

Chapter 2

Tenant Screening

Legal Tactics: Tenants' Rights in Massachusetts
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Tenant Screening

Tenants' Rights in Massachusetts

When you are looking for an apartment, landlords must follow the law when they decide whether to accept or reject you as a tenant. This is called tenant screening. Although landlords often use unreliable criteria, in general they say they want to know if you will:

- Pay the rent on time.
- Keep the apartment in good condition.
- Be a good neighbor.

Where do landlords get information about me?

Credit reports

Landlords use credit reports and say that they predict if you can pay the rent. There is no evidence to support this, but they do it anyway and it may violate fair housing laws.

Credit reports show how you borrow and repay money. They also show how much debt you have.

Before you look for a place, get a copy of your credit report. You can get 1 free copy of each of the three reports each week by filling out the Credit Report Request Form. To get them:

- Call 877-322-8228 or
- Go to www.AnnualCreditReport.com

Tenant screening reports

Landlords can buy tenant screening reports from private companies. These reports can include eviction history, credit reports, court cases, former addresses, social security number verification, and criminal record searches.

Rental and eviction history

Landlords may ask you for references from your current and former landlords. If you are worried that a former landlord may unfairly give you a bad reference, ask your former landlord for a simple reference letter that says you paid the rent on time or owe no rent.

If you have no rental history, try to use other sources of information that show your ability to pay rent on time and keep an apartment in good condition. For example, history with a car loan, a utility bill, or a letter from your employer or leader in the community like a faith leader.

Criminal record information

Landlords should not automatically exclude any person with a criminal conviction record. When screening, landlords should consider each individual applicant and the nature and severity of any conviction.

The Massachusetts Criminal Offender Record Information (CORI for short) is the most common type of criminal background check. **Before** any landlord, property manager, or real estate agent can reject your application based on your CORI, they must notify you and give you the chance to respond. See **Criminal Records and Your Rights:** www.masslegalhelp.org/criminal-records-and-your-rights.

If you are applying to public or subsidized housing, the CORI rules are different than in market rate housing. If you are denied, you can challenge the denial. But, even for private landlords you should challenge the denial if you think it is wrong.

Court information

Massachusetts trial courts make information about court cases available to the public on the internet. This information may include mistakes. It also may not tell the whole story.

Starting in May 2025, there will be a process to seal an eviction. Check the courts or legal services providers in your area to see if you can seal your prior court records. If you've been involved in a housing case in court, check for errors online. Look up your case on the court's website. If you find an error, use the **Error Correction Form (Booklet 12)**.

What can I do if my application was denied?

Private housing

If the landlord or management company used a credit or screening report, they must tell you what service they used and how to get a copy of the report. On the copy, you can see if there is any misleading or incorrect information. You can dispute anything that is wrong and provide an explanation to the credit reporting or tenant screening agency and they must include the explanation in future reports.

Public and subsidized housing

Every denial letter must tell you the reason for denial. To challenge a denial, you must request a hearing in writing by the deadline noted in your denial letter.

Domestic violence

In Massachusetts, a landlord cannot lawfully reject your application for housing if you had to end your lease early or change your locks at a previous apartment because of domestic violence. This applies to all landlords and all rental housing.

Protect Yourself

Fix errors. Get copies of your credit reports and any criminal record reports (CORI). Fix errors on them before applying for apartments.

Landlord references. If you have good references from current and prior landlords, bring copies to new landlords when applying.

Ask why. If a landlord denies you an apartment, ask why. A landlord can deny your rental application for a number of reasons. But landlords cannot apply screening criteria in a discriminatory manner.

Correct information. If a new landlord has information that is wrong or doesn't tell the whole story, you may be able to correct it or show that your circumstances have changed.

Challenge a denial. Even if the reason for denial is true, ask the landlord to reconsider the denial. Show them reference letters or other documents that show you will be a good tenant. The process may be different if you are applying to public or subsidized housing.

Can my landlord make me pay for screening?

No. Landlords cannot make you pay for your screening report, credit check, criminal background check, or any other form of screening. See **Background Checking Fees:** www.masslegalhelp.org/bg-check-fees.



For more, scan the QR Code for: **Legal Tactics, Chapter 2: Tenant Screening**
MassLegalHelp.org/LT-tenant-screening

Tenant Screening

by **Todd Kaplan**

Italicized words are in the Glossary

Before you look for a place to live it is important to understand how landlords do tenant screening and what rights you have.

Landlords have the right to screen tenants and choose who lives in an apartment. But tenant screening must be based on legal factors that will predict that you will be a good tenant. Sometimes, landlords and management companies use illegal factors. The factors can be illegal if they discriminate against a *protected class* of people. See **Chapter 7: Discrimination**.

For example, it is illegal for a landlord to ask you about your race, religion, age, sexual preference, or whether you have children or are pregnant. Although, in some circumstances, a landlord can refuse to rent to a family with children if the landlord is 65 years old or older or is ill and having children in a 2 or 3 family house would be a hardship.

Sometimes landlords use information that does not show whether you will be a good tenant. For example, when a landlord uses a credit score to deny you a tenancy and does not consider that you always paid your rent on time. This can be illegal discrimination.

