

## Tenant Screening

### Tenants' Rights in Massachusetts

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When you are looking for an apartment, landlords must follow the law when they decide whether to accept or reject you as a tenant. This is called tenant screening. Although landlords often use unreliable criteria, in general they say they want to know if you will:

- Pay the rent on time.
- Keep the apartment in good condition.
- Be a good neighbor.

### Where do landlords get information about me?

#### Credit reports

Landlords use credit reports and say that they predict if you can pay the rent. There is no evidence to support this, but they do it anyway and it may violate fair housing laws.

Credit reports show how you borrow and repay money. They also show how much debt you have.

Before you look for a place, get a copy of your credit report. You can get 1 free copy of each of the three reports each week by filling out the Credit Report Request Form. To get them:

- Call 877-322-8228 or
- Go to [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com)

#### Tenant screening reports

Landlords can buy tenant screening reports from private companies. These reports can include eviction history, credit reports, court cases, former addresses, social security number verification, and criminal record searches.

#### Rental and eviction history

Landlords may ask you for references from your current and former landlords. If you are worried that a former landlord may unfairly give you a bad reference, ask your former landlord for a simple reference letter that says you paid the rent on time or owe no rent.

If you have no rental history, try to use other sources of information that show your ability to pay rent on time and keep an apartment in good condition. For example, history with a car loan, a utility bill, or a letter from your employer or leader in the community like a faith leader.

#### Criminal record information

Landlords should not automatically exclude any person with a criminal conviction record. When screening, landlords should consider each individual applicant and the nature and severity of any conviction.

The Massachusetts Criminal Offender Record Information (CORI for short) is the most common type of criminal background check. **Before** any landlord, property manager, or real estate agent can reject your application based on your CORI, they must notify you and give you the chance to respond. See **Criminal Records and Your Rights:** [www.masslegalhelp.org/criminal-records-and-your-rights](http://www.masslegalhelp.org/criminal-records-and-your-rights).

If you are applying to public or subsidized housing, the CORI rules are different than in market rate housing. If you are denied, you can challenge the denial. But, even for private landlords you should challenge the denial if you think it is wrong.

## Court information

Massachusetts trial courts make information about court cases available to the public on the internet. This information may include mistakes. It also may not tell the whole story.

Starting in May 2025, there will be a process to seal an eviction. Check the courts or legal services providers in your area to see if you can seal your prior court records. If you've been involved in a housing case in court, check for errors online. Look up your case on the court's website. If you find an error, use the **Error Correction Form (Booklet 12)**.

## What can I do if my application was denied?

### Private housing

If the landlord or management company used a credit or screening report, they must tell you what service they used and how to get a copy of the report. On the copy, you can see if there is any misleading or incorrect information. You can dispute anything that is wrong and provide an explanation to the credit reporting or tenant screening agency and they must include the explanation in future reports.

### Public and subsidized housing

Every denial letter must tell you the reason for denial. To challenge a denial, you must request a hearing in writing by the deadline noted in your denial letter.

### Domestic violence

In Massachusetts, a landlord cannot lawfully reject your application for housing if you had to end your lease early or change your locks at a previous apartment because of domestic violence. This applies to all landlords and all rental housing.

## Protect Yourself

**Fix errors.** Get copies of your credit reports and any criminal record reports (CORI). Fix errors on them before applying for apartments.

**Landlord references.** If you have good references from current and prior landlords, bring copies to new landlords when applying.

**Ask why.** If a landlord denies you an apartment, ask why. A landlord can deny your rental application for a number of reasons. But landlords cannot apply screening criteria in a discriminatory manner.

**Correct information.** If a new landlord has information that is wrong or doesn't tell the whole story, you may be able to correct it or show that your circumstances have changed.

**Challenge a denial.** Even if the reason for denial is true, ask the landlord to reconsider the denial. Show them reference letters or other documents that show you will be a good tenant. The process may be different if you are applying to public or subsidized housing.

## Can my landlord make me pay for screening?

No. Landlords cannot make you pay for your screening report, credit check, criminal background check, or any other form of screening. See **Background Checking Fees:** [www.masslegalhelp.org/bg-check-fees](http://www.masslegalhelp.org/bg-check-fees).



For more, scan the QR Code for: **Legal Tactics, Chapter 2: Tenant Screening**  
[MassLegalHelp.org/LT-tenant-screening](http://MassLegalHelp.org/LT-tenant-screening)