

Fair Housing

Have you found closed doors when looking for housing? Housing discrimination is illegal under both state and federal laws. It is always against the law to deny anyone housing based on race. In almost all instances, it is also against the law to deny anyone housing based on:

- Color
- Sex
- National origin
- Religion
- Disability
- Marital status
- Age
- Sexual orientation
- Gender identity and expression
- Military or veteran status
- Ancestry
- Public assistance
- Housing subsidies or rental assistance
- The presence of lead paint if a child under six lives in the household
- Genetic information
- Presence of children in the household

The **only situations** where it is legal to refuse to rent to a family based on the fact that the household includes children are:

- When a rental involves a single-family home that is normally the landlord's residence and which is being rented for one year or less; or
- With a two- or three-family apartment building in which the presence of children would present a hardship for an elderly or infirm resident of that building; or
- With a two-family, owner-occupied apartment, except for one of the following situations:
 - the building was built before 1978 and is not in compliance with Massachusetts lead paint safety requirements
 - a broker was used, or
 - discriminatory advertising or statements were involved.

Reference and Credit Checks

A landlord is permitted to check your references and credit history with your approval. A typical rental application asks for information about the tenant's previous landlords, income source and amount, and credit and personal references. The form must include a statement that, when signed by the prospective tenant, gives the landlord permission to check the references and other information provided by the applicant.

Common forms of discrimination can include:

Refusal to Rent or Sell: Where a landlord or real estate agent refuses to rent or sell to a prospective buyer or tenant because he or she is a member of one of the protected groups listed above.

Misrepresenting the Availability of Housing: Where a landlord, owner, or real estate agent tells a prospective buyer or tenant that housing is unavailable when it has not actually been sold or rented.

Steering: Where a real estate agent, landlord, or owner only offers a prospective buyer or tenant housing in a neighborhood where people of the same race, ethnicity, or religion live, while failing to show the prospective buyer or tenant properties that may be available in other neighborhoods.

Discrimination in Terms or Conditions: Where members of one of the protected groups listed above are given terms or rules that are different from those given to others.

Discriminatory Advertising: Any written statement or any oral statement that indicates preferences or limitations for certain people based (either directly or indirectly) on their membership in one of the protected groups mentioned above.

Use of Threats, Intimidation, or Coercion: Where someone attempts to keep an individual from renting or buying a house in a neighborhood by suggesting that he or she will not be safe or that neighbors do not want a person who is one of the protected groups listed above to move into the neighborhood.

Sometimes it is a realty management company, and not the actual landlord or property manager, who screens a rental application. It's important to keep in mind that the realty management company is the landlord's agent. This means that both the realty management company and the landlord might be held responsible if they violate a prospective tenant's fair housing rights. Always report any incident of potential discrimination:

[Massachusetts Fair Housing Center](#)

[Massachusetts Commission Against Discrimination](#)

[HUD \(Department of Housing and Urban Development\)](#)