Landlords also use court eviction records to screen tenants. Tenants are rejected just because they were at some point involved in a court case. In May 2025, a new law will go into effect that will allow tenants to seal a court eviction record based on the outcome of their case. **A landlord that rejects all tenants who have had any court involvement without considering what occurred in court may be using illegal discriminatory screening criteria.**¹ If this occurs you should contact an advocate or the Massachusetts Commission Against Discrimination if you are a member of a *protected class*.

If the landlord gets information from a tenant screening report, the landlord must tell you the reason for the denial, what the source of the information was, and how to obtain your own copy of the report.

Landlords do not need your permission to obtain a tenant screening or other consumer report.² **However, if a landlord denies you housing based on the report, they must give you a written notice** telling you the name of the credit or tenant screening agency that provided the report and how to contact that agency to obtain a copy of the report.³

If your application for an apartment is denied, ask the landlord why. You may be able to convince the landlord that you should not be rejected for that reason.

Also, ask the landlord whether they used a tenant screening agency and, if so, what the name of the company is. There are many tenant screening agencies, and this may be your only real way of finding out what company is distributing information about you so that you can either get wrong information corrected or try to change information that is misleading. See the section in this chapter: **Your Right to Challenge the Accuracy of a Consumer Report.**⁴

This chapter gives you information to help you protect yourself during the tenant screening process if you are searching for an apartment in the private market.

If you are applying for public or subsidized housing there are specific rules about tenant screening. See **Finding Public and Subsidized Housing, Tenant Screening.**

Tenant Screening Reports

Some companies specialize in creating tenant screening reports. These companies collect and sell information about tenants including court cases, credit checks, employment verification, former rental addresses, criminal record checks and other information. Sometimes the information in these reports is incomplete, very misleading or flat out wrong.

Landlords and property managers buy these tenant screening reports and use these reports to grant or deny the tenancy application.

1. What Is a Tenant Screening Report

Tenant screening reports can include information about eviction court cases, prior addresses, social security number verification, bankruptcy cases, criminal record searches, as well as information from other sources, such as credit reports which might include credit scores.

If you have ever had an eviction case brought against you or you brought a case against a former landlord to get repairs made, you might discover that one of these agencies has a file about you in its computer. A landlord may not want to rent to you because they think you will not pay your rent or are a troublemaker (even if your previous landlord violated the law or your case was dismissed).

How to Get a Copy of a Tenant Screening Report

There is no centralized source for a tenant to obtain free tenant screening reports. Tenants must make requests directly to each tenant screening agency.

Because these reports are often only put together when a landlord pays for one, they may not have a report for you unless you recently applied for an apartment.

If you were denied the landlord must tell you why are were denied and tell you how to get a copy of the tenant screening report. It has to be provided to you for **free** but may only be available for a few months after you applied and were denied.

To obtain a free copy of your report, you must follow the directions in the denial letter or look on the company's website. You may be able to call to request your report. Your report should include a list of any person who has requested that company's report on you.

When making a request, you may be asked to provide your name, social security number, current and previous address, driver's license, and current employer. For a list of some specialty consumer reporting companies and their contact information click: <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/companies-list/>

2. What Is a Credit Report

Credit reports are one of the main items that landlords may look at when screening tenants and they are included in tenant screening reports.

Credit reports show how you have borrowed money and repaid it and what money you currently owe. Most adults have a credit file from which a report can be generated.

There are three national credit reporting companies:

- Experian
- Equifax
- TransUnion.

Your credit file has basic information about you, such as your social security number, birth date, current and former addresses, and employers. It shows payments you made on time and which ones were late or not paid. It also lists any amounts that you owe and any accounts that have been turned over to a collection company or settled for less than the full amount claimed. It also contains public information about court judgments, tax liens, and bankruptcies.⁵

Your credit report should not include information about your race, religious preference, medical history, personal lifestyle, or political preference. Income and driving records are rarely included.⁶

In addition, while a credit report is supposed to help evaluate whether an applicant is likely to pay their rent going forward, a report may not account for a tenant having a voucher and a landlord may screen out an applicant because they have poor credit, even though with a voucher they can pay the rent. This can act

to disproportionately exclude applicants with vouchers and tenants have challenged this as discriminatory.⁷

How to Get a Copy of a Credit Report

Before you start looking for housing, it is a good idea to get a copy of your credit report to make sure there are no mistakes or old information that will hurt you as your search for housing. Your report should also include a list of any person who has requested a report on you.

While you are only entitled to one free report every 12 months, currently, the big three reporting agencies are providing free access once a week, you are also entitled to a free report so long as you request it within 60 days of a denial as a result of what's in a report.⁸

To order yours go to:

- Click on www.AnnualCreditReport.com or
- Call 877-322-8228

Using AnnualCreditReport.com ensures that you will get free reports and not risk buying other services that you may not need.

3. How to Correct Errors or Old Information on a Credit or Tenant Screening Report

Once you get a copy of your credit or tenant screening report, take a careful look at it. Check to see if there are any mistakes.

