

Common Forms of Discrimination

Misrepresenting the availability of housing:

A housing provider must accurately disclose all available housing. It is illegal to state that a house is rented or sold when it is available because the owner does not want to sell or rent to a family with children or is concerned about lead hazards.

Steering:

A housing provider must disclose all available housing in all parts of a building, housing complex or other buildings they may own or manage regardless of the existence of lead paint in the premises. Showing families with children only certain apartments is illegal.

Refusals to rent or sell:

It is illegal to refuse to rent or sell to a family with children under the age of six because there is or may be lead paint in a dwelling.

Discrimination in terms and conditions:

It is illegal for a housing provider to charge a higher rent to a family with children than to a family without children because the owner will have to cover or remove lead paint.

Discriminatory advertising:

Advertisements cannot state that an apartment or house is suitable only for adults or cannot be rented by a family with children. Advertisements that read "no children" or "apartment not dealed" are discriminatory.

The Massachusetts Fair Housing Center (MFHC) is a private, non-profit fair housing organization serving central and western Massachusetts. MFHC's mission is to enforce the civil rights laws; educate tenants, landlords, and community groups in fair housing practices; and assist people who have experienced housing discrimination. MFHC provides the following services:

- Education and community outreach about fair housing issues;
- Investigation of complaints;
- Free legal advice and representation to the victims of housing discrimination;
- Information on fair housing practices to real estate agents, landlords, managers, lenders, and others who provide access to housing.

*Remember: Always document your housing search. Keep records of where you call and whom you speak to. Documentation is key in the investigation process.

If you think you may have experienced discrimination in your pursuit of housing, if you have any questions, or if you want more information, please contact:



57 Suffolk Street, Holyoke, MA 01040

www.massfairhousing.org

info@massfairhousing.org

Voice/TTY: 413-539-9796 ext.101

Fax: 413-533-9978

Toll Free: 1 (800) 675-7309

Discrimination Against Families with Children

**The Massachusetts Lead Laws and
Illegal Housing Discrimination**



1 (800) 675-7309

**Fighting
DISCRIMINATION**

OPENING DOORS

Housing Discrimination is illegal under Massachusetts and federal law. Under both Massachusetts and federal fair housing law it is illegal to deny anyone housing based on the presence of children in the household. It is illegal to discriminate against families with children for any reason including the existence of or possible existence of lead hazards in a housing unit.

A family qualifies for this protection if:

- There is a child in the household who has not yet turned 18;
- The family includes a woman who is pregnant; or
- The family is in the process of obtaining legal custody of a child under the age of 18.

First, some answers to frequently asked questions:

Can a landlord or property manager refuse to rent or sell a unit to a family because there is or may be lead paint hazards in the dwelling?

No. It is illegal for a landlord or property manager to refuse to rent or sell to a family with children because there is or may be hazardous levels of lead paint in an apartment or house.

How do you know if a unit contains dangerous levels of lead?

Both in the renting and selling of property the owner must disclose their knowledge of the presence of lead hazards. All prospective tenants and homebuyers must be notified of lead hazards in a dwelling unit. Tenants must receive a Tenant Certification Form disclosing the presence of lead hazards.

Can an owner refuse to delead an apartment or house?

No. It is illegal for an owner to refuse to remove or cover hazardous lead paint if a child under the age of six resides in a unit or will reside in the unit in the future.

The Massachusetts Lead Law

Paint containing lead is the most common lead hazard in dwelling units. Lead paint is typically found in units built before 1978; when the manufacture of lead based paint was legal. The Massachusetts Lead laws state that is unlawful for a child under the age of six to reside in a housing unit that contains lead hazards. Further, the law requires that a landlord, homeowner, or other housing provider take the following actions if a unit he or she owns or controls has hazardous levels of lead paint:

- Remove or cover the hazardous lead paint whenever a child under six years of age lives in or will live in the house or apartment;
- Delead or cover all hazardous lead paint in an apartment or house within 90 days of purchase if children under the age of six live in the dwelling or will move into the dwelling;
- Hire a licensed deleading company to remove lead hazards. Some work can be done by an owner after the home is inspected by a licensed lead inspector and other regulations are followed to ensure that the work is done correctly;
- Remove or cover urgent lead hazards on an interim basis if the owner first hires a licensed risk assessor who will explain what work must be done for interim control;

- Notify all prospective purchasers about the hazards of lead paint and the requirements for its removal or containment;
- Give copies of the lead paint notification form to all tenants or prospective tenants.

For more information about the lead paint laws, copies of the notification forms, or a list of licensed deleading companies, call the Childhood Lead Poisoning Program at 1-800-532-9571.

The Massachusetts Anti-Discrimination Laws

The Massachusetts anti-discrimination laws make it illegal to refuse to rent, sell, or lease any housing unit to a person because they have a child or children who shall occupy the housing. Families with young children often encounter discrimination because of lead paint hazards in a housing unit. Refusing to rent or sell to families with children is a violation of both the lead paint laws and fair housing laws.

The following actions are prohibited by the anti-discrimination laws:

- Refusing to rent, sell, lease, or otherwise withhold from any person a dwelling because it contains lead paint or may contain lead paint;
- Evicting or refusing to renew the lease of a family with children because there is or may be lead in the apartment, house, or dwelling unit.