

Landlord-Tenant Rights and Responsibilities

Webinar Series

Wednesday, August 8th, 2018

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The Job of the Attorney General

Attorney General

Maura Healey is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.





Who the AGO Serves & How

Who: The Commonwealth

Residents of the Commonwealth and their public interests

State departments, officers, and commissions

Groups of consumers

How: Four Major Ways this Work is Executed





Where the AGO is located

Attorney General Maura Healey and her staff engage with every city and town in the Commonwealth. The Attorney General's Office also runs a statewide Consumer Advocacy and Response Division, and supports over thirty regional local consumer, face-to-face, and consumer advocacy programs, which you may choose to contact.

Central Massachusetts

10 Mechanic Street
Worcester

Boston

One Ashburton Place
and
100 Cambridge Street

Western Massachusetts

1441 Main Street
Springfield

Southeastern Massachusetts

105 William Street
New Bedford



Public Protection & Advocacy Bureau

Description

Protecting students against predatory for-profit schools;

Ensuring that workers are paid the wages they are owed;

Combating discrimination by landlords and employers;

Keeping struggling homeowners in their homes through loan modifications; and

Fighting for consumers against scams and other deceptive business practices.

Divisions of the Public Protection & Advocacy Bureau

Civil Investigations

Consumer Protection

Fair Labor

Insurance and Financial Services

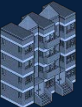
Civil Rights

CARD

Landlord-Tenant Rights



“House” it all work anyway?





2 Types of Tenancy

Tenancy Based on a Lease

Written lease



Lasts a specified amount of time

Rent stays same during lease period

Tenancy at Will

Sometimes no written agreement

Lasts as long as both parties want to do business together

Rent can change with 30 days notice





Obligations of the Landlord and Tenant

Tenant Must:

- Pay rent
- Follow rules agreed upon with landlord
- Accept responsibility for damages beyond "normal wear and tear"

Landlord Must:

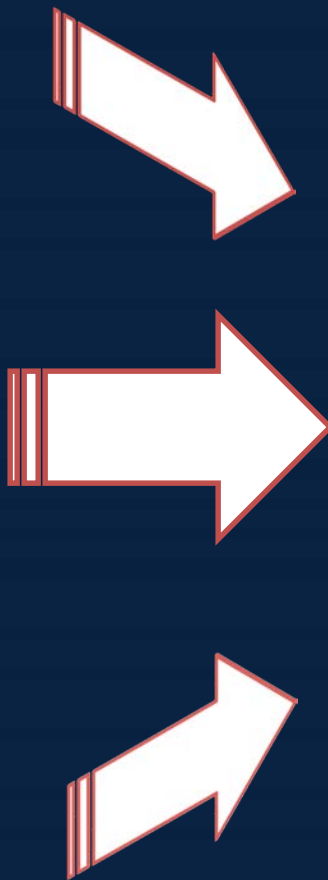
- Provide an apartment that's safe, clean, and in compliance with Sanitary Code
- Live up to promises made in lease/rental agreement





Terms of a Rental Agreement *Must Include...*

**Name,
address,
and phone
of...**



Owner

**Person responsible for
maintenance**

**Person to whom the tenant
can give copies of formal
notices, complaints, or court
papers**



What do I have to pay at the start of a tenancy?

First and
last
month's
rent



RECEIPT

TOTAL _____

Landlord should provide a signed receipt for payments made with cash or a money order.



Security Deposit Laws

The landlord must...



Give the tenant the name and address of the bank holding the security deposit, and the account number.



Each year, either pay the tenant interest on the security deposit or let them deduct that amount from a rent payment.



Give the tenant a “statement of condition” which describes the condition of the apartment and any damage that exists at that time.



Return the security deposit, plus interest, within 30 days of the tenancy ending



State of the Apartment

MA Sanitary Code



MA Sanitary Code requires a place to be “habitable” — comfortable & clean enough for a person to live safely.



If a Sanitary Code violation isn’t addressed by the landlord, tenant can request an official inspect the place.



If landlord still fails to fix the problem, a tenant may be able to withhold a portion of the rent or move out.





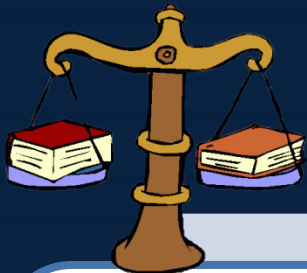
Retaliation

Landlords can not
evict you for
exercising your
rights



Eviction

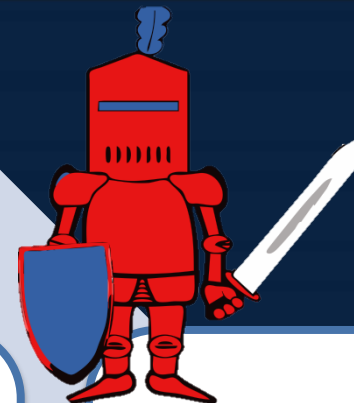
How does the Summary Process work?



Process starts when landlord files a civil action in court

Landlord must get judgment from court with the date tenant must leave by

Landlord must give a 14-Day or 30-Day Notice to Quit to tenant



Tenant has right to raise defenses to the eviction





Housing Discrimination

It's unlawful to deny housing because of...

A person's race, color, national origin, ancestry, gender, marital status, religion, age, sexual orientation, gender identity or expression, military background, or disability



FAIR HOUSING IS THE LAW

In Massachusetts,

It is **unlawful for a housing provider to discriminate** against a current or prospective tenant based on:

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability
- Source of Income
- Sexual Orientation
- Gender Identity
- Age
- Marital Status
- Veteran/Military Status
- Presence of Lead Paint
- Genetic Information

If you have been treated unfairly by a property owner or manager because of one of these characteristics, file a complaint with the Attorney General's Office.

Attorney General's Office
Civil Rights Division

(617) 963-2917

mass.gov/ago/civilrightscomplaint



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.



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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



AGO Resources

Have a Complaint or Question?

General Assistance

Consumer Hotline: (617) 727-8400

E-Complaint form: www.eform.ago.state.ma.us

Specific Hotlines

Consumer Advocacy and Response Division (617) 573-5333

Elder Hotline (888) 243-5337

Fair Labor Division (617) 727-3465

Civil Rights Division (617) 727-2200

Medicaid Fraud Tipline (617) 963-2360

Insurance Fraud Tipline (617) 537- 5330

Insurance & Health Care Consumer Helpline (888) 830-6277



Contact Us

www.mass.gov/ago

617-727-2200



File a Complaint about an Unfair or Deceptive Trade Practice

617-727-8400

www.eform.ago.state.ma.us