

SENATE No. 1164

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1164) of Joseph F. Timilty and Thomas C. O'Brien for legislation to prohibit unlawful discrimination against handicapped persons. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROHIBITING UNLAWFUL DISCRIMINATION AGAINST HANDICAPPED PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 151B of the General Laws is hereby
2 amended by striking out the title and inserting in place thereof
3 the following title: —

4 UNLAWFUL DISCRIMINATION AGAINST RACE, COLOR, RELIGIOUS
5 CREED, NATIONAL ORIGIN, SEX, AGE, HANDICAP OR ANCESTRY.

1 SECTION 2. Section 1 of chapter 151B, as most recent-
2 ly amended by chapter 216 of the acts of 1969, is hereby
3 further amended by adding the following subsection: —

4 15. The term "handicap" means an affliction of a physical,
5 sensory, emotional or intellectual nature which does not im-
6 pair the independent function of a person.

1 SECTION 3. Section 4 of said chapter 151B, as most recent-
2 ly amended by chapter 661 of the acts of 1971, is hereby
3 further amended by striking out subsections 1 to 3B, inclusive,
4 and inserting in place thereof the following subsections: —

5 1. For an employer, by himself or his agent, because of the
6 race, color, religious creed, national origin, sex, age, handicap
7 or ancestry of any individual, to refuse to hire or employ or to
8 bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in
10 terms, conditions or privileges of employment, unless based

11 upon a bona fide occupational qualification.

12 2. For a labor organization, because of the race, color,
13 religious creed, national origin, sex, age, handicap or ancestry
14 of any individual to exclude from full membership rights or to
15 expel from its membership such individual or to discriminate
16 in any way against any of its members or against any em-
17 ployer or any individual employed by an employer, unless
18 based upon a bona fide occupational qualification.

19 3. For any employer or employment agency to print or
20 circulate or cause to be printed or circulated any statement,
21 advertisement or publication, or to use any form of application
22 for employment or to make any inquiry or record in connec-
23 tion with employment, which expresses, directly or indirectly,
24 any limitation, specification or discrimination as to race, color,
25 religious creed, national origin, sex, age, handicap or ancestry
26 or any intent to make any such limitation, specification or
27 discrimination, or to discriminate in any way on the ground of
28 race, color, religious creed, national origin, sex, age, or ances-
29 try, unless based upon a bona fide occupational qualification.

30 3A. For any person engaged in the insurance or bonding
31 business, or his agent, to make any inquiry or record of any
32 person seeking a bond or surety bond conditioned upon the
33 faithful performance of his duties or to use any form of
34 application, in connection with the furnishing of such bond,
35 which seeks information relative to the race, color, handicap,
36 religious creed, national origin, or ancestry of the person to be
37 bonded.

38 3B. For any person engaged in the business of granting
39 mortgage loans to discriminate against any person in the
40 granting of any mortgage loan, including but not limited to
41 the interest rate, terms or duration of such mortgage loan,
42 because of his race, color, handicap, religious creed, national
43 origin, or ancestry.

1 SECTION 4. Said section 4 of said chapter 151B, as so
2 amended, is hereby further amended by striking out subsec-
3 tions 6 to 8, inclusive, and inserting in place thereof the
4 following subsections: —

5 6. For the owner, lessee, sublessee, licensed real estate
6 broker, assignee or managing agent of publicity assisted or
7 multiple dwelling or contiguously located housing accommoda-
8 tions or other person having the right of ownership or posses-
9 sion or right to rent or lease, or sell, or negotiate for the sale
10 of such accommodations, or any agent or employee of such a
11 person: — (a) to refuse to rent or lease or sell or negotiate
12 for sale or otherwise to deny to or withhold from any person or
13 group of persons such accommodations because of the race,
14 color, handicap, religious creed, national origin, sex, age or
15 ancestry of such person or persons or because such person is a
16 veteran or a member of the armed forces; (b) to discriminate
17 against any person because of his race, color, handicap, reli-
18 gious creed, national origin, sex, age or ancestry or because
19 such person is a veteran or a member of the armed forces in
20 the terms, conditions or privileges of such accommodations or
21 the acquisition thereof, or in the furnishing of facilities and
22 services in connection therewith; or (c) to cause to be made
23 any written or oral inquiry or record concerning the race,
24 color, handicap, religious creed, national origin, sex, age or
25 ancestry of the person seeking to rent or lease or buy any such
26 accommodation, or concerning the fact that such person is a
27 veteran or a member of the armed forces. The word "age" as
28 used in this subsection shall not apply to persons who are
29 minors, nor to residency in state-aided or federally-aided
30 housing developments for the elderly.

