

An Act to Create Access to Justice

S.996 (Sen. DiDomenico)

H.1792 (Rep. Madaro & Rep. Meschino)



Civil rights laws are meant to ensure that our government treats people fairly, without discriminating based on race, sex, disability, or any other protected characteristic—and existing laws give people the tools to call out the most obvious, intentional discrimination. However, civil rights violations today are rarely as blatant as they were when these laws were first put in place. **Today, the most pervasive injustices come from policies and actions that appear to be neutral but actually have a discriminatory impact when they play out in the real world.**



Victims of civil rights abuses used to be able to address “disparate impact” discrimination in federal court, but federal case law and increasingly conservative federal courts have now made such claims nearly impossible. This bill aims to update Massachusetts law to enable people to bring claims in state court challenging government programs or activities that have a harmful, discriminatory effect.

The Act to Create Access to Justice would:

- ✓ **RESTORE CIVIL RIGHTS PROTECTIONS.** This legislation **creates — under state law — critical civil rights protections** that were previously available under federal law. Specifically, it would eliminate the burden of proving that governmental programs or activities that have a disparate impact were motivated by discriminatory intent.
- ✓ **MAKE LEGAL REMEDIES ACCESSIBLE.** Victims could **file claims in state court**, rather than federal court. They would not be required to go through administrative red tape before being able to bring a claim.
- ✓ **PROTECT ALL VULNERABLE GROUPS.** The bill **prohibits discrimination** on the basis of race, color, religion, national origin, ethnicity, ancestry, citizenship or immigration status, limited English proficiency, genetic information, sex, gender identity and expression, sexual orientation, age, disability, medical condition, familial status, pregnancy, veteran status, receipt of public assistance, or any other protected characteristic.

For more info, contact Andrea, andrea@n2nma.org or Sofia, sofia@ace-ej.org

Supported by: ACLU of Massachusetts, GLAD, Greater Boston Legal Services, Massachusetts Appleseed Center for Law and Justice, Massachusetts Law Reform Institute, Mass Trans Political Coalition, Prisoners Legal Services and the EJ Legislation Table; Neighbor to Neighbor; GreenRoots; Alternatives for Community & Environment; Coalition for Social Justice; Conservation Law Foundation; Clean Water Action; Community Action Works; MA Climate Action Network; Environmental League of MA; Green Energy Consumers Alliance; Better Future Project; Sierra Club of MA; North American Indian Center of Boston; 350 MA; Groundwork Lawrence; Lawyers for Civil Rights; Healthcare Without Harm; Union of Concerned Scientists; and UU Mass Action.