For example, are accounts you don't recognize? Are there accounts that have balances that you think you paid in full? Is there information from another person's account on your report? Have you been a victim of identity theft?

Also check for outdated information. Negative information can only be reported for 7 years, except for information about bankruptcies, which can remain on your report for 10 years.⁹ Criminal convictions can stay on forever.

a. Your Right to Challenge the Accuracy of a Consumer Report

If you believe that your consumer report contains incorrect or old information, you have a right to challenge the accuracy of the report.¹⁰ If your challenge is unsuccessful, you also have the right to add to the file your own statement about what happened, so that whenever a new landlord checks your file, they will see your explanation. For example, if an eviction case was brought against you but was later sealed, the agency must remove the record within 30 days being sealed. If they don't remove it within 30 days of sealing, contact the Attorney General's Office who is charged with enforcing this.¹¹

If you have been denied housing, you have a right to see and obtain a copy of this report. To get this report, you must ask for the information within 60 days of receiving notice that you were denied housing.¹²

To challenge the accuracy or completeness of a report, write a letter to each reporting agency that has reported incorrect information. Tell the reporting agency what you believe is incomplete or inaccurate, why, and request that they correct the item. Include with the letter copies of any documents that show that the information is wrong or misleading.¹³ Keep a copy of your letter and the originals of any supporting documents.

By law, the reporting agency must reinvestigate and correct erroneous information.¹⁴ In most circumstances, the company is required to get back to you with the results of the investigation within 30 days.¹⁵

If the company determines that information in the report is inaccurate or that it can no longer be verified, the company must delete this information within 3 business days.¹⁶ The creditor or other information provider that supplied the information has a duty to correct and update the information.¹⁷ If the reporting agency does not resolve the dispute to your satisfaction, you have a right to include a statement explaining your side of the story.¹⁸ This statement must be attached to your report and provided to anyone who accesses your report in the future.¹⁹

If the reporting agency modifies or removes bad information from your file, you have a right to request that they send the new report to any person who has received your report within the past 6 months.²⁰ The agency must send a corrected report to you within 10 business days of your request and must send it to anyone who has requested it for any purpose other than employment screening within 6 months of your request. The company cannot charge a fee for this service.²¹

While all of this is a lot of work, it may be necessary as you search for housing and, if possible, should be done **before applying for an apartment**.

b. Are You Victim of Identity Fraud

If you have negative information on your credit report because someone has stolen your personal or financial information, you may be the victim of identity fraud. For more information, go to: www.mass.gov/info-details/identity-theft and <https://consumer.ftc.gov/features/identity-theft>.

4. How to Repair Bad Credit

a. Can You Repair Credit Yourself?

The Consumer Financial Protection Bureau (CFPB) offers free guidance on how to file disputes and repair your credit. For more go to:

www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/answers/

Many companies market themselves as “credit repair” services, and even though some are “nonprofits” or have a “.org” at the end of their internet address, they often do not offer any benefit to low-income consumers with credit card debt. They often charge excessive fees to negotiate a lower payment on debts when this may not improve your credit score or profile.²² You are more likely to benefit from a local non-profit such as Urban Edge or Boston Builds Credit that provide free credit counseling.²³

If you have bad credit, a credit repair company may refuse to remove accurate and timely information from a credit report. If there is inaccurate information on your report, you can challenge the inaccurate information yourself. It is not worth paying someone to do it for you. For more information about the dangers of credit repair companies, go to: <https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-a-credit-repair-scam-from-a-reputable-credit-counselor-en-1343/>

b. Beware of Scams

Credit repair companies, debt settlement companies, and debit consolidated lenders, which offer to repair, remove or consolidate your debt for a fee, are typically for-profit companies. They promise to fix your credit and debts and charge you money for taking actions you can do yourself for free.²⁴

There is a difference between a credit counselor, like Urban Edge and Boston Builds Credit, which can help you, and a debt settlement company which will often not advise you of all of your options or educate you on bankruptcy.²⁵ Beware of “debt relief or debt consolidation” companies that promise to reduce your credit card balances for a fee.²⁶ They often charge excessive fees and tell you to stop paying your credit cards. In their sales pitch they promise that they can resolve your credit issues, but hidden in the fine print they often say that they don’t guarantee results. Avoid doing business with any company that promises to settle your debt if the company:

- Charges any fees before it settles your debts;
- Represents that it can settle all of your debt for a promised percentage reduction;
- Touts a "new government program" to bail out personal credit card debt;

- Guarantees it can make your debt go away;
- Tells you to stop communicating with your creditors;
- Tells you it can stop all debt collection calls and lawsuits; or
- Guarantees that your unsecured debts can be paid off for pennies on the dollar.²⁹

5. Improve Your Chances of Getting Housing

To improve your chances of getting housing, there are a number of steps you can take if you have bad credit:

