

**An Ordinance Amending  
Division 2, Section 50-61 through 50-63  
[Fair Housing Commission]  
and  
Division 13, Section 2-541 through Section 2-549  
[Human Rights Commission]  
of the  
Revised Ordinances of the City of Medford**

***BE IT ORDAINED:*** By the City Council of the City of Medford that Division 2, Section 50-61 through 50-63 [Fair Housing] and Division 13, Section 2-541 through Section 2-549 [Human Rights Commission] of the Revised Ordinances of the City of Medford, as most recently amended, are hereby stricken and hereby further amended by inserting in Division 2.

**Division 2 Human Rights Commission**

**Sec. 50-61. Policy of the City**

- (1) The purposes of this ordinance are (a) to establish the scope of responsibility of the Medford Human Rights Commission (hereinafter the Commission) and (b) to establish a policy to uphold the human rights of all persons in the City of Medford, including the free exercise and enjoyment of any rights and privileges secured by the Constitution and laws of the United States and the Constitution and laws of the Commonwealth. This policy shall provide equal opportunity to each person regardless of race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies. This policy shall be enforced where unlawful discrimination exists in housing, employment, education, public accommodations, housing accommodations, within the meaning of M.G.L. Chapter 151B (the Massachusetts Anti-Discrimination Law) and 42 U.S.C. §3601, et. seq. (the Federal Fair Housing Act, as amended) or related services and facilities.
- (2) Where previous discriminatory practice or usage tends, on grounds set forth in paragraph (1) of this section, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this policy applies, the City recognizes its obligation to take reasonable affirmative action to remove or overcome the consequences of the any prior discriminatory practice or usage, to accomplish the purposes of this policy. Even in the



absence of such prior discrimination, the City shall, in administering any of its programs, take affirmative action to overcome the effects or conditions that have resulted in limiting participation by persons based on the grounds set forth in paragraph (1) of this section.

#### **Sec. 50-62. Construction**

The provisions of this ordinance shall be construed liberally for the accomplishments of the purposes thereof, and any ordinance inconsistent with any provision hereof shall not apply, but nothing contained in this division shall be interpreted to contravene the general laws of the Commonwealth.

#### **Sec. 50-63. Membership; appointment; term; removal**

The Medford Human Rights Commission shall consist of nine (9) members who shall be persons who live or work in the city. All members shall be appointed by the Mayor. The Commission shall reflect a diverse representation of persons active in the efforts of human rights and civil rights activities in the City.

#### **Sec. 50-64 Officers.**

Election of officers shall be held in June on a biannual schedule. Officers shall consist of the Chair, Vice-Chair, and Clerk. They shall serve for two years with the ability to serve one consecutive term.

Members are expected to attend and participate in all meetings and events of the Commission. If a Commissioner misses more than two meetings in a fiscal year, except for illness or other exceptional circumstances, he/she will be asked to review his/her commitment to the Commission. Members are not prohibited from serving additional terms provided they take a year off from serving.

#### **Sec. 50-65. Appointments.**

(a) For the initial appointments to the Human rights Commission, the Mayor shall appoint members as follows;

- (1) Three members for a term of three years.
- (2) Three members for a term of two years.
- (3) Three members for a term of one year.

Thereafter, the Mayor shall appoint each successor to a term of three years.

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

#### **Sec. 50-66. Meetings; quorum.**

The Commission shall meet ten times a year at regular intervals. The Chairperson shall not vote unless she/he must vote to break a tie. Five members



of the Commission shall constitute a quorum. No binding decisions shall be made at any meeting at which not enough members are present to constitute a quorum. "When enough members are present to constitute a quorum no less than five votes shall be sufficient for any action taken by the commission".

