

By Mr. Frank of Boston, petition of Phyllis Mitchell, Barney Frank, John A. Businger and another relative to the protection of certain persons from unlawful discrimination in employment in certain cases. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE LAW RELATIVE TO THE PROTECTION OF CERTAIN PERSONS FROM UNLAWFUL DISCRIMINATION.

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 4 of chapter 151B of the General Laws is hereby
2 amended by striking out sub-sections 1, 2, 3, 3A, 3B, 7, 8 and 12
3 and inserting in place thereof the following eight sub-sections: —

4 1. For an employer, by himself or his agent, because of the
5 race, color, religious creed, national origin, sex, age, ancestry or
6 blindness of any individual, to refuse to hire or employ or to bar
7 or to discharge from employment such individual or to dis-
8 criminate against such individual in compensation or in terms,
9 conditions or privileges of employment, unless based upon a
10 bona fide occupational qualification.

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

18 3. For any employer or employment agency to print or
19 circulate or cause to be printed or circulated any statement
20 advertisement or publication, or to use any form of application

21 for employment or to make any inquiry or record in connection
22 with employment which expresses, directly or indirectly, any
23 limitation, specification or discrimination as to race, color,
24 religious creed, national origin, sex, age, ancestry, or blindness or
25 any intent to make any such limitation, specification or
26 discrimination, or to discriminate in any way on the ground of
27 race, color, religious creed, national origin, sex, age, ancestry, or
28 blindness, unless based upon a bona fide occupational qualifica-
29 tion.

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, religious
36 creed, national origin, ancestry or blindness 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 granting
40 of any mortgage loan, including but not limited to the interest
41 rate, terms or duration of such mortgage loan, because of his
42 race, color, religious creed, national origin, ancestry, or blindness.

43 7. For the owner, lessee, sublessee, real estate broker, assignee
44 or managing agent of other covered housing accommodations or
45 of land intended for the erection of any housing accommodation
46 included under subsections 10, 11, 12, or 13 of section one, or
47 other person having the right of ownership or possession or right
48 to rent or lease, or sell, or negotiate for the sale or lease of such
49 land or accommodations, or any agent, or employee of such a
50 person: – (a) to refuse to rent or lease or sell or negotiate for sale
51 or lease or otherwise to deny to or withhold from any person or
52 group of persons such accommodations or land because of the
53 race, color, religious creed, national origin, sex, age, ancestry of
54 such person or persons, or because such person or persons are
55 blind; (b) to discriminate against any person because of his race,
56 color, religious creed, national origin, sex, age, or ancestry or
57 because such person is blind in the terms, conditions or privileges
58 of such accommodations or land or the acquisition thereof, or in
59 the furnishing of facilities and services in connection therewith;
60 or (c) to cause to be made any written or oral inquiry or record

61 concerning the race, color, religious creed, national origin, sex,
62 age, ancestry or because such person is blind seeking to rent or
63 lease or buy any such accommodation or land; provided,
64 however, that this subsection shall not apply to the leasing of
65 single apartment or flat in a two family dwelling, the other
66 occupancy unit of which is occupied by the owner as his
67 residence. The word "age" as used in this subsection shall not
68 apply to persons who are minors, nor to residency in state-aided
69 or federally-aided housing developments for the elderly.

70 8. For the owner, lessee, sublessee, or managing agent of, or
71 other person having the right of ownership or possession of or
72 the right to sell, rent, lease, commercial space: (1) to refuse to
73 sell, rent, lease or otherwise deny to or withhold from any person
74 or group of persons such commercial space because of the race,
75 color, religious creed, national origin, sex, age, or ancestry of
76 such person or persons, or because such person or persons are
77 blind. (2) to discriminate against any person because of his race,
78 color, religious creed, national origin, sex, age, ancestry or
79 blindness in the terms, conditions or privileges of the sale, rental
80 or lease of any such commercial space or in the furnishing of
81 facilities or services in connection therewith. (3) To cause to be
82 made any written or oral inquiry or record concerning the race,
83 color, religious creed, national origin, sex, age, ancestry or
84 blindness of a person seeking to rent or lease or buy any such
85 commercial space. The word "age" as used in this subsection
86 shall not apply to persons who are minors, nor to residency in
87 state-aided or federally-aided housing developments for the
88 elderly.

89 12. For any retail store which provides credit or charge
90 account privileges to refuse to extend such privileges to a
91 customer solely because said customer had attained age sixty-two
92 or over or because such customer was blind.

