



# OFFICE OF ATTORNEY GENERAL MAURA HEALEY COMMONWEALTH OF MASSACHUSETTS

## LEAD PAINT DISCRIMINATION: AN ADVISORY FOR TENANTS, LANDLORDS, AND REAL ESTATE PROFESSIONALS

The Massachusetts Attorney General's Office provides this advisory to tenants, landlords, and real estate professionals to remind them of their rights and obligations under the Massachusetts Lead and Anti-Discrimination Laws.

### Lead Paint and Discrimination Against Tenants with Children

Property owners are obligated to abate lead paint hazards in any rental unit occupied by a child under age six. The obligation to remove lead hazards extends to all properties, including owner-occupied properties. Importantly, property owners cannot avoid this obligation by rejecting families with children. It is against Massachusetts law for a landlord or a real estate agent to refuse to rent to someone because he/she has (or is expecting) a child or because the property contains lead.

It is also against the law for a real estate agent or a landlord to refuse to show properties to families with children because the properties may contain lead paint.

Similarly, it is illegal to: (1) steer people away from older properties or towards deleaded properties because they have children; or (2) advertise or otherwise make discriminatory statements that indicate that a landlord prefers tenants without children.

Finally, if a landlord takes an adverse action against a tenant, including evicting the tenant or raising the rent, because he/she complains about lead paint or requests an inspection, that retaliatory action is an independent violation of the law.

#### History of Lead Paint Discrimination Legislation

The 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 has 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.

### Resources and Assistance

#### To Make a Complaint:

Report housing-related discrimination to the **Civil Rights Division of the Massachusetts Attorney General's Office** at <https://www.mass.gov/how-to/file-a-consumer-complaint> or 617-963-2917.

You may also file a complaint with the **Massachusetts Commission against Discrimination (MCAD)**. More information is available at <http://www.mass.gov/mcad> or (617) 994-6000.

#### Additional Information:

For more information about the Massachusetts Lead Law and financial assistance with the abatement process, please contact the **Childhood Lead Poisoning Prevention Program** at <http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/exposure-topics/lead> or (617) 624-5757.



@MassAGO



/MassAttorneyGeneral



/mass\_ago

One Ashburton Place  
Boston, MA 02108  
Phone: (617) 727-2200

1441 Main Street, 12th Floor  
Springfield, MA 01103  
Phone: (413) 784-1240

105 William Street; First Floor  
New Bedford, MA 02740  
Phone: (508) 990-9700

10 Mechanic Street - Suite 301  
Worcester, MA 01608  
Phone: (508) 792-7600