31 7. For the owner, lessee, sublessee, real estate broker,
32 assignee or managing agent of other covered housing accom-
33 modations or of land intended for the erection of any housing
34 accommodation included under subsections 10, 11, 12 or 13 of
35 section one, or other person having the right of ownership or
36 possession or right to rent or lease, or sell, or negotiate for the
37 sale or lease of such land or accommodations, or any agent or
38 employee of such a person: — (a) to refuse to rent or lease or
39 sell or negotiate for sale or lease or otherwise to deny to or
40 withhold from any person or group of persons such accom-
41 modations or land because of the race, color, handicap, reli-
42 gious creed, national origin, sex, age or ancestry of such per-

43 son or persons; (b) to discriminate against any person because
44 of his race, color, handicap, religious creed, national origin,
45 sex, age or ancestry in the terms, conditions or privileges of
46 such accommodations or land or the acquisition thereof, or in
47 the furnishing of facilities and services in connection there-
48 with; or (c) to cause to be made any written or oral inquiry
49 or record concerning the race, color, handicap, religious creed,
50 national origin, sex, age or ancestry of the person seeking to
51 rent or lease or buy any such accommodations or land; pro-
52 vided, however, that this subsection shall not apply to the
53 leasing of a single apartment or flat in a two family dwelling,
54 the other occupancy unit of which is occupied by the owner as
55 his residence. The word "age" as used in this subsection shall
56 not apply to persons who are minors, nor to residency in state-
57 aided or federally-aided housing developments for the elderly.

58 8. For the owner, lessee, sublessee, or managing agent of, or
59 other person having the right of ownership or possession of or
60 the right to sell, rent or lease, commercial space: (1) To refuse
61 to sell, rent, lease or otherwise deny to or withhold from any
62 person or group of persons such commercial space because of
63 the race, color, handicap, religious creed, national origin, sex,
64 age or ancestry of such person or persons. (2) To discriminate
65 against any person because of his race, color, handicap, reli-
66 gious creed, national origin, sex, age or ancestry in the terms,
67 conditions or privileges of the sale, rental or lease of any such
68 commercial space or in the furnishing of facilities or services
69 in connection therewith. (3) To cause to be made any written
70 or oral inquiry or record concerning the race, color, handicap,
71 religious creed, national origin, sex, age or ancestry of a per-
72 son seeking to rent or lease or buy any such commercial
73 space. The word "age" as used in this subsection shall not
74 apply to persons who are minors, nor to residency in state-
75 aided or federally-aided housing developments for the elderly.

1 SECTION 5. Section 1 of chapter 151C of the General
2 Laws, as most recently amended by section 2 of chapter 334
3 of the acts of 1956, is hereby further amended by adding the
4 following paragraph: —

5 (d) The term "handicap" means an affliction of a physical
6 sensory, emotional or intellectual nature which does not impair
7 the independent function of a person.

1 SECTION 6. Said chapter 151C is hereby further amended
2 by striking out section 2, as most recently amended by section
3 3 of said chapter 334, and inserting in place thereof the
4 following section: —

5 *Section 2.* It shall be an unfair educational practice for an
6 educational institution: —

7 (a) To exclude or limit or otherwise discriminate against any
8 United States citizen or citizens seeking admission as students
9 to such institution because of race, religion, creed, color,
10 handicap or national origin.

