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## **Massachusetts Attorney General's Office** **Anti-Discrimination Guidance**

Massachusetts civil rights laws protect everyone in the Commonwealth from unlawful discrimination. The Massachusetts Attorney General's Office is committed to ensuring that all people can live, work, learn, and play free from discrimination in our Commonwealth. Below, we outline the key areas where anti-discrimination protections apply and how individuals can exercise their rights.

The Massachusetts Attorney General's Office stands firm in its commitment to protect racial minorities, immigrants, women, LGBTQ+ individuals, people with disabilities, those of all religions or no religion, and other marginalized communities from discrimination. Our laws help ensure that every person has equal protection under the law and is treated with dignity and respect.

If you experience discrimination, you have legal rights and options for recourse. This guidance is meant to provide general information. If you need help with a specific situation, please use the resources listed at the end of this document or consult an attorney.

## **Massachusetts Civil Rights Laws Prohibit...**

### **Discrimination in Housing**

#### **What is prohibited?**

Massachusetts law prohibits property owners and managers as well as real estate brokers and agents from discriminating against people who are buying or renting housing based on race, color, national origin, sex, gender identity, sexual orientation, religion, age (over 18), pregnancy or presence of children, marital status, receipt of public assistance or a housing subsidy, disability, or veteran status. See the *Massachusetts Anti-discrimination Law*, G. L. c. 151B.

#### **What housing is covered?**

Most housing in Massachusetts is covered by our anti-discrimination law. There is a limited exception for rental units at properties with two units or less if the owner lives in one of the units, however this exemption does not apply to discrimination based on the receipt of public assistance or a housing subsidy, such as a Section 8 voucher.

#### **Who is covered?**

Property owners, property management companies, real estate brokers, and real estate agents who sell, rent, or manage covered housing are prohibited from discriminating in Massachusetts.

### Who is protected?

Anyone who is buying or renting covered housing is protected from unlawful housing discrimination in Massachusetts.

### Additionally...

Massachusetts law requires landlords to delead (or abate lead hazards in) a home if a child under six lives there. It is unlawful for a landlord in Massachusetts to refuse to rent to or to evict families with children under six to try to avoid their obligation to delead an apartment. See the *Massachusetts Lead Law*, G. L. c. 111, §§ 190 & 199A.

### Examples:

Property owners, property managers, real estate brokers, and real estate agents of covered housing cannot:

- ☐ Advertise that you must have income from employment to rent an apartment
- ☐ Refuse to sell a home to a buyer because of the buyer's race
- ☐ Tell a prospective tenant that an available apartment has already been rented because the prospective tenant has a child under 6
- ☐ Show a prospective tenant with a housing subsidy only apartments in certain neighborhoods that "take" Section 8
- ☐ Decline to provide a tenant with a disability a reasonable accommodation

## **Discrimination in Employment**

### What is prohibited?

Massachusetts law prohibits discrimination in hiring, promotion, discharge, compensation, benefits, training, classification, and other aspects of employment on the basis of race, color, religion, national origin, age, sex, pregnancy, gender identity, sexual orientation, disability, genetic information, ancestry, and military service. See the *Massachusetts Anti-Discrimination Law*, G. L. c. 151B.

### What employers are covered?

Employers with six or more employees are prohibited from discriminating against employees and job applicants in Massachusetts. Anyone who employs domestic workers is also prohibited from discriminating against them.

### Who is protected?

Employees, domestic workers, and job applicants of covered employers in Massachusetts have a right to a workplace free from discrimination and harassment.

### Additionally...

Massachusetts law prohibits all employers from paying an employee less than they pay an employee of a different gender if they are performing comparable work. It also bars employers from (1) asking about a job applicant's salary history and (2) prohibiting employees from discussing their wages. Massachusetts law requires employers with twenty-five or more employees to establish and disclose pay ranges for positions, including in job postings. See the *Massachusetts Equal Pay Act*, G. L. c. 149, §§ 105A & 105F.

Massachusetts law requires employers with six or more employees to provide no fewer than eight weeks of unpaid leave to employees for the birth or adoption of a child. Most employers are also subject to the Paid Family and Medical Leave Act which allows employees to take paid leave for qualifying health and caregiving reasons, such as the birth of a child. See the *Massachusetts Parental Leave Act*, G. L. c. 149, § 105D, and the *Massachusetts Paid Family and Medical Leave Act*, G. L. c. 175M.

Massachusetts law requires employers to accommodate pregnant and lactating employees. This often includes providing time and space for a lactating employee to express milk. See the *Pregnant Workers Fairness Act*, G. L. c. 151B, § 4.

#### Examples:

Covered employers cannot:

- ☐ Fire an employee because of their race, gender, sexual orientation, or other protected status (listed above)
- ☐ Refuse to hire or promote an employee because they are pregnant
- ☐ Allow sexual harassment at the workplace
- ☐ Fail to provide an employee with a disability a reasonable accommodation
- ☐ Decline to allow a reasonable accommodation of an employee's religious practices

## **Discrimination in Education**

### What is prohibited?

Massachusetts law requires public schools to provide equal access to all elementary and secondary students irrespective of race, color, national origin, immigration or citizenship status, disability, religion, sex, gender identity, or sexual orientation. Students may not be discriminated against in admission to school or in obtaining the advantages, privileges, and courses of study of public education. See the *Massachusetts Student Anti-Discrimination Act*, G. L. c. 76, § 5.

### What schools are covered?

All public schools (including charter, elementary, secondary, trade, regional vocational-technical schools, and "exam" schools) are subject to Massachusetts anti-discrimination laws.

### Who is protected?

All students in public schools in Massachusetts, regardless of citizenship, are protected from discrimination.