- **Landlord Reference Letters**
Get reference letters from your current and former landlords before you leave your apartment so that you can give them to prospective landlords.
- **Documents that Show You Pay Your Bills**
Gather rent receipts or bank statements (with information you want to keep private redacted) that show you paid your rent on time. Gather documentation of accounts which are in good standing, like medical copays or premiums, car insurance bills, child support payments, phone bills, cell phone bills, rent, utilities, program fees at shelters, storage facilities, or furniture rentals. Credit reporting agencies do not usually include this information in their reports, although they are beginning to include some types of rental payments.
- **Explain damaging information**
When you are applying for housing and you know the landlord will do a credit check, include a letter and documentation to the landlord explaining your negative credit history. For example, you can show that a period in which you fell behind on bills was due to illness, unemployment, interruption of public benefits, or divorce or you now have a housing subsidy that make the rent affordable.
- **Demonstrate positive income changes**
Point out any increases in income, stabilized income (for example, getting approved for SSI or other benefits), or increased earning power due to education or job training. Point out why paying rent will not be a problem if the rent is now subsidized. Or, if you had a disabling illness that resulted in falling behind on your bills, that you are no longer ill.
- **Seek a reasonable accommodation**
If your poor credit is due to a disability, you should request that a housing authority or landlord make a *reasonable accommodation* of your disability. Accommodations can include requests to ignore credit history

from a time when you were untreated, if you are currently receiving treatment, or to approve your application on the condition that you get a *representative payee* who will pay your rent.

- **Offer to have someone else pay the rent**

Consider offering to arrange for a representative payee (if you are on SSI, SSDI) or *vendor payments* if you receive cash benefits from the Department of Transitional Assistance (DTA). Or you could have a co-signer on a lease. Be aware that, once you get a representative payee, the payee will have control over how all your money is spent. This is not true if you are getting DTA cash benefits and voluntarily ask that your landlord be paid directly from DTA with vendor payments.

- **Apply to different types of landlords**

Landlords who have larger multifamily developments are most likely to check your credit records but may be more open to considering your individual circumstances. If you apply to many different types of landlords and housing programs, you may find some landlords who will not look into your credit report. For example, multifamily owners often use credit reports to screen out applications because they cannot afford to hire sufficient staff to screen applicants, while larger housing authorities rely more on CORI reports and extensive review of prior housing history. Note, some small landlords are very cautious and may be less likely to considering your circumstances and may use a credit or tenant screening report to screen applicants or even say that they won't consider a tenant with a credit score below a certain number. But, as noted above this may be illegal discrimination especially if the landlord is not willing to considerate your circumstances and uses a cut-off number or standard.

Rental History

A prospective landlord may want to get information from current and prior landlords to determine whether you will be a good tenant.

Prospective landlords may ask you to list where you have lived in recent years, including contact information for prior landlords. They may also ask you to sign a form giving them permission to contact a former landlord in order to ask information about you as a tenant, although they do not have to ask you permission to do this. However, refusing permission may result in being rejected.

Before contacting prospective landlords, it may be a good idea to contact former landlords and tell them that they may be receiving a reference request from another landlord. Sometimes your former landlord may have changed management companies and the new company may not have a record of your tenancy. In that case, try and track down former employees that knew you and can vouch for you and see if they are ok with you giving their contact information with your application. If you are afraid that a current or former

landlord may unfairly give you a bad reference, one thing to do is to ask that landlord for a simple reference letter that says you paid the rent on time. You can also show prospective landlords that circumstances have changed. For example, if you lost your job and were unable to pay the rent, but now you have a job or have a voucher or benefits so that you can pay the rent, this is important information to provide.

If there were times when you were not renting, you should identify those gaps on your application. A landlord may deny you housing if they believe that gaps are an attempt to hide a negative landlord reference. Explain gaps in your rental history, such as if you were living with family or friends, living in an emergency shelter, or some other situation.

If you don't have a rental history, you can use other sources to demonstrate your reliability and ability to pay rent on time. For instance, payments for car loans, utilities, cell phones, or insurance can show you are responsible. Additionally, providing letters of reference from clergy, shelter staff, or employers can highlight your character and assure the landlord that you will take care of the apartment and respect the rights of others.

Other ways to show you would be a good tenant include:

- **Providing proof of steady income:** Pay stubs or bank statements (with private information redacted) can demonstrate your financial stability.
- **Showing a good credit score:** A solid credit history can show you paid your utility bill for example on time.
- **Having a co-signer:** If possible, a co-signer for your lease with a good rental history (or credit score) can vouch for you.

Eviction History

Massachusetts trial courts currently allow landlords to access information about eviction and other civil cases on the internet and landlords can see if an eviction case has been brought against you in a particular court. Landlords can also see whether you have ever brought a case against your landlord, for example, to get bad conditions in your home fixed.

Some landlords use this database as a tenant screening tool to decide whether they want to rent to a particular tenant. This can lead to unfair denials of applications for example, the case may be very old, there can be mistakes in the database, or you may have the same name as someone else who was evicted.

Starting in May 2025, Massachusetts will allow tenants to seal eviction records depending on the type of case and the outcome. Check with local legal services agencies and you can call your local housing court to ask about how this will

work starting in May 2025. Also check www.MassLegalHelp.org for more information.

