

## [Massachusetts Landlord Tenant Law: A Legal Refresher Course For Landlords](#)

Posted by Richard Vetstein under [Landlord Tenant](#), [Leasing](#), [Real Estate](#), [Rental Housing](#) ([edit this](#))  
[Comments](#)

With the impending influx of renters and students invading the Greater Boston area soon, let's review some often asked questions concerning Massachusetts landlord and tenant law to assist landlords in navigating the rental process.

### **Screening Prospective Tenants: What You Can and Cannot Do?**

Landlords can legally ask about a tenant's income, current employment, prior landlord references, credit history, and criminal history. Your rental application should include a full release of all credit history and CORI ([Criminal Offender Registry Information](#)). Use CORI information with a great deal of caution, however, and offer the tenant an opportunity to explain any issues. Landlords should also check the [Sex Offender Registry](#) as they can be held liable for renting to a known offender. Use the rental application and other forms from the [Greater Boston Real Estate Board](#).

Under Massachusetts discrimination laws, a landlord cannot inquire about a tenant's race, color, national origin, ancestry, gender, sexual orientation, age, marital status, religion, military/veteran status, disability, receipt of public assistance, and children.

Students, especially undergraduates, often create problems for landlords. Meet with students personally before signing the lease and firmly explain a "no tolerance" policy against excessive noise, parties and misbehavior.

Careful screening of tenants is far less expensive than the cost of evicting a problem tenant.

### **Security And Last Month's Rent Deposits: Should I Take One?**

I advise landlords not to take security deposits because any misstep, however innocent, under the complex [security deposit law](#) can subject the landlord to far greater liability than the deposit. If you need a deposit, take a last month's deposit, the requirements of which can be found [here](#).



## **My Property Has Lead Paint, What Do I Do?**

Under the [Lead Paint Law](#), landlords (and real estate agents) must disclose the presence of known lead paint for property built before 1978. The property must be de-lead if a child under 6 will live there. That means if a young couple moves into a unit, then has a baby, the landlord must de-lead the property. There is no way around de-leading other than risking a discrimination claim for not renting to families with small children which is illegal. (Of course, many landlord's blatantly reject families with children). Exposing children to lead paint puts a landlord at huge legal risk. [Financial aid and tax credits](#) for de-leading are available to qualified property owners. For all Massachusetts rental property built before 1978, landlords must provide all tenants regardless of family composition with a [Tenant Notification and Certification form](#), and all lead inspection reports and testing information, if available.

## **Can I Take A Finder's Fee?**

Only a licensed real estate broker can lawfully collect a finder's fee for bringing together a landlord and a tenant. Landlords who don't work with brokers cannot charge a finder's fee.

For a helpful Landlord's Guide To the Law by the Massachusetts Attorney General's Office click [here](#).