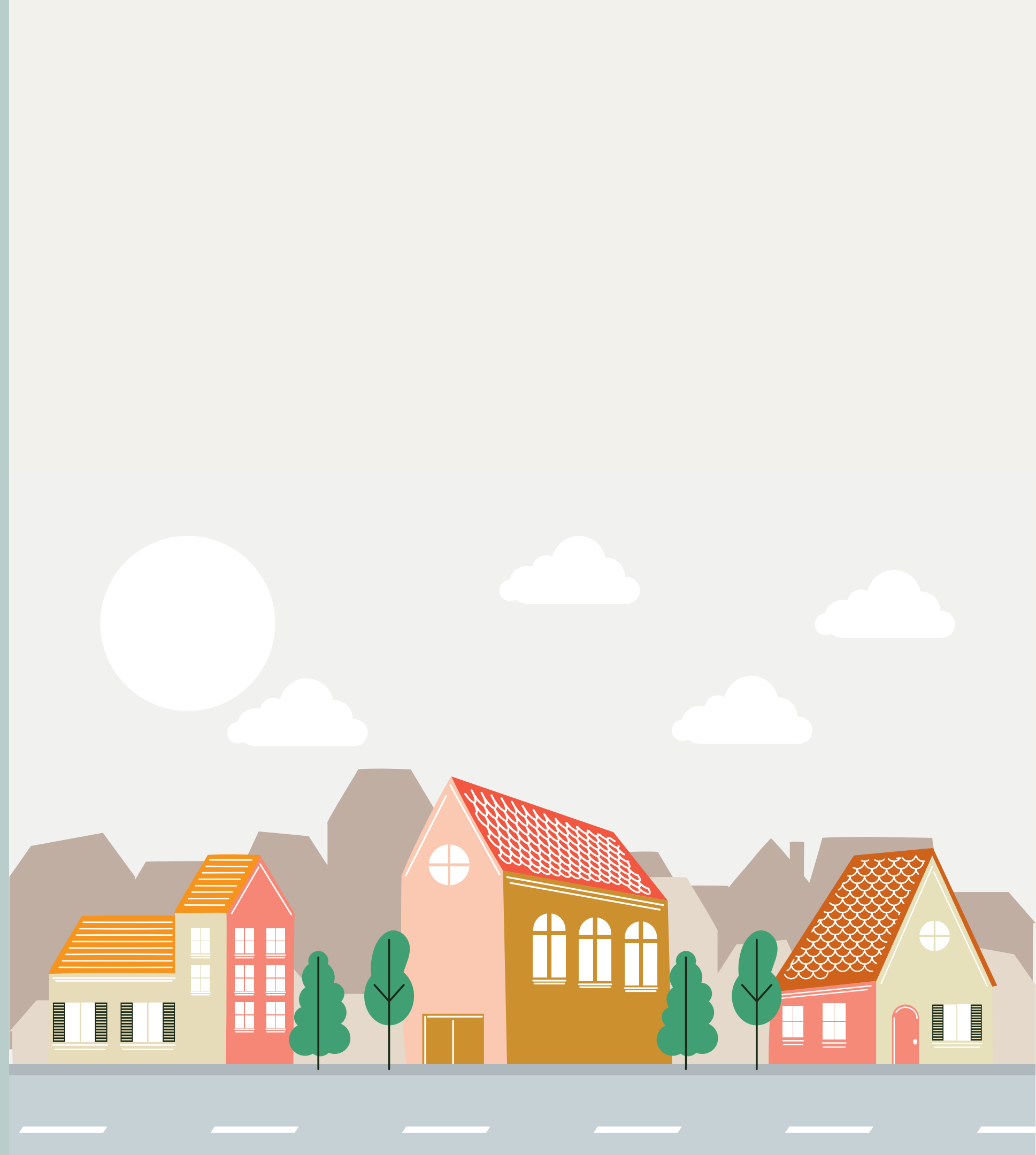


Home Modifications

Information for Renters

A Video Series, Part 3



This series will explain

- The concept of home modifications
- How home modifications can help you or a family member have a fuller life
- How to obtain and pay for home modifications, whether you own or rent your home

It is intended for

- Older adults and people with disabilities who may need modifications to the home they own or rent
- Advocates, family members, case managers, and property managers who can help those who need home modifications
- Others who want to understand more about this important subject



This video is specifically for RENTERS who may need a modification to the home they are renting.