**Sec. 50-67. Functions and powers.**

To uphold and secure the mandates, rights, and privileges of its policy, the Commission shall work to cause the full integration and participation of all people in the City. The Commission shall be guided by these functions and powers to:

- (1) Enlist the cooperation of local, state, and federal, and private organizations and public agencies, in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious group relationships and carrying out programs designed to meet the problems of people who face inequity.
- (2) Research local problems of discrimination and inequity.
- (3) Initiate investigations, for potential referral, through the Diversity Director, into the existence of unlawful discrimination or harassment that may deny or tend to deny equal access to or opportunities in housing, employment, education, public accommodations, services, and facilities to any person or group.
- (4) Offer to hear any person or group with a human rights grievance, and investigate or refer any such grievance that has merit, if municipal resources exist to do so. Such decisions shall be made at the sole discretion of the Diversity Director.
- (5) Resolve matters of unlawful discrimination whenever possible through mediation, but when this is not possible, refer such matters to the state Commission Against Discrimination, or to any court or other governmental agency having remedial jurisdiction.
- (6) Issue such publications and research as in the Commission's judgment will tend to promote goodwill, information, and outreach, to minimize or eliminate discrimination.
- (7) Periodically review and make recommendations about policies, procedures, services, activities, and facilities of the departments, boards, and agencies of the City.
- (8) Provide information, referrals, guidance, and technical assistance to individuals, public agencies, businesses, and organizations in all matters pertaining to human and civil rights.
- (9) Adopt, promulgate, amend, and rescind rules and regulations to carry out the provisions of this ordinance, and the policies and practices of the Commission in connection therewith.



- (10) Keep the Mayor, the City Council, and the School Committee informed of Commission action, report upon request, and submit an annual report to the Mayor, which shall include a written summary of the Commission's work.

The Commission, along with the City's Diversity Director, shall be designated by the Mayor to advise citizens of their rights under this ordinance, and to refer cases of possible discrimination to the state Commission Against Discrimination.

This section shall not preclude a citizen from filing a complaint or seeking redress before this Commission and independently before any agency of the Commonwealth of Massachusetts, including the state Commission Against Discrimination or any other agency.

#### **Sec. 50-68. Counsel.**

The City Solicitor shall serve as counsel of the Commission.

#### **Sec. 50-69 Definitions**

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disability: A physical or mental impairment that substantially limits an individual's ability to perform one or more major life activities of a person; a record of having such impairment; or being regarded as having such impairment; but such term shall not include current, illegal use of a controlled substance as defined in M.G.L.A. c. 94C.

Discriminate: Design, promote, implement, or carry out any policy, practice, or act that by design or effect segregates, separates, distinguishes or has a disproportionate impact according or because of a person's race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, veteran status, membership in the Armed Forces of the United States, gender identity, gender expression, or status as a person who is a recipient of federal, state, or local housing subsidies, or rental supplements.

Human Rights: The rights of all persons to freely exercise and enjoy the rights and privileges secured by the Constitution and Laws of the United States and the Constitution and laws of the Commonwealth of Massachusetts. These are the rights afforded equally to each person regardless of race, color, religious creed, national origin, sex, age, genetic information, disability, sexual orientation, ancestry, family status, marital status, veteran status gender identity, gender expression, or



status as a person who is a recipient of federal, state, or local housing subsidies, rental assistance, or rental supplements where unlawful discrimination exists.

Unlawful Housing Practices:

It is unlawful:

(1) For any owner, lessee, sublessee, assignee, managing agent, real estate broker, or other person having the right to sell, rent, lease or manage a housing accommodation, or an agent of any of those such persons to:

a. Discriminate and to directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies. This policy shall be enforced where unlawful discrimination exists in housing, employment, education, public accommodations, housing accommodations of any prospective purchaser, applicant, occupant, or tenant of any housing accommodation.

b. Discriminate by directly or indirectly refusing to sell, rent, lease, let, or otherwise deny to or withhold from any individual, any housing accommodation because of race, color, sex, national origin, religion, age, genetic information, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies marital status, political affiliation, mental and/or physical disability, or whether there are children in the family/household, or whether the individual receives public assistance.

