**Slide 1:**

Welcome to part 3 of this series on Home Modifications for Older Adults and People with Disabilities.

**Slide 2:**

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 subject.

**Slide 3:** This video is specifically for **RENTERS** who may need a modification to the home they are renting.

**Slide 4:**  **What are Home Modifications?**

Home modifications are structural changes made to a person’s home environment to help make performing daily tasks easier, reduce accidents, and support independent living. These modifications often relate specifically to a person’s health, comfort, and their ability to live independently at home.

Home modifications may help people stay at home longer as they age, preventing hospitalization or nursing home care.

Home modifications may be minor in nature to make homes more accessible and livable (like installing lever door handles) or more major to adapt the home to the individual’s physical limitations. A good example is installing a wheelchair ramp or roll in shower.

Here are some other examples of common home modifications.

* Stair lift
* Automatic door opener
* Roll-in shower
* Flashers for fire alarms

**Slide 5: 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

**Slide 6: 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
  + For example, when you first moved in and every year thereafter, you have to provide the owner with information about your sources of income and how much you receive from these sources
* You pay your rent to a local housing authority
  + Such as the Leominster Housing Authority or the Springfield Housing Authority
* Your rent is not based on your income but is below market rent in your community

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

**Slide 7:**

Now let’s take a quick quiz

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?

**Slide 8:**

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.

**Slide 9: How Do I Request a Modification from the Landlord?**

**To get a modification, you will need to make a written request**. You should not assume that the landlord knows that you need a modification, even if your disability or health needs are evident. Without a request, your landlord does not need to provide a modification.

**Your request can come from you or from someone else**, like a family member or service provider.

**Ideally you will put your request in writing, date it, and keep a copy.** Ask your landlord if they have a specific form for requesting a modification. If no form is available, you can write your own request. Make sure to include the following information in your request:

* Your name and address
* Best way to contact you (e.g., cell phone or email)
* Statement that you have a disability and are requesting a reasonable modification
* The modification you are requesting
* Why you need the modification

**Slide 10:**

**You may need to include documentation of your needs with the request**. Your landlord can ask you for *limited*documentation as part of your reasonable modification request. Documentation that you provide will only indicate that you have a disability-related need for the modification you have requested. It will not specifically state your disability.

* For example, your landlord can ask for a letter from your physician stating that you have a disability and that you need the particular modification to have full use of the apartment
* Your landlord cannot ask the physician to state what your specific disability is

The documentation regarding your disability-related need should be in writing, from a health care provider, on their letterhead if possible. This could be a physician, a nurse practitioner, a physical therapist, case manager, or other professional.

If your disability and need for the modification are obvious, then you will most likely not need to provide documentation of your need for the modification. For example, if you use a wheelchair and need a ramp at an entrance then the landlord likely will not need additional proof of your disability-related need.

**Be prepared to discuss your request with your landlord**. There will be some back-and-forth discussion between you and the landlord to discuss and negotiate the exact modification the landlord will provide.

**Slide 11: Can the Landlord Refuse My Request?**

Landlords do not have to provide modifications that are **not linked to a disability-related need**. For example, a landlord probably does not have to install a dishwasher in an apartment because you like to cook.

Landlords **do not** have to provide modifications that create an **undue financial and/or administrative burden.** Every request is evaluated individually. It is possible, for example, that installing one roll-in shower was affordable for the owner but when the same request was made by someone in a different apartment, the landlord did not have enough funds to install another one.

Landlords also do not have to provide modifications that would result in a **fundamental alteration** in the nature of the service or activity provided. For example, it would be a fundamental alteration to ask your landlord – whose service is to provide housing – to hire a personal care attendant for you because you need help with daily activities.

**Slide 12:**

**Landlords do not need to provide the exact** modification **you have asked for**. They do need to provide a modification that is **effective** – meaning one that gives you an equal opportunity to use and enjoy your dwelling. For example, if you ask for a number of modifications to make an apartment more effective for your wheelchair, the landlord might offer to move you to an available, fully accessible apartment. If the other apartment is in the same property and the owner offers to pay for the move, this might be an effective alternative to your request.

**Slide 13:**

Now let’s take a quick quiz

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?

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It depends. 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.

**Slide 15: 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. Read your denial letter carefully or ask the landlord how to appeal.
* If there is a state housing agency overseeing the property, you can appeal to them. These include the Executive Office of Housing and Livable Communities (formerly known as the Department of Housing and Community Development) or MassHousing.
* Sometimes denials constitute discrimination or a violation of your rights. In this case, you could reach out to organizations like the Massachusetts Commission Against Discrimination or the Disability Law Center to ask for assistance filing a complaint.

**Slide 16: 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 or
* 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**.

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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. Check your lease to determine the housing agency.

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 provided to the landlord 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.

**Slide 18:** **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 for and make these modifications.

**Slide 19:**

Now let’s take a quick quiz

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?

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* 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.

**Slide 21:**

Kianna lives in a building that has 20 apartments. She moved into her first floor apartment 10 years ago. Since then, she has developed a degenerative condition that currently requires her to use a wheelchair much of the time. As a result, 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?*

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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 like the state’s Home Modification Loan Program or the local Independent Living Center.

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.

**Slide 23: Do You Need Additional Assistance?**

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

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

For assistance filing a discrimination complaint contact:

* Massachusetts Commission Against Discrimination
* Disability Law Center

**Slide 24:**

Thank you for watching part three of this series on home modifications. More information about home modifications is available at this website: **www.mass.gov/info-details/home-modification-resources-0.**