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### Advisory on Lead Paint and Discrimination against Tenants with Children

*The Massachusetts Attorney General's Office provides this Advisory to tenants, owners and real estate professionals to inform them of their rights and obligations under Massachusetts Lead Paint and Antidiscrimination laws. We hope this information will help keep children healthy, avoid illegal discrimination, and provide resources for tenants who believe their rights have been violated.*

It is against Massachusetts law for a real estate agent or a property owner to refuse to rent to a tenant because he/she has a child under the age of six. Property owners are obligated to delead their rental units when they are occupied by children under six, and cannot legally avoid this obligation by rejecting families with children. The obligation to remove lead hazards extends to owner-occupied two-family or multi-unit properties. Additionally, it is against the law for a real estate agent or a property owner to refuse to show tenants certain properties because they may contain lead paint: any steering away from older properties or towards delead properties is illegal. It is also against the law for a property owner or real estate agent to state a discriminatory preference against a tenant with children, such as an advertisement stating "no children under 6, apartment not de-leaded." Finally, if a landlord takes an adverse action against a tenant because she complains about lead paint, such as evicting the tenant or raising her rent, that may be retaliation and a separate violation of the law.

Massachusetts housing stock includes many properties built before 1978, when the use of lead paint was banned because of its harmful effects on the health and development of young children. The Legislature enacted laws to protect families with children from lead poisoning and housing discrimination. In doing so, the Legislature recognized that no family should have to choose between the health of their child and a place to live. Our lead paint and antidiscrimination laws contribute to the health and safety of the community by ensuring that families have equal housing opportunities and that lead hazards are removed from units occupied by children.

#### The Laws

The Lead Paint Laws and Antidiscrimination Laws make owners and their agents liable for these discriminatory acts:

[GL c. 111 § 199A\(a\)](#): It is unlawful "to refuse to ... rent, lease or otherwise deny to or withhold from any person or to discriminate against any person in the terms, conditions or privileges of the ... rental or lease of such premises, because such premises do or may contain [lead] paint ... or because the ... rental or lease would trigger [deleading] duties"

[GL c. 111 § 199A\(b\)-\(c\)](#): "Refusing to rent to families with children ... shall not constitute compliance with the lead law and regulations ... Refusing to renew the lease of or evicting families with children shall not constitute compliance with the lead law and regulations."

[GL c. 151B § 4\(11\)](#): It is unlawful "to refuse to rent or lease ... [rental] accommodations because such person has a child or children who shall occupy the premises...."

[GL c. 151B § 4\(7B\)](#): It is unlawful "to make ... any ... statement ... with respect to the ... rental of ... housing accommodations [indicating] any preference, limitation, or discrimination based on ... children"

#### For Assistance

Please report any discrimination you experience to the [Massachusetts Commission Against Discrimination](#) (MCAD) at (617) 994-6000. You may also contact the Boston Fair Housing Commission at (617) 635-2500, or the Cambridge Human Rights Commission at (617) 349-4396.

Your complaint will help prevent future housing discrimination, and you may be entitled to monetary damages and injunctive relief. Filing a complaint with MCAD will not interfere with your housing search.

For more information, please contact the Civil Rights Division of the Attorney General's Office at (617) 727-2200, or on the Web at [www.mass.gov/ago](http://www.mass.gov/ago).