
[Senate, June 28, 1977—Substituted by amendment by the Senate (Lewis)
as a new text for House Bill, No. 6107, amended]

The Commonwealth of Massachusetts

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

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 subsection 3B, as amended by Chap-
3 ter 874, section 2 of the acts of 1971, and inserting in place
4 thereof the following section: —

5 3B. For any person, firm, partnership, association, corpora-
6 tion, financial institution, or any other lender doing business
7 in the commonwealth, or any agent or employee thereof, to
8 whom application is made for financial assistance for the pur-
9 chase, lease, acquisition, construction, rehabilitation, repair
10 or maintenance of any real property:

11 (a) to discriminate against any person or group of persons
12 because of race, creed, religion, national origin, sex, marital
13 status, status with regard to public assistance or disability of
14 such persons or group of persons or of the prospective occu-
15 pants or tenants of such real property, or because such person
16 or group of persons desire to obtain a loan on real property in a
17 certain geographic area or areas in the granting, withholding,
18 extending, modifying, or renewing or in the rates, terms, con-
19 ditions, or privileges of any such financial assistance or in the
20 extension of services therewith; (b) to use any form of applica-
21 tion for such financial assistance or to make any record or in-
22 quiry in connection with such applications for such financial
23 assistance which expresses, directly or indirectly, any limita-
24 tion, specification, or discrimination as to geographic area, or
25 any intent to make such limitation, specification, or discrimi-
26 nation, in the granting, withholding, extending, modifying or
27 renewing, or in the rates, terms, conditions, or privileges of
28 any such financial assistance or in the extension of services
29 in connection therewith; (c) to differentiate between various

30 sections, communities, towns or cities of the commonwealth
31 on the basis of the age of structures, the income level, or the
32 social, ethnic, or racial composition of that area. The criteria
33 for accepting or refusing such a request for financial assist-
34 ance shall be based solely on reasons of economic feasibility,
35 the credit worthiness of the individual applicant or applicants,
36 as determined by an examination of his or their financial
37 assets and liabilities, and the physical condition of the indi-
38 vidual property on which the loan is to be made. In the event
39 of refusal, any applicant or applicants for such financial as-
40 sistance may request the reasons for refusal to be made by
41 the lender in writing at the time of such denial.

42 It shall be a defense to any allegation of discrimination
43 under this section if the mortgage lender can show that the
44 property or properties for which the loan application were
45 made are not within the reasonable service area of the mort-
46 gage lender.

47 It shall not be a violation of this section if the loan is made
48 pursuant to a specific public or private program, the purpose
49 of which is to increase the availability of mortgage loans with-
50 in a specific neighborhood or geographical area.