and aromantic relationships.~~

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

~~O.O.N.~~ "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.P.O.~~ "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.Q.P.~~ "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.R.Q.~~ "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

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

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

V.U.T. "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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship 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, family and relationship

| 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.

History:
05/22/23 City Council

CHARTER RIGHT

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