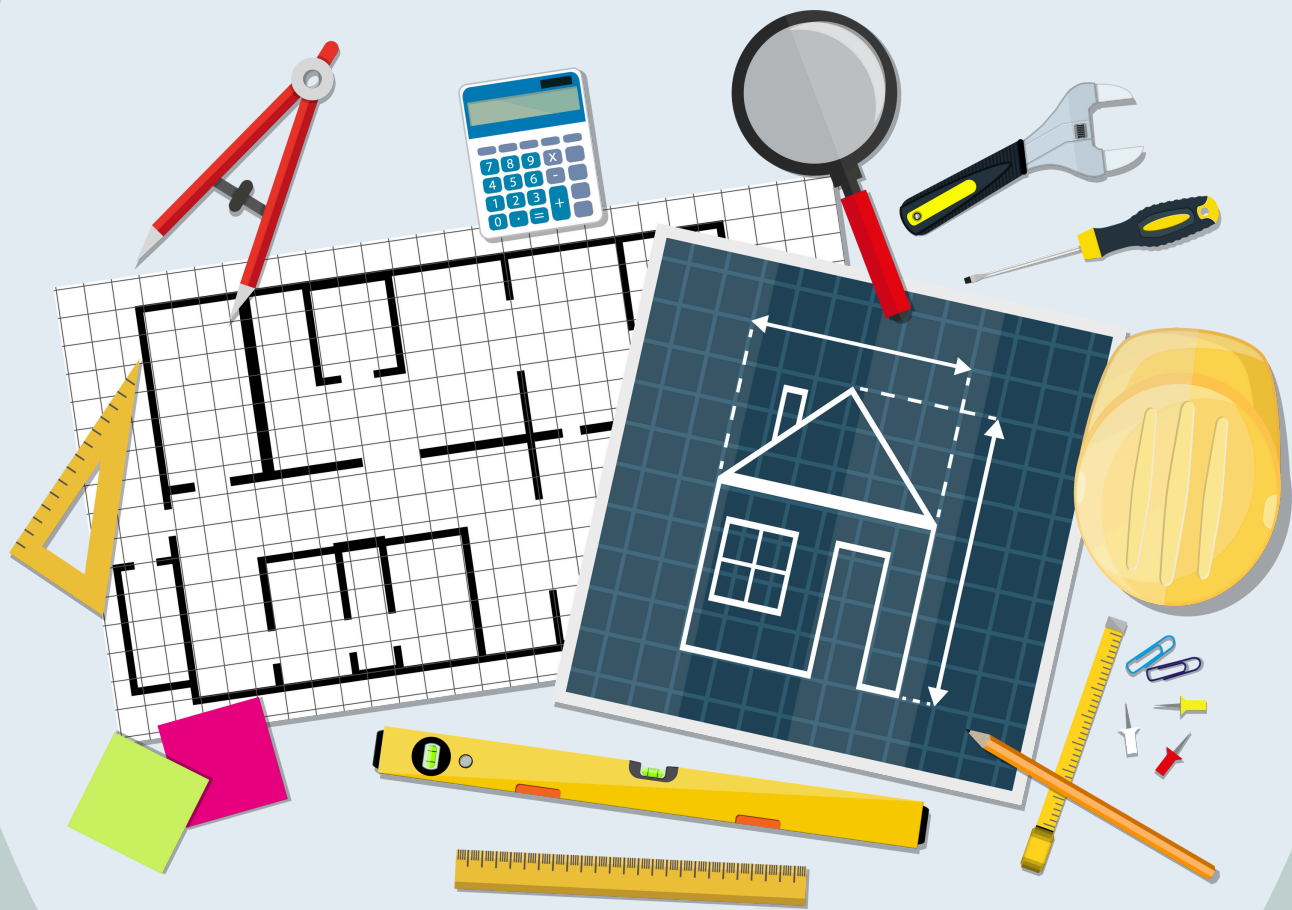


What are Home Modifications?

