

## Housing Discrimination

It is against the law in Massachusetts to deny anyone housing based on:

- ◆ Age;
- ◆ Race/Ancestry;
- ◆ National Origin;
- ◆ Religion;
- ◆ Disability;
- ◆ Children or Marital Status;
- ◆ Sex or Gender Identity;
- ◆ Sexual Orientation;
- ◆ Veteran Status;
- ◆ Source of Income;
- ◆ Housing Subsidies or Rental Assistance.

## Worcester Fair Housing Project

For more information, or if you think you have been discriminated against, contact a housing discrimination intake worker:

**Office of Human Rights & Disabilities  
Room 101 City Hall, 455 Main Street**

**Tel: (508) 799-8486**

**Email:  
humanrights@worcesterma.gov**

## FREQUENTLY ASKED QUESTIONS

### **Q: When can I withhold payment of rent?**

A: You may withhold a portion of your rent if:

- You have appealed to the landlord in writing to make the necessary repairs,
- Your local Board of Health (Worcester Inspectional Services) has inspected your apartment, found health code violations & notified your landlord,
- You are current in your rent up until the time your landlord learned of the problem, you are not the cause of the problem & the unsanitary conditions do not require the apartment to be vacated to make repairs

See MGLc239, Section 8A

⇒ Send the landlord a letter notifying him/her you are withholding a portion & keep a copy; keep the portion of the rent owed in a separate bank account.

### **Q: Who should I call if there are bed bugs and my landlord refuses to fumigate?**

A: Bed bugs are a problem for the entire building. Call the City of Worcester Inspectional Services at 508-799-1198. Remember you or your landlord will need to be available to let them into the premises to inspect.

### **REMEMBER:**

Keep good records of rent payments, complaints, contacts with your landlord, attempts at repair, correspondence, & other important events & documents relating to your tenancy. These will help you resolve disputes in court & out.



## **TENANT'S RIGHTS & RESPONSIBILITIES**



**City of Worcester**

**Human Rights & Disabilities**

**Phone: (508) 799-8486**

**http://  
www.worcesterma.gov/ocm/  
human-rights**

**Se habla español**

## Tips for moving in to your apartment:

- \* Generally, rental agreements should include: names, addresses & phone #s of those responsible for maintaining the property; security deposit amount & rights under the law.
- \* Before you move in the landlord can only charge you for the first & last month, security deposit & a key. *MGLc186, §15B(1)(b)*
- \* Ask for a written lead paint status
- \* Upon receiving the last month & security deposit the landlord should give you a receipt for each payment. *MGLc186, §15B(2)(a) & (b)*
- \* A landlord owes the renter interest on both the security deposit & last month's rent. Within 30 days of receiving your deposit/last month's rent the landlord must give you a receipt identifying the bank's name, address, account number & amount deposited. Interest is payable to you each year. If you don't receive it after a month of the anniversary of your tenancy, you are entitled to deduct the interest from your rent. *MGLc186, §15B(2)(a)*
- \* The landlord should provide you with a statement of condition of your rental when s/he receives your security deposit or within 10 days of your tenancy. If you don't agree with the statement give him/her a corrected statement within the next 15 days. The landlord has another 15 days to respond. *MGLc186, §15B(2)*
- \* If the landlord doesn't send you a statement of condition you should write one & send a copy to the landlord.
- \* A landlord may only enter your apartment: \*To inspect the premises. \*To make repairs. \*To show the apartment to a prospective tenant, purchaser or mortgagee agents. \*In accordance with court order. \*If the premises appear to be abandoned. *MGLc186, §15B(1)(a)*
- \* A landlord cannot charge interest or penalty until 30 days after rent is due. However, the landlord can start the eviction process if rent is late one day. *MGLc186, §15B(1)©*

## What you should know about renting:

- \* Rent Increase- Rent for a tenant with a lease can be increased only when the lease expires. A tenant at will (tenant without a lease) may face a rent increase any time, as long as notice is received 30 days before it becomes effective.
- \* **A new** landlord should give you a written notice of the transfer of ownership within 45 days of receiving your money. If the **former** landlord fails to transfer your pre- payment, the new landlord shall also be obligated to you for the amount of the pre-payments. *MGLc186, §15B(5)*
- \* **Heating during the winter** (September 16- June 14) should not be lower than 68 degrees during the day and 64 during the night. *105 CMR: Dept Public Health*
- \* For **code violations** call Worcester Inspectional Services, (508) 799-1198 (free for tenants)
- \* If the landlord tries to raise the rent, terminate or otherwise change your tenancy within six month of when you contact the Board of Health, join a tenant's rights organization, or exercise other legal rights, the landlord's action will be considered retaliation against you, unless the landlord can prove otherwise. *MGLc186, §18*

## Tips for moving out of your apartment:

- \* Before you move out, you should consider scheduling an appointment with the landlord for an inspection of your apartment
- \* The landlord should return your security deposit within 30 days after termination of tenancy. The landlord can deduct only:-Unpaid rent - Unpaid real estate taxes if it is in the lease. - Reasonable amount to repair any damage caused by you or any person in the premises, pet damage included but with an itemized list of damages. Not reasonable wear & tear associated with normal use. *MGLc186, §15B(4)*

## Types of rental agreements:

**Tenant with lease.** The landlord can not increase your rent until the end of the lease & can not attempt to evict you unless you violate the terms of the lease. You are obligated to pay your rent until the end of your lease.

**Tenant at will.** It can be written or verbal. Landlord or tenant can terminate the arrangement anytime, by giving a written notice a full rental period before or 30 days.

## The Eviction Process

*MGLc239, MGLc186, §1*

- You cannot be locked out or thrown out of your apartment without a judge's order.
- **Tenant with lease:** if you violated the lease the landlord must first send you a "Notice to Quit." If your eviction is for non payment of rent he/she must send you a "14 days Notice to Quit". After the notice to quit has run its course, you should expect to be served by a Constable or Sheriff with a Summary Process (eviction) Summons and Complaint form. *MGLc186§11A*
- **Tenant at will:** Tenant is entitled to "14 days notice" if terminating for non payment of rent. Any other reason requires a 30 days notice. *MGLc186§11*