

Housing Discrimination

Tenants' Rights in Massachusetts

Laws that protect you against discrimination are called **fair housing laws**.

Answering these 3 questions will help you know if someone discriminated against you.

1. Am I protected from discrimination by the fair housing laws?
2. Is the housing I want to rent or buy covered by the fair housing laws?
3. Is the behavior of the landlord, manager, or other person illegal under the law?

If your answer is yes to all 3 questions, there are steps that you can take to protect yourself.

If you have a physical or mental disability, you may have more rights. You may have the right to get reasonable accommodations.

What are examples of discrimination?

Examples of discrimination include:

- A property agent shows you apartments in one neighborhood and not another because of your race.
- A landlord refuses to rent to you because you have a Section 8 voucher.
- A landlord makes an inappropriate comment about your gender, ethnicity, religion, or disability.
- A landlord, owner, manager, or employee sexually harasses you.
- You have young children, and a landlord tells you they cannot rent to you because the apartment has lead paint.

Am I protected under the fair housing laws?

Fair housing laws protect you if someone discriminates against you because of your:

- Race.
- Color.
- National origin or ancestry.
- Sex.
- Gender identity.
- Sexual orientation.
- Religion.
- Age, if you are 18 or older.
- Family status – because you are pregnant or have kids.
- Receipt of public assistance – because you get government benefits.
- Housing subsidy – because you have a voucher, like Section 8.
- Disability (physical or mental).
- Marital status – because you are married or not married.
- Veteran status – because you are or were in the military.

Do the fair housing laws apply to my type of housing?

The laws protect against discrimination in most rental housing and some types of temporary housing. This includes houses, apartments, mobile homes, condominiums, cooperatives, and others.

No landlord of any size building can discriminate based on race, getting public benefits, or getting a housing subsidy. And no landlord of any size building can say discriminatory things. But other times, your rights depend on the size of your building:

- State fair housing laws **do not** protect tenants in or applicants to buildings with only 2 apartments if the landlord lives there.
- Federal fair housing laws **do not** protect tenants in or applicants to buildings with 4 apartments or less if the landlord lives there.

Can I be discriminated against if I have a housing voucher?

No. A landlord or real estate agent cannot treat you differently because you have a rental voucher or get public benefits, like Social Security Disability Insurance. It is also illegal to deny an applicant with a voucher because of the voucher program requirements. For example, a landlord can't refuse to rent to you because your voucher program requires inspection or a 1-year lease.

When looking for an apartment

- Do not ask if a landlord takes Section 8 or allows children. Assume the landlord will follow the law.
- Ask to see all available apartments — even if the landlord says an apartment is small or has lead paint.
- If they will not rent to you, **ask why**.

How can I protect myself if I have a physical or mental disability?

If you have a disability, you may be able to get what is called a “reasonable accommodation” or “reasonable modification.” Accommodations and modifications are where the landlord makes changes to policies, services, or even the physical structure of an apartment so that you can have full use of your home.

What can I do if I have been discriminated against?

If you feel that you have been discriminated against by a real estate agent, a landlord, or a landlord's employee, it is important to act quickly. There are steps that you can take and organizations that may be able to help you. See www.masslegalhelp.org/LT-Discrimination-Steps.



For more, scan the QR Code for: **Legal Tactics, Chapter 7: Discrimination**
MassLegalHelp.org/LT-Discrimination