

Fact Sheet for Realtors: Fair Housing

The Attorney General's Office is responsible for enforcing many fair housing, consumer protection and lead paint laws. These include the Massachusetts Anti-discrimination Law, M.G.L. ch.151B, which prohibits discrimination in the sale, rental or advertising of housing by realtors, landlords, mortgage lenders, brokers, and property managers on the basis of race, color, religion, national origin, sex, disability, sexual orientation, marital status, age, veteran status or membership in the armed forces, receipt of Section 8 or other public assistance, or genetic information; as well as the federal Fair Housing Act, which makes it illegal to discriminate against someone in the sale or rental of housing because of a person's race, color, religion, sex, gender identity, familial status, national origin, or handicap/disability.

Real estate professionals who rent, sell or buy property need to understand and comply with these laws so that they can make sure that tenant and prospective tenants' rights to non-discriminatory treatment are protected, that rental advertisements are lawful, and that they can ensure that clients purchasing homes as rental income properties understand their legal obligations.

Guidance for Renting and Advertising Rental Properties:

- **It is against the law** to refuse to rent an apartment to someone because of the person's race, color, national origin, ancestry, gender, gender identity, marital status, religion, age, sexual orientation, military background, or disability or because a person receives public assistance, such as Section 8.
- **It is against the law** to refuse to rent to someone with children, unless the building has three units or less, one of the units is occupied by an elderly person (65 years or older), and the presence of children would constitute a hardship to that elderly person. You cannot advertise a rental property which indicates a preference for tenants without children.
- **You may not refuse to rent** to a tenant because he/she is too young or old, unless the building has three units or less, one of the units is occupied by an elderly person, and the presence of children would constitute a hardship to that elderly person. (With exception for properly licensed age 55+ communities.)
- **You may not refuse to rent** to a potential tenant because the person is blind, hearing impaired, or needs a guide dog. You also may not advertise a rental property that indicates a preference for tenants without disabilities.
- **Avoid advertising rental properties in a way that indicates bias or preference.** For example, it is illegal to post an advertisement saying "No Section 8" or "No Children". Real estate professionals advertising rental properties also should avoid words that might be code for bias, as in "Perfect for professional couple" or "Single person preferred".

Lead Paint:

Massachusetts lead paint law, M.G.L. ch.111, § 197, requires owners to "de-lead" or remove lead paint hazards from any unit where a child under age six lives. The law also prohibits property owners from refusing to rent to someone with a child under six in order to avoid an obligation to de-lead.

Real estate professionals should ensure that housing advertisements do not discourage applicants with children under six from applying, and ensure that their clients understand that owners cannot refuse to rent to an applicant because of the obligations of the lead paint law.

To help prevent issues from arising, real estate professionals can advise their clients of these obligations when they are looking to purchase a home and intend to rent all or part of the home to tenants or when the real estate agent or broker agrees to list a rental property. De-leading costs can be an important factor in the financial decision-making process about a property. There may be state and local resources available to home owners to help defray the cost of de-leading.

For more information, please contact the **Attorney General's Civil Rights Division** at <http://www.mass.gov/ago> or 617-963-2917.

You may also learn more from the **Massachusetts Commission Against Discrimination** at <http://www.mass.gov/mcad>.

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