

## Fair Housing Laws: A Summary

Type of Discrimination	Federal or Mass Law	Exemptions <sup>11</sup>	Remedy
Race (covered by the Civil Rights Act of 1866)	<b>Federal:</b> 42 U.S.C. §1982	None	Court
Race, Color, National Origin, Sex, Religion	<b>Federal:</b> 42 U.S.C. §3604 <b>State:</b> M.G.L.c. 151B, §4	<b>Federal:</b> Owner occupied bldgs., 4 units or less. <b>State:</b> Owner occupied bldgs., 2 units or less.	Court HUD <sup>12</sup> or MCAD <sup>13</sup>
Familial Status or Children	<b>Federal:</b> 42 U.S.C. §3604 <b>State:</b> M.G.L.c. 151B, §4(11)	Same as above, plus elderly housing or three family buildings where one unit is occupied by an elderly or infirm person for whom children would be a hardship; or the temporary renting of one's primary residence.	Same as above.
Handicap <b>Federal</b>	42 U.S.C. §3604	Owner occupied bldgs, 4 units or less.	HUD, Court
	29 U.S.C. §794	All housing <u>not</u> receiving federal money.	Court
Handicap <b>State</b>	M.G.L.c. 151B, 4(7A)	Owner occupied bldgs., 2 units or less.	MCAD State Court
	M.G.L.c. 93, §101	None	
Marital Status, Sexual Orientation, Age (except minors), Veteran Status	State Only	Two unit owner occupied buildings	MCAD State Court
Public Assistance or Housing Subsidies	State Only	None	MCAD State Court

- ▶ It is illegal to refuse to rent or sell property for any of these reasons, to discriminate in the terms or conditions of a rental or sale (for example, to charge a different amount), to discriminate in mortgage lending or other related practices, or to otherwise make housing unavailable.
- ▶ All persons involved in any real estate transaction must make reasonable accommodations for persons with mental or physical handicaps.
- ▶ It is illegal, without exception, to advertise in a discriminatory manner.

<sup>11</sup> The exemptions to these laws are complicated, and properties which are listed as exempt under fair housing laws may be covered by other civil rights laws, such as the Massachusetts Civil Rights Act. Also, the exemptions do not apply to discrimination in advertising or discrimination by brokers or persons engaging in the business of residential real estate related transactions.

<sup>12</sup>United States Department of Housing and Urban Development

<sup>13</sup>Massachusetts Commission Against Discrimination