### Additionally...

Massachusetts law prohibits extracurricular activities at public schools from restricting student participation or opportunity on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation. See 603 Code Mass. Regs. 26.06.

Massachusetts law prohibits bullying by students or school staff on school grounds or at school activities. School staff must report any instance of bullying they witness, and schools must promptly investigate any claims of bullying or harassment. See the *Massachusetts Anti-Bullying Law*, G. L. c. 71, § 37O.

Massachusetts law requires public schools to provide special education and any related services that are necessary for a student with a disability to access the general curriculum in the least restrictive environment. See G. L. c. 71B and 603 Code Mass. Regs. 28.00

Examples:

Public schools cannot:

- ☐ Deny enrollment to students who are undocumented or unhoused
- ☐ Fail to respond to allegations that a student has repeatedly called another student names because of their gender identity or sexual orientation
- ☐ Fail to provide necessary special education services to a student with a disability

## **Discrimination in Public Accommodations**

What is prohibited?

Massachusetts law prohibits public accommodations from discriminating against people based on their race, color, religious creed, national origin, sex, gender identity, sexual orientation, deafness, blindness, or any physical or mental disability, or ancestry. See the *Massachusetts Public Accommodations Law*, G. L. c. 272, § 98.

What is a public accommodation?

A public accommodation is any place that is open to and accepts or invites the general public. Examples of public accommodations include: hotels, restaurants, bars, theaters, concert halls, sports stadiums, stores, car rental businesses, insurance providers, laundromats, banks, hair salons, gas stations, doctor's offices, hospitals, pharmacies, nursing homes, law offices, accountant's offices, cabs, museums, libraries, parks, zoos, daycares, shelters, food banks, gyms, pools, bowling alleys, and golf courses.

Who is protected?

Anyone who is attempting to enter or patronize a public accommodation is protected from unlawful discrimination in Massachusetts.

Additionally...

Massachusetts law requires public accommodations to admit guide dogs who are with any person with a physical disability. See the *Massachusetts Public Accommodations Law*, G. L. c. 272, § 98A.

Examples:

Public accommodations cannot:

- ☐ Deny service to a customer because of their national origin
- ☐ Charge more to a customer because of their sex
- ☐ Refuse to seat a customer at a restaurant because they have a guide dog

## Conduct that Interferes with Your Exercise of Your Rights

### What is prohibited?

Massachusetts law prohibits anyone from interfering, or attempting to interfere, with any secured right of another person through threats, intimidation, or coercion. See the *Massachusetts Civil Rights Act* (“MCRA”), G. L. c. 12, § 11H.

### Who is protected?

All people in Massachusetts have legal protection from threats, intimidation, or coercion that interferes with the exercise of their rights.

### Additionally...

Massachusetts law defines a hate crime as any criminal act motivated at least in part by prejudice, bias, or bigotry towards a person’s race, religion, ethnic identity, disability status, gender, gender identity, or sexual orientation. See the *Massachusetts Hate Crimes Law*, G. L. c. 22C, § 32.

Massachusetts law also entitles everyone to bias-free policing, meaning that, in conducting their work, law enforcement officers may not treat people less favorably because of their race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, or socioeconomic or professional level. Police are specifically prohibited from engaging in racial or other profiling. See the *Massachusetts POST Act*, G. L. c. 6E, § 1, and G. L. c. 90, § 63.

## Finally...

**Most of our anti-discrimination laws require the provision of reasonable accommodations to people with disabilities.** Landlords, employers, businesses, and government entities have an obligation to provide a reasonable accommodation to address a barrier associated with a person’s disability. Examples of reasonable accommodations include:

- ☐ A landlord removing carpet for a tenant with asthma
- ☐ An employer allowing an employee who has daily morning medical treatment to start and end their day later
- ☐ A doctor’s office scheduling a sign language interpreter for an appointment with a Deaf patient

### Additionally...

There are basic accessibility requirements that should eliminate physical barriers in many circumstances. For example, the Americans with Disabilities Act and/or the Massachusetts State Building Code require things like curb cuts, wide doorways, and clear pathways.

**Retaliation is prohibited under the Massachusetts Anti-discrimination Law.** If you seek to exercise a legal right or make a complaint against someone for violating your legal right, retaliating against you for doing so is illegal. Examples of unlawful retaliation include:

- A landlord starting the eviction process after a tenant complains to the MCAD that the landlord denied them a reasonable accommodation
- An employer firing an employee soon after they requested parental or medical leave

- A landlord or an employer threatening to call federal immigration authorities (e.g. Immigration and Customs Enforcement (ICE)) because someone has filed a complaint against them.

**If you believe your rights have been violated, there are resources available to you.**

- You can notify the Massachusetts Attorney General’s Office at <https://www.mass.gov/how-to/file-a-civil-rights-complaint> or by calling (617) 963-2917.
- If it involves housing, employment, education, or public accommodations, you may file a complaint with the Massachusetts Commission Against Discrimination (“MCAD”). Visit <https://www.mass.gov/how-to/how-to-file-a-complaint-of-discrimination> or call (617) 994-6000 for more information.
- If you believe your child’s education rights have been violated, you may also file a complaint with the Problem Resolution System of the Department of Elementary and Secondary Education. Visit <https://www.doe.mass.edu/prs/intake/default.html> or call (781) 338-3700 for more information.
- For policing-related complaints, you may contact the Post Commission. Visit <https://policecomplaints.mass.gov/complaint> or call (617) 701-8401 for more information.
- To find a lawyer in your area or to see if you qualify for free legal services for low-income individuals, please visit <https://www.mass.gov/info-details/finding-a-lawyer>.

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