



Disability Law Center's Self-Advocacy Materials

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Housing

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/>



Housing and Reasonable Modifications

You Will Learn About:

- **The Difference between Reasonable Modification and Reasonable Accommodation**
- **How to Ask for Reasonable Modifications**
- **How Your Request Should Be Handled**
- **Who Has to Pay for the Request**
- **Helpful Resources for Improving Housing Accessibility**

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

What Is a Reasonable Modification in housing?

A reasonable modification is a structural change to a building or unit that a person with a disability needs to be able to fully use the property. Reasonable modifications include structural changes to interiors and exteriors of dwellings and to common and public areas. Common examples include installing a ramp to a building entrance; lowering cabinet heights; installing visual alarms and doorbells; removing tripping hazards; adding or changing lighting; and installing grab bars. A reasonable modification is different from a “reasonable accommodation,” which is a change in a rule, policy, practice, or service that is necessary to give a person with a disability an equal opportunity to use and enjoy a dwelling.

Who Can Request a Reasonable Modification?

Any person with a disability lawfully residing in a dwelling can request a reasonable modification. It does not matter if you are living in a private or subsidized apartment, a condominium or house, or a shelter setting. There are some special rules that apply to public housing authorities and large landlords, discussed below. “Disability” is defined broadly to include any person with a physical or mental impairment that causes a substantial limitation of one or more major life activities. “Major life activities” includes activities like seeing, hearing, learning, breathing, working, walking, caring for oneself, interacting with others and performing manual tasks, as well as the operation of major bodily functions such as the endocrine or circulatory system, neurological functions and normal cell growth.

What Is the Difference Between a Reasonable Modification and a Reasonable Accommodation?

A reasonable modification involves a *physical change* to a living space or common area. A reasonable accommodation is a *change in a rule or practice* to give a person with a disability an equal opportunity to use and enjoy a dwelling. Widening a doorway to accommodate a person who uses a wheelchair is a reasonable modification. Allowing that same person to pay their rent on the fifth day of the month when their disability benefits come in is a reasonable accommodation (because it is a change in policy of having the rent due on the first of the month). Another key difference between reasonable modification and reasonable accommodation is that the tenant is typically responsible for paying the cost of a reasonable modification but not a reasonable accommodation. There are some important exceptions to this rule, discussed below.

Because reasonable modifications and reasonable accommodations are similar things, you may hear these terms used interchangeably. The important thing is to make a clear request for what you need and establish a connection between your disability and the need for the modification.

How Do I Get a Reasonable Modification If I Need One?

- **You need to make a request.** If you do not make a request, your landlord does not need to provide you with a modification. **Your request can come from someone else**, like a family member, advocate, or service provider.
- **Make the request in writing, date it, and keep a copy.** See the [sample Reasonable Modification Request Letter](#) available on DLC’s website. Your landlord may have special forms that you can use to do this. If you do make your request orally, follow it up with an email or a letter confirming that you made the request, and keep a copy.

- **You may need to get medical support.** Your landlord can ask you for limited medical support for your request (indicating that you have a disability-related need for the modification you requested). You may want to get this first and submit it with your request for the modification to save time. If your disability and need for the modification are obvious, then you do not need to provide medical support and your landlord should not ask for it. For example, you are Deaf and need visual alarms and doorbells installed in your apartment.
- **Be prepared to discuss your request with your landlord.** This is called the “interactive process.” The purpose of the interactive process is to determine what modification the landlord will ultimately provide or permit you to make. Landlords do not need to agree to the exact modification you have asked for. They do, however, need to provide a modification that is **effective**, meaning one that gives you full enjoyment of your dwelling.

Can My Landlord Refuse the Request?

A landlord can deny a request or refuse to permit modifications that amount to an **undue financial and administrative burden** or a **fundamental alteration in the nature of the program**. These decisions are made on a case-by-case basis, making it difficult to say with certainty when a request can be lawfully denied. For example, a landlord would most likely not have to install an elevator if the building lacked one, or install a ramp if doing so would block access to other unit entrances and a suitable alternative could not be found.

If you are responsible for paying the cost of the modification, it is difficult for your landlord to say that it would cause an undue financial burden. Keep in mind that when you leave the unit, you also are responsible for the cost of returning the unit to its original condition before the modification. This could mean removing a ramp, raising the height of a bathroom sink, etc.

What Should I Do If My Request Is Denied?

If your landlord denies your request, you should discuss whether there are alternative modifications that would work for you. For example, if there is not enough space to install a ramp, could your landlord install a stair lift instead? Could you transfer to a vacant unit with a zero-step entry?

If your request for a modification is not handled properly, you may have a legal claim for disability discrimination. In this case, you can contact any one of the following:

- A local fair housing program;
- The local legal service program (see <https://www.masslegalservices.org/FindLegalAid>);
- Your local bar association referral service;
- The National Lawyers Guild MA Chapter Lawyer Referral Service (<https://nlgmass.org/lawyer-referral-directory/>);
- The Massachusetts Commission Against Discrimination (MCAD). (See <https://www.mass.gov/how-to/how-to-file-a-complaint-of-discrimination>); or
- The U.S. Department of Housing and Urban Development (HUD). (See <https://www.hud.gov/fairhousing/fileacomplaint%20>).

Paying for a Reasonable Modification

Who Has to Pay for the Reasonable Modification?

If your housing falls into one of the following categories, your landlord has to pay for the modification:

- Publicly assisted housing;
- Properties with 10 or more contiguous units.

Although it is not widely known, Massachusetts law requires property owners of “multiple dwelling housing consisting of ten or more units” or “contiguously located housing consisting of ten or more units” to pay for reasonable modifications. The owner may deny the request if it presents an undue hardship, and installing elevator lifts and ramps equivalent to more than five steps are specifically exempt from the state law.

If your housing does not fit into one of the two categories above, you likely have to pay for the modification yourself. In addition, your landlord can require you to pay for removing the modification when you move out. Please see below for some helpful financial resources.

Other Resources

Where Can I Get More Information?

If you need legal representation or advice on a request for reasonable modification, please call the Disability Law Center (DLC) at 1-800 872-9992 or fill out our online intake form at <https://www.dlc-ma.org/ask-for-help/>.

Please also see DLC’s related publication, Housing and Reasonable Accommodation, available at <https://www.dlc-ma.org/wp-content/uploads/2024/05/2024-Housing-Reasonabl-Accommodations.pdf>. You can get more information on reasonable accommodations and reasonable modifications from the U.S. Department of Housing and Urban Development (HUD) and the Massachusetts Office on Disability (MOD):

- https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications
- <https://www.mass.gov/info-details/disability-rights-in-housing>

Where Can I Get Financial Help?

The Home Modification Loan Program (HMLP) provides low-and no-interest loans ranging from \$1,000 to \$50,000 to make modifications to the homes of elders, adults with disabilities, and families with children with disabilities:

- <https://www.mass.gov/home-modification-loan-program-hmlp>

A listing of additional financial resources can be found here:

- <https://www.mass.gov/info-details/home-modification-resources>

You can also contact your local Independent Living Center to find additional resources in your area.