If you have been involved in a housing case and you plan to move, you should look your case up on the court's website to see what information is there. Go to: www.masscourts.org. If you find inaccurate information, contact the court to get the information corrected. See **Error Correction Form (Booklet 12)**.²⁷ For example, if the case was because the landlord wanted to move her son into the apartment, but the online information says it was for non-payment of rent, contact the court and ask them to change this.

Criminal Records and Your Rights

Massachusetts criminal court records are called "Criminal Offender Record Information" (CORI, pronounced COR'-EE).²⁸ When screening tenants, landlords are prohibited from automatically disqualifying any applicant with a criminal conviction record and should consider each individual applicant and the nature and severity of any conviction.²⁹

When a person is charged with a crime in a Massachusetts state or federal court, that person has a CORI. Even if the case is dismissed or if the person is found not guilty, there is still a CORI. A CORI report includes the history of each criminal charge from arraignment to sentencing. A report can be long because it includes all court proceedings. For example, even though there may be only one criminal incident, there may be a lot of entries or multiple charges on a CORI report.

A CORI report may also include inaccurate and misleading information. Make sure you get a copy of your own CORI before applying for housing. See the section in this chapter called **Getting Your Own Records**.

1. Who Can Get Access to Criminal Records

a. Access to CORI for Market Rate Housing

One of the original purposes of the CORI law was to protect the privacy of people with criminal records so that people would have a chance to turn over a new leaf. In 2012, CORI laws were substantially changed in ways that have had a harmful impact on the privacy of former offenders who apply for rental housing because more people can get more access.

If you are applying to public or subsidized housing the CORI rules are different. See **Finding Public and Subsidized Housing: Tenant Screening, Criminal Background Checks**.

Private landlords (whether individuals or organizations), property management companies with market-rate housing, and real estate agents have what is called

"Standard" access to CORI to screen potential tenants. They must first have permission from the state's Criminal History System's Board. When a landlord with Standard access requests a CORI report, the report will include:³⁰

- Criminal cases that are "open" or still going on.³¹
- Conviction for a misdemeanor when the conviction date or incarceration release date is less than 5 years prior to the CORI Request Date. (The CORI system will report the offense and all other convicted offenses.
- Conviction for a felony when the conviction date or incarceration release date occurred less than 10 years prior to the CORI Request Date.
- Convictions for murder, manslaughter or sex offense no matter how old.

The landlord must not get:

- Any sealed cases,
- Cases where there was no conviction,
- Misdemeanor convictions more than 5 years old
- Felony convictions more than 10 years old
- Juvenile cases if a person younger than 17 years old and they were not convicted as an adult,
- Non-incarcerable or won't result in jailtime cases.

b. Access to CORI for Private Housing

While the law is clear on the use of CORI information, this is routinely ignored by almost all landlords except housing authorities and affordable housing providers. Before any landlord, property management company, or real estate agent can reject your housing application based on your CORI, it must:

- Notify you that they plan to deny you housing;
- Give you a copy of the CORI or tenant screening report with the CORI that they got;
- Give you a copy of the landlord's CORI Policy, if applicable;³²
- Tell you what part of your CORI or background report is a problem.
- Give you the opportunity to dispute the accuracy of the information contained in the CORI;

- Provide you with information about how to fix mistakes.³³

A landlord can only request your CORI as the final step in the application process.³⁴ Note, this is routinely violated, and landlords often get access to CORI information at the same time as they access other information about applicants.

Sometimes landlords authorize tenant screening agencies to decide whether to accept or reject a housing applicant. If the tenant screening agency is acting as the decision maker, the agency has to follow the same CORI rules as landlords.³⁵

If you have applied for subsidized housing through a property management company they must also provide information about how to challenge or appeal the denial of housing based on CORI.³⁶ See **Challenging a Denial** at: www.MassLegalHelp.org/cori/housing/denial.

2. What You Can Do to Protect Your Rights

a. Ask for a Meeting

A landlord, property management company, or real estate agency may check your CORI only if you sign a form that says you know they are requesting your CORI. This form is called a CORI Acknowledgment Form.

Sometimes a landlord will ask a person applying to rent to get a copy of her own CORI and bring it to the landlord. This is illegal. If a landlord asks you to get your own CORI, you should tell her that such a request is illegal, and that, if they want access to your criminal record, they should request it from the state agency that has CORI. Landlord must be certified to access CORI.

If you feel that your rights have been violated, you can file a complaint with the Civil Rights Division of the Massachusetts Attorney General. A complaint form is available at: www.mass.gov/ago/criminalrecordsrights

If you know the landlord or property management company will do a criminal background check, ask them for a meeting to review the CORI or background information with you so that you can discuss its accuracy and relevance. If you get a meeting and the CORI report accurately lists convictions of serious crimes, show how your recent activity indicates that the former criminal behavior will not recur. Give them letters of reference from someone well known in the community, clergy, a current employer, or a probation officer that can highlight your character and assure the landlord that you will take care of the apartment and respect the rights of others. If your CORI related to a disability and you have since received treatment, ask a medical provider for a letter assuring the landlord that the behavior is no longer an issue.

b. Find Out If Someone Has Requested Your CORI

You can find out if someone has requested your CORI by sending a CORI Self-Audit request to:

ATTN: Self Audit
Massachusetts Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200
Chelsea, MA 02150

You can get one free CORI self-audit every 90 days.

c. Get Your Own CORI

Because CORI reports may include inaccurate and misleading information you should get a copy of your own CORI before applying for housing. Note: You should compare your CORI report to the one your landlord got. Sometimes the landlord gets different information and you should not assume these reports are the same. See the section in this chapter called **Getting Your Own Records**.