c. Discriminate or, directly or indirectly cause to be printed or published, circulated, broadcast, issued, used, displayed, posted, or mailed any written, printed, painted, or oral communication or notice of advertisement relating to the sale, rental, lease, or let of any housing accommodation that indicates any specification, qualification, or discrimination, based upon race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether the individual receives public assistance.

d. Directly or indirectly discriminate against any person because of his or her race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether the individual receives public assistance in the terms, conditions, or privileges of



the sale, rental, lease, or let of any housing accommodation or in the furnishing of facilities or services in connection therewith; or

e. Refuse to rent or otherwise deny or withhold from any person any housing accommodation because such a person has children who shall occupy the leased or rented premises with such person; provided, however, that this subsection shall not apply to dwellings containing three apartments or fewer, one of which apartments is occupied by an elderly or infirm person for whom the presence of children would constitute a hardship. For the purpose of this subsection the term "elderly person" shall mean a person 62 years of age or older, and the term "infirm person" shall mean a person who is disabled or suffering from a chronic illness.

(2) For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured, to:

a. Discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether the individual receives public assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any such financial assistance against any applicant because of the race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical disability, presence of children in the family/household, or receipt of public assistance of such applicant or of the existing or prospective occupants or tenants thereof; or

b. Discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of any appraiser's, whether independent or not, evaluation of the property or neighborhood under consideration, when such evaluation is based on discriminatory criteria.

(3) For any person, agent, firm, corporation, or association, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent, or attempt to prevent the sale, purchase, rental or letting of any housing accommodation by:

a. Making implicit or explicit representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether



the individual receives public assistance.

b. Making implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity including, but not limited to, the lowering or property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities; or

c. Making implicit or explicit false representations regarding the availability of suitable housing within a particular neighborhood or area, or failing to disclose or offer to show all properties listed or held for sale, rent, lease, or let within a requested price range, regardless of location, so as to promote the continuance or maintenance of segregated housing or so as to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood.

(4) Except where based on a valid affirmative action program or recordkeeping or reporting requirement:

a. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential, to directly or indirectly make or keep a record of any applicant's or prospective owner's or race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether the individual receives public assistance; or

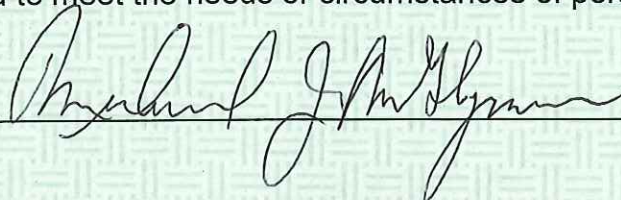
b. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential, to establish, announce, or follow a pattern, practice, or policy of denying, excluding, or limiting by any means whatsoever housing accommodations to any group because of their race, color, religious creed, national origin, sex, age, genetic information, disability, ancestry, marital status, family status, sexual orientation, political affiliation, veteran status, gender identity, gender expression, or status as a person who is a recipient of federal, state or local housing subsidies or whether the individual receives public assistance

(5) For any person to discriminate in any manner against any individual or to retaliate against such individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing regarding any alleged forbidden practice.

(6) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful housing practice, or to obstruct or prevent any person from complying with the provisions of this section or any regulations or order issued under the provisions of this ordinance, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.




Nothing in this section shall be construed to prevent the operation or establishment of housing facilities designed for the exclusive use of elderly and/or disabled individuals, nor to prohibit the establishment of programs assigned to meet the needs or circumstances of persons with disabilities.

Signed:  Mayor

IN COUNCIL

DECEMBER 16, 2014

PASSED AS  
AMENDED TO  
WAIVE ALL THREE  
READINGS TO BE  
ORDAINED

Signed:  City Solicitor

A True Copy Attest

Edward P. Finn  
City Clerk