- Structural changes made to a person's home environment to help make performing daily tasks easier, reduce accidents, and support independent living
- Help people stay at home longer as they age, preventing hospitalization or nursing home care
- May be minor in nature to make homes more accessible and livable or more major to adapt the home to the individual's physical limitations

Here are some other examples of home modifications:

- Stairlift
- Automatic door opener
- Roll-in shower
- Flashers for fire alarms



When Must a Landlord Make and Pay for Modifications for a Renter?

Massachusetts fair housing law requires the landlord to make and pay for a reasonable modification if you rent an apartment in one of the following types of housing:

- A building with 10 or more apartments
- A building that is public housing
- A building that is privately owned publicly subsidized



How do I know if my building is public housing or a private property with public subsidy?



If any of the following are true, then you may live in public housing or housing that has a public subsidy:

- Your rent is based on a percentage of your income
- You pay your rent to a public housing authority
- Your rent is below market rent

Check out your lease. The lease may indicate whether you are receiving a subsidy or who your landlord is.

QUIZ TIME

Henry sends a check for his rent every month to the Spencer Housing Authority. Once a year, the Housing Authority asks him for documentation of his income.

Thomas sends a check every month to Hilton Property Partners. When he first applied for his apartment, the property manager asked for documentation of his income.

Do you think either Henry or Thomas is likely to be living in public housing or private housing that has a public subsidy?

QUIZ TIME



Henry is likely living in public housing since he sends his rent check to a Housing Authority. He can confirm this by calling the Housing Authority office and also by checking his lease.

Thomas is living at a privately owned property that may or may not have any public subsidy.

How Do I Request a Modification from the Landlord?

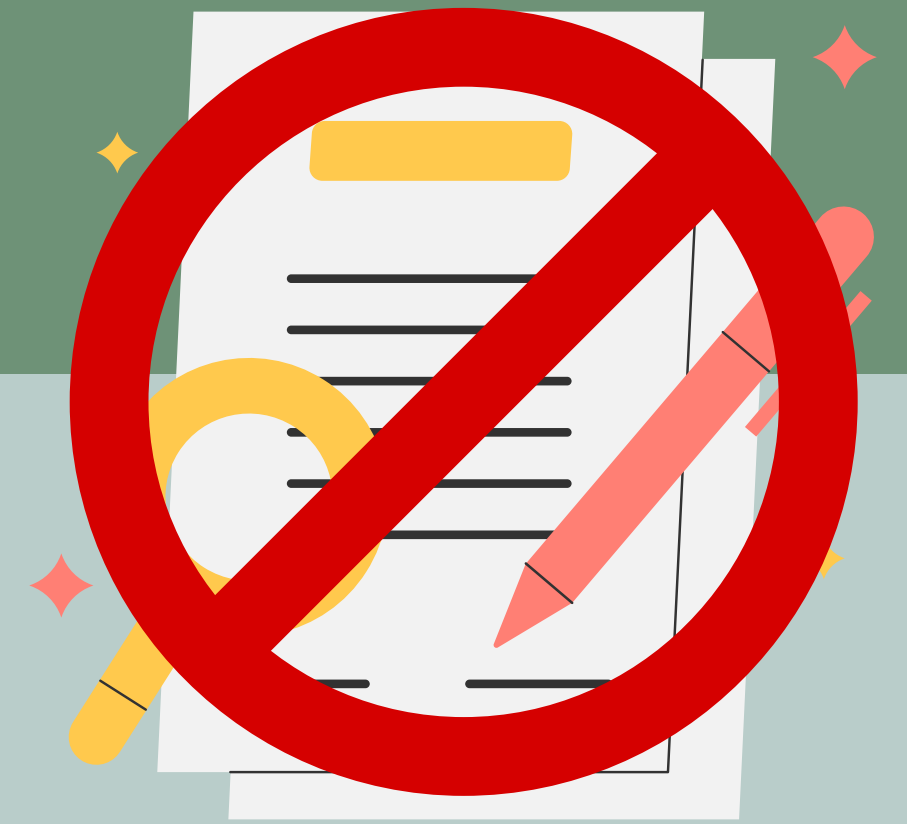
- You will need to make a request for a reasonable modification - don't assume the landlord knows you need a modification
- The request can come from you or someone else
- Ideally you will put your request in writing and include:
 - Your name and address
 - Best way to contact you
 - Statement that you have a disability and are requesting a reasonable modification
 - The modification you are requesting
 - Why you need the modification