You may be able to have your CORI sealed. If you qualify for having your CORI sealed, landlords will not be able to access your CORI. For information on how to seal your CORI see <http://www.masslegalhelp.org/cori/sealing>.

Sometimes CORI information is incorrect because someone else used your Social Security Number or has a name that is the same or similar to yours. You have a right to request that information in your CORI that is inaccurate, incomplete, or misleading be corrected if the court that created the information will not make the change.³⁷

Note: If your CORI relates only to illegal drug possession (not illegal drug distribution), see the section called **Discrimination Based on Disability in Chapter 7: Discrimination**.

d. Getting Your Own Records

Under the CORI law, if you are indigent, you may get a copy of your own CORI for free. But you must fill out and send in with your **CORI Request Form** a completed **Affidavit of Indigency (Booklet 10)**.

For a more about how to get a copy of your CORI and a CORI Request Form go to: www.masslegalhelp.org/cori/get-a-copy-of-my-own.

You can also request your own CORI from the online iCORI system at <https://icori.chs.state.ma.us/>.

You may give written permission for someone else, such as an attorney, other advocate, or family member, to get a copy of your CORI.

Employment and Income

Landlords generally want to have some verification of your income or employment status to make sure that you can afford the rent. They may ask for copies of pay stubs or your employer's phone number. You can decide what information you are comfortable giving them. For example, if you are comfortable you can show them a copy of your rent pay stubs and black out private information. If you have a voucher or housing subsidy and your income doesn't cover the rent, make sure the landlord knows you have help with your rent and this should be taken into account when the landlord looks at your income and determines whether it is adequate to pay the rent. Note, if a landlord tells you that they require a minimum income for an apartment and you have a subsidy this may be illegal discrimination. Also, if you have benefits and are not employed, a landlord that requires proof of earned income like wages may also be engaging in discrimination if you can afford the rent either with or without a subsidy.³⁸

Discrimination

Landlords may use different screening criteria, but they cannot apply these criteria in a discriminatory manner. For example, it is illegal for a landlord to ask you about your race, religion, age (other than making sure you are over 18 years old), sexual preference, or whether you are pregnant. For more information about who is protected by discrimination laws, see **Chapter 7: Discrimination**.

Landlords may not automatically exclude any person with any criminal conviction or eviction record but should consider the nature and severity of an individual's record when screening.³⁹ For example, landlords should not request criminal background checks for some applicants and not others. Landlords should consider the amount of time that has passed since the conviction and the nature and severity of the conviction. If a landlord denies your application based upon prior eviction cases, this may be illegal discrimination. You can appeal denial even if a landlord does not allow or encourage appeals.

In addition, your credit history is supposed to help evaluate whether you are likely to pay your rent going forward. However, screening applicants out because you have poor credit can act to disproportionately exclude applicants with vouchers – when your ability to pay the rent is at least partially covered by their voucher.⁴⁰

Protections for Survivors of Domestic Violence

1. All Housing

In Massachusetts, a landlord cannot reject your application for housing if you had to end your lease early or change your locks at a previous apartment because of domestic violence. This applies to all landlords and all rental housing.⁴¹

In addition, under the federal Violence Against Women Act (VAWA), survivors of domestic violence who are applying to live in certain federally funded subsidized housing cannot be denied admission or assistance if the basis for the denial is because of the domestic violence.⁴² See the section in this chapter called **Federal Housing Assistance**.

If you feel you have been denied housing for this reason, you can file a complaint in Housing Court, District Court or Boston Municipal court and ask a judge to require the landlord to rent to you. Denial of housing for reasons related to domestic violence might also be considered discrimination based on gender. If you feel that you are being discriminated against because of your gender see **Chapter 7: Discrimination**.

2. State Housing Assistance

If you are applying for state housing assistance, a housing agency or housing provider cannot reject your application if you have to end your lease early or change your locks at a previous apartment because you faced domestic violence.

If you feel you have been denied a state rental housing voucher for these reasons you can immediately appeal the denial in a hearing under the rules of the specific housing program. For more about these rules see **Challenging the Denial of Housing**. You can also file a complaint in Housing Court, District Court or Boston Municipal court and ask a judge to require the housing agency to give you subsidy.

If you have applied to privately-owned multifamily subsidized housing provider, you can file a complaint in Housing Court, District Court or Boston Municipal court and ask a judge to require the housing provider to give you housing.

Denial of housing for reasons related to domestic violence might also be considered discrimination based on gender. If you feel that you are being discriminated against because of your gender see **Chapter 7: Discrimination**.

