
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 discrimination
- Information on fair housing practices real estate agents, landlords, 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:



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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 Physical 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 upon a physical 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 Physical 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. In addition, if someone in your household or associated with you has physical disabilities, the federal and Massachusetts fair housing laws also apply.

What the Law Requires

Landlords, housing providers, and other individuals cannot discriminate against individuals searching for housing because the individual has a physical disability or someone in their household is disabled. Individuals who have physical disabilities have the right to be treated like any other potential tenant when they are seeking housing.

The general rule is that landlords and housing providers cannot ask an applicant if he or she has a disability, about the nature or severity of a disability, or any question that would require the applicant to reveal a medical condition or medical history.

Landlords and other housing providers cannot ask someone who has physical disabilities for information that differs from that asked of other potential tenants who do not have physical disabilities. For example, landlords cannot ask about medical treatment or about whether the person can live independently, since those questions would not be asked of other potential tenants.

Landlords and other housing providers cannot impose different terms or conditions, such as an extra security deposit or higher rent, because a tenant is physically disabled.

Reasonable Accommodations

The law requires landlords and housing providers to make reasonable accommodations to persons with physical disabilities. A "reasonable accommodation" is a change in the current rules, policies, practices, or services that allow an individual with physical disabilities to use the housing in question. A common example of a reasonable accommodation is for a landlord to allow a service or companion animal in a no pet building. Under the law this animal is not a pet so the housing provider can still enforce the no pet policy of the building. In addition, a landlord cannot require a pet deposit for this animal due to the fact that it is not a pet and is an accommodation to a disability.

Reasonable Modifications

The law also requires some landlords and housing providers to make reasonable modifications to persons with physical disabilities. A "reasonable modification" is a change in the physical structure of a unit that allows an individual with physical disabilities to use the housing in question. A common example of a reasonable modification is a landlord installing a ramp for a tenant who uses a wheelchair. Landlords who own larger complexes (10 or more units) are required to modify their housing in order to make it accessible to people with disabilities at their own cost. Housing providers with less than ten units must permit disabled tenants to make physical modifications at their own expense. The landlord or other housing provider must allow these types of changes if the disabled tenant agrees to restore the property to its original condition when he or she moves. In addition, modifications must be reasonable, based on a tenant's disability and the ability of the landlord to comply. For example, it may be reasonable to build a ramp to a first floor apartment but not reasonable to install an elevator.