11 (b) To penalize any of its employees or students or any
12 applicant for admission because he has testified, participated
13 or assisted in any proceeding under this section.

14 (c) To cause to be made any written or oral inquiry con-
15 cerning the race, religion, color, handicap or national origin of
16 a person seeking admission, except that a religious or de-
17 nominational educational institution which certified to the
18 commission that it is a religious denominational educational
19 institution may inquire as to the religious or denominational
20 affiliations of applicants for admission.

21 This section is not intended to limit or prevent an educa-
22 tional institution from using any criteria other than race,
23 religion, color, handicap or national origin in the admission of
24 students.

- 1 Section 2. It shall be an unfair educational practice for an
- 2 educational institution -
- 3 (a) To require or limit or otherwise discriminate against any
- 4 United States citizen in admission seeking admission to a degree
- 5 or such institution because of race, religion, creed, color,
- 6 handicap or national origin.
- 7 (b) To require any of its employees or students or any
- 8 applicant for admission because he has been admitted, admitted
- 9 or denied to any proceeding under this section.
- 10 (c) To cause to be made any written or oral inquiry con-
- 11 cerning the race, religion, color, handicap or national origin of
- 12 a person seeking admission, except where a religious or de-
- 13 nonsectarian educational institution which is related to the
- 14 community that it is a religious denominational educational
- 15 institution may require as to the religion or denominational
- 16 affiliation of applicants for admission.
- 17 This section is not intended to limit or prevent an educa-
- 18 tional institution from using any criteria other than race,
- 19 religion, color, handicap or national origin in the admission of
- 20 students.

2 (d) The term "handicap" means an affliction of a physical,
 3 sensory, emotional or intellectual nature which does not impair
 4 the fundamental functions of a person.

1 Section 3. Said chapter 151C is hereby further amended
 2 by striking out section 2, as most nearly amended by section
 3 2 of said chapter 504, and inserting in place thereof the
 4 following section: -

1 Section 2. It shall be an unfair educational practice for an
 2 educational institution -

3 (a) To require or limit or otherwise discriminate against any
 4 United States citizen in admission seeking admission to a degree
 5 or such institution because of race, religion, creed, color,
 6 handicap or national origin.

7 (b) To require any of its employees or students or any
 8 applicant for admission because he has been admitted, admitted
 9 or denied to any proceeding under this section.

10 (c) To cause to be made any written or oral inquiry con-
 11 cerning the race, religion, color, handicap or national origin of

12 a person seeking admission, except where a religious or de-
 13 nonsectarian educational institution which is related to the
 14 community that it is a religious denominational educational
 15 institution may require as to the religion or denominational
 16 affiliation of applicants for admission.

17 This section is not intended to limit or prevent an educa-
 18 tional institution from using any criteria other than race,
 19 religion, color, handicap or national origin in the admission of
 20 students.

THE SENATE

SENATE

The Department of Education

in the District of Columbia

The Department of Education is a branch of the Executive Department of the Government of the District of Columbia. It is responsible for the management and control of the public schools of the District. The Department is organized into several divisions, each of which is headed by a Chief Clerk. The Chief Clerk of the Department is the Secretary of the Board of Education.

The Department of Education is a branch of the Executive Department of the Government of the District of Columbia. It is responsible for the management and control of the public schools of the District. The Department is organized into several divisions, each of which is headed by a Chief Clerk. The Chief Clerk of the Department is the Secretary of the Board of Education.

The Department of Education is a branch of the Executive Department of the Government of the District of Columbia. It is responsible for the management and control of the public schools of the District. The Department is organized into several divisions, each of which is headed by a Chief Clerk. The Chief Clerk of the Department is the Secretary of the Board of Education.

The Department of Education is a branch of the Executive Department of the Government of the District of Columbia. It is responsible for the management and control of the public schools of the District. The Department is organized into several divisions, each of which is headed by a Chief Clerk. The Chief Clerk of the Department is the Secretary of the Board of Education.