3. Federal Housing Assistance

If you are applying for federally subsidized housing or a Section 8 voucher, a landlord, property manager, or housing agency cannot deny you housing because you have been victim of domestic violence, dating violence, stalking or sexual assault. The federal law is called the Violence Against Women Act (VAWA). This law also protects you if you are applying for market rate housing or housing funded under the federal Low Income Housing Tax Credit if there are any tenants living in the property with a federal Section 8 voucher or other federal housing assistance.⁴³

If you are applying for an apartment in a multi-family development with a Section 8 voucher that is administered by a public housing agency where the agency is required to screen for CORI and they that found you eligible for housing, the public housing agency cannot give the CORI it reviewed to the private management company or owner. The owner must do their own CORI request if doing independent tenant screening.⁴⁴

If you believe that you have been denied federally subsidized housing or a Section 8 voucher because of reasons related to domestic violence, you can challenge the denial by submitting a form to the property manager or landlord saying that you are protected by VAWA. Or you can also submit your own letter and do not have to use this form.

The form is called: **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking** (HUD Form 5382). It is available here in English and other languages (must scroll down to find Form 5382)

https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a

A landlord or agency providing the Section 8 voucher may ask you for proof that you have been a victim of violence. The landlord or housing agency must give you at least 14 business days (weekends and holidays do not count) to provide proof of the violence. In addition to the form listed above, you may provide a letter signed by a victim service provider, attorney, or medical or mental health professional who has helped you with the abuse. Or you may provide a police report, court record (such as a restraining order), or record from an agency hearing.

In addition, if you are denied federally subsidized housing or Section 8 for reasons related to domestic violence, dating violence, stalking or sexual assault you can also immediately appeal the denial under the rules of the specific housing program. Ask for a copy of their CORI policy and any policies related to domestic violence and reasonable accommodations to see whether they are following these policies. For more about these rules see forthcoming updates in **Finding Public and Subsidized Housing: Challenging the Denial of Housing in Legal Tactics**.

Background Checking Fees

In Massachusetts, while the law clearly states that a landlord can charge a tenant first month's rent, last month's rent, a security deposit, and the cost of a new lock and key, the law does not state that a landlord can charge a fee to get your CORI report or another background check.⁴⁵ A private landlord may refuse to rent an apartment if you do not pay an extra fee, even if it is illegal. If you decide to pay a fee because you are afraid you will lose an apartment, make sure you get a written, signed, and dated receipt for the money you paid. Ask that the receipt say exactly what the money was for. This receipt is very important. If you later decide to challenge this extra fee or deduct it from your future rent, the receipt will be proof of what the money was used for.

Endnotes

1. For eviction records see Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing at: https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Guidance_on_Screening_of_Applicants_for_Rental_Housing.pdf (Pages 19-20). In regard to criminal records see April 4, 2016 HUD Guidance on Use of Criminal Records by Housing Providers at: https://www.hud.gov/sites/documents/hud_ogcguidappfhastandcr.pdf (page 6).
2. G.L. c. 93, §51(a)(3)(v) gives a consumer reporting agency the authority to give a "consumer report" to a person using the information in connection with the rental of residential property. While landlords can obtain what is defined as a "consumer report" without the consumer's permission, landlords cannot obtain what is defined as an "investigate consumer report" without the consumer's permission. See G.L. c. 93, §53. An "investigative consumer report" is a report that includes information about a "person's character, general reputation, personal characteristics, or mode of living" obtained through personal interviews. See G.L. c. 93, §50. A "consumer report" is limited to credit information and cannot include specific information listed in the law. See G.L. c. 93, §52. Note: There is also a federal law that regulates consumer reports and provides protections for consumers called the Federal Fair Credit Reporting Act, 15 U.S.C. §1681 et seq. For more information about this law, see Fair Credit Reporting, published by the National Consumer Law Center and available for sale online at: <https://shop.consumerlaw.org/index.asp> under "Publications for Lawyers."
3. [15 U.S.C. §1681m\(a\)](#).
4. Laws that regulate credit reporting agencies do not apply to a prospective landlord obtaining a reference from your prior landlords or from another source, such as the Massachusetts Trial Court's online database.
5. A landlord may also see a credit score in addition to the credit report. A credit score estimates your creditworthiness based specific factors that each are weighted differently when viewing your credit report. A credit report shows how you have paid each of your debts. While consumers have a right to receive a free copy of their credits reports once every 12 months, you may have to pay for a credit score. In some mortgage transactions, you will receive credit score for free from the mortgage lender.
6. [15 U.S.C. §1681a\(d\)](#).
7. See *Louis v. SafeRent Solutions, LLC*, 985 F.Supp.3d 19, 39 (D. Mass. July 26, 2023) (plaintiffs sufficiently pled disparate impact claim that a scoring system relying heavily on credit history disproportionately impacted voucher holders and other protected classes).
8. [15 U.S.C. § 1681j\(a\)](#).
9. [15 U.S.C. §1681c\(a\)](#); G.L. c. 93, §56(b), ¶ 3.
10. [15 U.S.C. §1681e\(b\)](#) and [§1681i\(a\)](#); G.L. c. 93, §§56(b) and 58.
11. Sections 28 and 52 of the [Chapter 150 Acts of 2024](#), amending G.L. c. 239 by adding a new section 16.

