

The Massachusetts Fair Housing Center (MFHC) is a private, non-profit fair housing organization serving central and western Massachusetts. MFHC's mission is to enforce the civil rights laws; educate tenants, landlords, and community groups in fair housing practices; and assist people who have experienced housing discrimination.

MFHC provides the following services:

- Education and community outreach about fair housing issues;
- Investigation of complaints;
- Free legal advice and representation to the victims of housing discrimination;
- Information on fair housing practices to real estate agents, landlords, managers, lenders, and others who provide access to housing.

\*Remember: Always document your housing search. Keep records of where you call and whom you speak to. Documentation is key in the investigation process.

This brochure represents general information on the fair housing laws. For more details on your rights as a home seeker please contact the Massachusetts Fair Housing Center.

If you think you may have experienced discrimination in your pursuit of housing, if you have any questions, or if you want more information, please contact:



57 Suffolk Street, Holyoke, MA 01040  
www.massfairhousing.org  
info@massfairhousing.org  
Voice/TTY 413-539-9796 ext.101  
Fax 413-533-9978

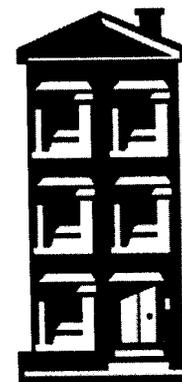
Call Toll Free  
1-800-675-7309

In Central Massachusetts  
Voice 508-799-7496

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This publication is available in Spanish and other languages upon request.

# Fair Housing for Individuals with Mental Disabilities



**1-800-675-7309**

Defending  
**CIVIL RIGHTS**

PURSUING JUSTICE

Housing Discrimination is illegal under Massachusetts and federal law. Under both Massachusetts and federal fair housing law it is illegal to deny anyone housing based on either their actual or perceived mental disability.

As a general rule, a housing provider may only refuse to rent to someone if that provider has a legitimate business reason for doing so, for example, a poor credit history.

### **Fair Housing for People with Mental Disabilities**

Both Massachusetts and federal laws prohibit discrimination in housing because of a handicap or disability, including physical and mental impairments. Under the law any person with a condition that substantially impairs one or more major life activities is considered to be disabled. In some cases the law extends to individuals who have not been diagnosed by a medical professional as disabled. In addition, if someone in your household or associated with you has mental disabilities, the federal and Massachusetts fair housing laws also apply.

### **What the Law Requires**

Landlords, housing providers, and other individuals cannot discriminate against someone searching for or living in housing either because they believe this person is mentally disabled or because in fact this person has a mental disability. In addition, landlords cannot deny housing to someone because someone who lives with that person has a mental disability.

### **Examples of Illegal Activity**

Landlords and other housing providers cannot:

- Ask a person with a mental disability if she is disabled;
- Ask for more information than would be asked of any other potential tenant;
- Ask the tenant about medical treatment or whether the person is able to live independently.

If a tenant requests a reasonable accommodation or a reasonable modification the landlord may ask the tenant certain questions about their disability and its nature (see below).

Landlords and other housing providers cannot impose different terms or conditions because of an individual's mental disability.

### **Reasonable Accommodations**

The law requires landlords and housing providers to make "reasonable accommodations" to persons with mental disabilities. A "reasonable accommodation" is a change in current rules, policies, practices, or services. Common examples of accommodation include; the allowance of a service or companion animal in a no-pet building or creating an alternate due-date for rental payments to correspond with the receipt of disability benefits.

If a tenant requires a reasonable accommodation, he or she must request it from the housing provider. The housing provider may request documentation from a health care professional about the request and its necessity. A letter from a medical professional stating the request and why it is necessary and applicable to the disability is sufficient documentation.

Courts have found, for example, that a landlord must reasonably accommodate a tenant's mental disability by altering a "no pet policy" to allow a tenant with a mental disability to keep a pet for companionship, so as long as the pet does not significantly damage property or bother other tenants in the building.

A landlord or other housing provider can deny housing to a person with a mental disability if, even with reasonable accommodations, that person cannot meet the requirements of the tenancy.

The law also states that a person can be denied housing if that person's tenancy would be a direct threat to the health or safety of other tenants or

would result in substantial physical damage to the property of others. Such a denial, however, **must** be based on actual, documented information of **threats** to health or safety. If no such documentation exists and a person is denied housing because of fears or stereotypes about persons with mental disabilities, the housing provider is engaging in illegal behavior and is breaking the fair housing laws.

### **Helpful Hints**

- When conducting a housing search, keep written records of the phone numbers you call and to whom you speak.
- If you request a reasonable accommodation, be sure to request it in writing, date it, and keep a copy. If you make a request verbally, follow up with something in writing.
- If your request is granted, try to get your answer in writing so that you can document that you are entitled to that accommodation.
- If your request is refused, try to get something in writing stating the reasons for that refusal. That way you will know what you can do to reverse the refusal.

### **If You Have a Mental Disability and Think You May Have Experienced Discrimination:**

Contact HDP. We will:

- Listen to your story and collect information;
- Thoroughly investigate your complaint;
- Review the results of the investigation with you and determine if there is a basis for a legal case.

If evidence of discrimination is sufficient, MFHC will help you file a complaint with proper agency or refer you to an MFHC trained attorney to file a lawsuit.