

HOUSING DISCRIMINATION



There are many forms of discrimination. At the Massachusetts Commission Against Discrimination (MCAD), discrimination is the unfair treatment of a person or group based on the certain characteristics of who they are—referred to as their membership in a protected class:

PROTECTED CLASSES

- Race (including natural & protective hairstyles)
- Color
- Disability
- Age (18+)
- Religious Creed
- Sex (including pregnancy)
- Marital Status
- Familial Status
- Sexual Orientation
- Children (including discrimination due to presence of lead paint)
- Gender Identity / Gender Expression
- Public Assistance
- National Origin
- Ancestry
- Active Military
- Veteran Status
- Retaliation
- Genetic Information

COMMON FORMS OF HOUSING DISCRIMINATION

Disparate Treatment

Unequal treatment based on membership in a protected class.
Example: providing different lease, sale terms, or privileges to different people.

Lead Paint

It is illegal to refuse to sell, refuse to rent, renew a lease, or evict due to the presence of lead paint, or because sale or rental would trigger duty to remove lead paint.

Retaliation

An adverse action as a result of engaging in a protected activity.
Example: not renewing a lease (adverse action) because the tenant asked for a reasonable accommodation in the dwelling (protected activity).

Disparate Impact

A rule or policy that appears neutral but impacts groups differently.
Example: a zero-tolerance policy for domestic violence that results in immediate eviction (greater impact on women and children)

Harassment

Words, conduct, or actions that denigrate, show hostility to, or exhibit aversion towards a person or group based on their membership in a protected class. Tolerating behavior in exchange for housing benefits. Conduct is unwelcome, severe, and pervasive.

Types:

- **Protected Class Harassment:** inappropriate touching of a non-sexual nature, stereotyping, knowingly misgendering.
- **Sexual Harassment:** sexual advances, requests for sexual favors, sexual jokes, displaying sexually suggestive pictures or objects.

Public Assistance

It is illegal to discriminate against potential or current tenants based on receipt of public assistance or refuse to cooperate with the process or requirements of the public assistance program, including Section 8, SSDI, Residential Assistance for Families in Transition (RAFT), and Medicare assistance.

Example: response to an apartment listing that they do not accept tenants who have public assistance.

Failure to Accommodate

It is illegal to refuse to rent, sell, or deal with a person, or otherwise deny a unit or make it unavailable due to a disability. Public and private housing providers must ensure reasonable accommodations and modifications based on a person's need.

Example: not allowing an assistance animal as an accommodation due to a “no pets policy.”

Unfair Advertising

It is illegal for any person to make, print, or publish any discriminatory statement, notice, or advertising in reference to sale or rental that expresses a preference, limitation, or restriction that would exclude someone based on their membership in a protected class. This applies to verbal and written statements.

Example: printing a newspaper ad for an apartment that says, “no section 8 vouchers.”

RESPONSIBILITIES

Landlords and Realtors

- Monitor your own behavior and counsel anyone who behaves inappropriately
- Initiate the interactive process—dialogue exploring potential reasonable accommodations to address tenant’s particular limitations—in response to a request for reasonable accommodation or an obvious need for a reasonable accommodation
- Immediately address any concerns raised
- Get assistance as needed

Web Resources

Massachusetts Commission Against Discrimination (MCAD): mass.gov/MCAD

Massachusetts Attorney General (AGO): [AGO.state.ma.us](https://ago.state.ma.us)

U.S. Department of Housing and Urban Development (HUD): HUD.gov