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12. [15 USC 1681j\(b\)](#).
 13. [G.L. c. 93, §§ 56\(b\)](#). See also [57\(a\)-\(b\)](#) for how consumer reporting agencies must make disclosures to the consumer.
 14. [15 U.S.C. §1681i\(a\)\(1\)](#); [G.L. c. 93, §58](#).
 15. [15 U.S.C. §1681i\(a\)\(1\)](#); [G.L. c. 93, §58](#). Within ten days of completing the investigation, the company must notify you that the investigation is complete and send you a copy of your credit report if it has been revised. [G.L. c. 93, §58\(e\)](#).
 16. [G.L. c 93, §58\(c\)](#). The 3 business day requirement was added in in 1995 and would not be pre-empted by federal law under the preemption provision in 15 USC 1681t(b)(1)(B) which preempts state laws "relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph shall not apply to any State law in effect on September 30, 1996." See Acts and Resolves of 1995, Chapter 125, Section 8.
 17. [15 U.S.C. §1681s-2\(b\)](#); [G.L. c. 93, §54A](#).
 18. [15 U.S.C. §1681i\(b\)-\(c\)](#). See also [G.L. c. 93, §58\(d\)](#) ("If the reinvestigation does not resolve the dispute, the consumer may file a statement setting forth the nature of the dispute.").
 19. [15 U.S.C. §1681i\(c\)](#); [G.L. c. 93, §58\(f\)](#) (providing that whenever a statement of dispute is filed, the consumer reporting company shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide the consumer's statement as part of its report).
 20. [15 U.S.C. §1681i\(d\)](#). [G.L. c. 93, §58\(g\)](#)
 21. [G.L. c. 93, §58\(e\)](#) requires a corrected report be provided to the consumer in 10 business days. [G. L. c. 93, §58\(g\)](#) requires a company to send the corrected report to previous users in 15 business days. The 10 and 15 business day requirements were added in in 1995 and would not be pre-empted by federal law under preemption provision in 15 USC 1681t(b)(1)(B) which preempts state laws "relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph shall not apply to any State law in effect on September 30, 1996. See [Acts and Resolves of 1995, Chapter 125, Section 8](#).
 22. See Consumer Financial Protection Bureau advisory:
<https://tinyurl.com/CFPBDebtAdvisory>
 23. <https://www.bostonbuildscredit.org/connect-with-a-coach/> or
 24. <https://www.consumerfinance.gov/ask-cfpb/what-is-the-difference-between-credit-counseling-and-debt-settlement-debt-consolidation-or-credit-repair-en-1449/>
 25. <https://www.masslegalhelp.org/money-debt/debt-collection/money-and-property-protected-collection>
 26. <https://www.consumerfinance.gov/ask-cfpb/what-is-a-debt-relief-program-and-how-do-i-know-if-i-should-use-one-en-1457/>
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27. <https://www.mass.gov/info-details/correction-of-clerical-error-in-electronic-docket-entry>
 28. See generally, G.L. c. 6, §§167-178.
 29. In 2016, the U.S. Department of Housing and Urban Development released important guidelines that prohibit landlords from automatically disqualifying anyone with a criminal record. See [Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions \(April 4, 2016\)](#).
 30. [803 C.M.R. §2.05\(4\)](#).
 31. This includes criminal cases that are continued without a finding. [803 C.M.R. §2.05\(4\)\(a\)\(1\)](#).
 32. “Any landlord, property management company, real estate agent, or public housing authority that annually conducts five or more criminal background investigations, whether CORI is obtained from DCJIS or any other source, shall maintain a written CORI policy, which must meet the minimum standards of the DCJIS model CORI policy.” [803 C.M.R. §5.07\(1\)](#).
 33. [803 C.M.R. §5.15\(1\)](#).
 34. [803 C.M.R. §5.04\(2\)](#), [§ 5.05\(3\)](#).
 35. [803 C.M.R. §11.12](#).
 36. [803 C.M.R. §5.15\(2\)](#).
 37. G.L. c. 6, §175, 1st ¶, 2nd and subsequent sentences.
 38. <https://www.mass.gov/doc/guidance-on-preventing-housing-discrimination-based-on-source-of-income/download> (See Page 2)
 39. [Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions \(April 4, 2016\)](#).
 40. See *Louis v. SafeRent Solutions, LLC*, 985 F.Supp.3d 19, 39 (D. Mass. July 26, 2023) (plaintiffs sufficiently pled disparate impact claim that a scoring system relying heavily on credit history disproportionately impacted voucher holders and other protected classes).
 41. G.L. c. 186, §§23-29. This applies to all housing except if you were a homeowner.
 42. 34 U.S.C. § 12491(b)(1); see also 24 C.F.R. §§ 5.2001-5.2011.
 43. Violence Against Women Act (VAWA), 34 U.S.C. § 12491(b)(1); see also 24 C.F.R. §§ 5.2001-5.2011.
 44. [803 C.M.R. §5.11\(3\)](#).
 45. G.L. c. 186, §15B(1)(b).