- You may need to include documentation of your needs with the request
- Your landlord cannot ask what your specific disability is
- Documentation regarding your disability-related need should be in writing, from a health care provider, on their letterhead
- Be prepared to discuss your request with your landlord

Can the Landlord Refuse My Request?



Landlords **do not** have to provide modifications when they are:

- Not linked to a disability-related need
- An undue financial or administrative burden
- A fundamental alteration to the housing program



Landlords do not need to provide the exact modification you have asked for.

They do need to provide a modification that is **effective**.



QUIZ TIME

Susan lives in a privately owned publicly subsidized housing complex with 100 apartments. She has a daughter with significant physical and cognitive disabilities. When her daughter was young, it was easy for Susan to carry her into the bath. Now her daughter is older and heavier and uses a wheelchair for mobility, inside and outside the apartment.

Susan submits a reasonable modification request to the owner to replace the tub with a roll-in shower so her daughter can continue to use the bathroom in the apartment. Susan knows that another tenant who uses a wheelchair requested and received a roll-in shower.

Do you think Susan's request for a roll-in shower is reasonable? Why or why not?

QUIZ TIME

It depends. Here are some factors to consider:



- Susan's daughter does seem to have a disability
- The modification request is specifically related to the disability
- Roll-in showers can be expensive to put in and the bathroom in that apartment might not have enough square footage
- Just because the landlord was able to install the roll-in shower in another apartment doesn't mean it is workable – architecturally and financially – in Susan's apartment
- If the landlord has an accessible apartment, they may offer that apartment to Susan as an alternative



What if the Landlord Denies the Request?

- Whether the request for a modification is reasonable or not is sometimes a “grey” area or unclear
- What can you do If your landlord has denied your request but you believe the request is necessary?
 - If your landlord is a local Housing Authority or a privately owned publicly subsidized property, they may have an appeals process that you can utilize
 - If there is a state agency overseeing the property, you can appeal to them
 - Sometimes denials constitute discrimination or a violation of your rights

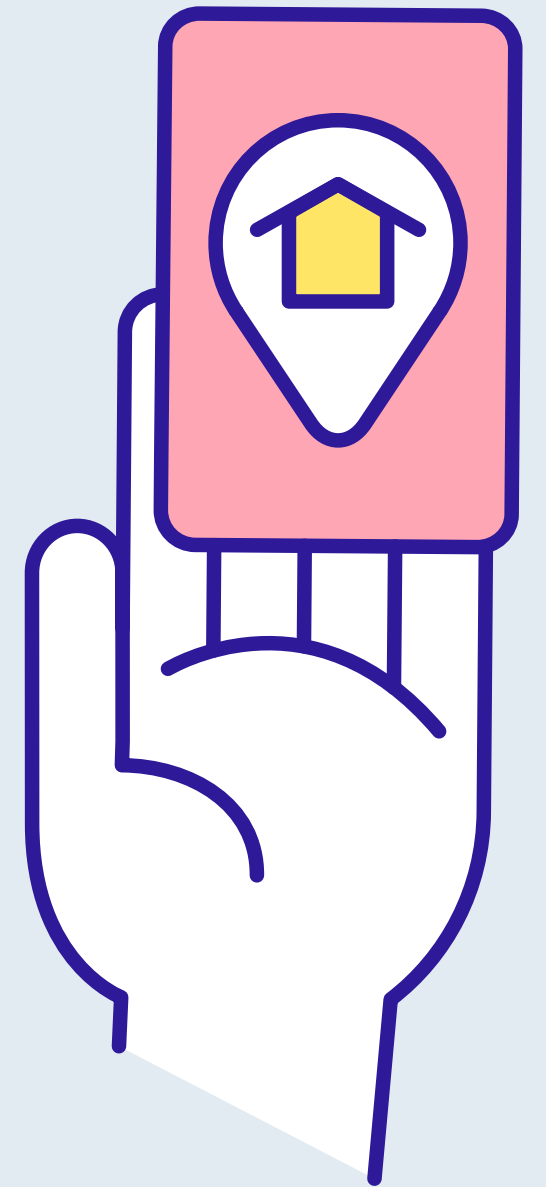
What if I Have a Mobile Housing Voucher and Need Home Modifications?

The same rules just discussed apply even if you have a mobile voucher such as a Section 8 housing choice voucher, Massachusetts Rental Voucher (MRVP), Alternative Housing Voucher (AHVP), or other type of government funded housing voucher.

The landlord is required to make and pay for a reasonable modification if you rent an apartment with a voucher in one of the following types of housing:

- A building with 10 or more apartments
- The building is privately owned publicly subsidized

If your apartment is in a building with fewer than 10 apartments, the landlord does not have to make and pay for reasonable modifications but the landlord must allow you to make them yourself.





- If the landlord is willing to make the modifications, the housing agency that administers your voucher may be willing to increase the amount of rent paid to your landlord in order to cover the costs of a modification
- Start by reaching out to your voucher agency to discuss the modifications you need and determine whether they would be willing to increase the rent to cover the cost of the modifications. If the voucher agency is willing, reach out to your landlord to see if they are also willing
- Remember, neither the landlord nor the housing agency that administers your voucher are required to do this, but they may be willing



What do I do if the Landlord is Not Required to Make and Pay for the Modification?

- If you live in a property with fewer than 10 apartments or that is not publicly subsidized, the landlord does not have to make any modifications nor pay for them
- However, the law requires the owner to allow you to make and pay for any needed modifications
- There are agencies and programs that may be able to help you pay and make these modifications



QUIZ TIME

Sally lives in an apartment in a small building with six apartments. She lives on the first floor and recently broke her leg. Her physical therapist gave her a scooter to help her get around. She wants to ask the landlord for a reasonable modification to install a ramp for her.

What are some of the reasons the landlord is likely to refuse to install a ramp?

QUIZ TIME



- There is no evidence Sally has a disability
- There is no evidence Sally has a disability that requires a ramp; she has a temporarily broken leg which is not a disability
- The property has fewer than 10 apartments so the landlord is not legally obligated to provide the modification

QUIZ TIME

Kianna lives in a building that has 20 apartments. She moved into her first floor apartment ten years ago. Since then she has developed a degenerative condition that currently requires her to use a wheelchair much of the time. She needs some modifications to her bath and kitchen in order to continue to use them. She makes a written request to the landlord who says he doesn't know anything about modifications.

What should Kianna do?

QUIZ TIME



- Kianna could send the landlord a follow-up letter or email with some links and information about modifications and the legal requirements
- She could refer the landlord to agencies that can provide him with some information
- If the landlord resists this education and will not discuss making modifications, she can contact the Massachusetts Commission Against Discrimination for assistance determining the next step

Do You Need Additional Assistance?

For assistance making a request to your landlord for a reasonable accommodation:

- Independent Living Centers
- Aging Service Access Point agencies
- Massachusetts Office on Disability

For assistance filing a discrimination complaint:

- Massachusetts Commission Against Discrimination
- Disability Law Center





More information about home modifications is available at this website:
www.mass.gov/info-details/home-modification-resources-0