

Parent:

My landlord also wants to lay down carpet in my son's room, which will make his asthma worse. How can I prevent that?



4

Provider:

If the situation does not violate the SSC but harms a tenant with a disability, you can request a Reasonable Accommodation or Modification such as alternatives to the carpet.



What is a Reasonable Accommodation (RA)?

RA is a change in the rules or ways of doing business so that a person with a disability can equally access and enjoy housing resources. RA may be required at any stage in the housing process, including during application or eviction process. For example, a tenant who has trouble walking might request a reserved parking spot in front of the entrance to her housing unit as an RA, even if the property's parking spaces are usually unreserved.

What is a Reasonable Modification (RM)?

RM allows changes to the physical features of a home so that a tenant who has a disability can make full use of the housing structure. For example, a person with asthma may request non-allergenic flooring as an RM because a carpet can be allergenic. Sometimes the landlord has to pay for the modification, other times the landlord only has to permit the modification but the tenant has to pay for it.

5

Parent:
How do I request an RA or RM?



Provider:

You simply can ask for what you need, and explain that it is because of a disability. You should make the request in writing, keep a copy, and be clear about how the landlord can contact you.

Parent:

Can you help me with this request?



6

Provider:

I can write a "doctor's letter" that you can give to your landlord outlining the medical problems caused by the housing conditions (e.g., new carpets = high allergy risk).



Healthcare Letterhead

Date

Dear Landlord,

Billy the Kid has been my patient for several years and I am working closely with his mother to manage the symptoms of a disability he has. The disability affects his breathing and it gets much worse when he is exposed to dust, mold, pollen, and dust mites. Therefore, please provide the following reasonable accommodations:

- 1) Keep the family's unit free from carpeting
- 2) Expedite repairs to windows that are not weather tight
- 3) Apply weather-stripping around exterior doors
- 4) Expedite repairs to a plumbing leak that is causing mold

In my medical opinion this is an urgent issue. Thank you for your prompt attention to this important Fair Housing request on behalf of Billy the Kid. If you have any further questions about the connection between his disability and the medically necessary accommodations described above, please let his mother know and I will be happy to provide clarifications at her request.

Sincerely,
Dr. Do A. Lot
Title

SUGGESTED RESOURCES:

Greater Boston Legal Services

www.gbls.org • Boston: (617) 371-1234
Cambridge/Somerville: (617) 603-2700

Eastern Region Legal Intake

http://www.masslegalservices.org/findlegalaid
(617) 603-1700 • 1-800-342-LAWS (5297)

Mass Legal Help

www.masslegalhelp.org/housing/bad-conditions

MetroWest Legal Services

www.mwlegal.org • (508) 620-1830

Keeping A Kid's Home Safe and Healthy



An *It Takes Two* Guide for Patients and Providers



Greater Boston Edition



Acknowledgments:

This resource was made possible through support from the **J.E. & Z.B. Butler Foundation**.

Designed by **Artists for Humanity**

Information contained in this document is for educational purposes only and does not constitute legal advice or establish an attorney-client relationship. If patients or caregivers have specific questions, they should contact a lawyer or advocate.

October 2016

v.2

Provider:
I understand your son's asthma is getting worse. Why do you think this is happening?



1

Parent:
I think our apartment is making him sick.



Provider:
Housing conditions definitely can affect a person's health. Tell me more about your concerns.



2

Parent:
A leak from our bathroom sink goes into my son's bedroom, and the water is rotting the window frame. Now there is mold growing. Also, because the window does not close tightly, his room is always cold and dusty.



Provider:
Have you tried talking to your landlord about this?



3

Parent:
Yes, but she said it was my fault for clogging the drain several months ago. She said if I want the problem to go away, I have to fix it myself.



Provider:
It sounds like you are dealing with a few problems that violate the law. You have rights in this situation, and there are government resources to help you fix these problems.

Top 3 Tips for Tenants Dealing with Poor Housing Conditions



1.

All Massachusetts tenants have rights under the **State Sanitary Code (SSC)**, a law that promotes healthy housing by requiring homes to have certain features and to meet certain maintenance standards. These standards apply both to landlords and tenants, however it is the landlord's responsibility to fix most violations. **Report any problems and request any changes to your landlord in writing**, if you feel safe doing so. Keep notes of all your communications with your landlord about the situation.

What does a landlord have to fix?

Most unhealthy housing conditions violate the SSC, including chronic dampness (which causes mold and crumbling ceilings/walls), pests (like roaches, mice and bedbugs), and certain heating extremes (below 64° at night, below 68° during the day, or above 78° at any time during the heating season).



2.

If reporting the problems to your landlord does not work, know that **you can request an inspection** of your home. Prepare for any inspection by **attending to food storage issues and major clutter** because tenants also have to follow SSC rules. You can contact:

Your local Board of Health (if you live outside of the city of Boston)
Massachusetts Association of Health Boards • benes@mahb.org • www.mahb.org

OR

The Inspectional Services Department (ISD) (if you live in Boston)
(617) 635-5300 • ISD@cityofboston.gov • www.cityofboston.gov/isd

*If you live in Boston and someone in your home has **asthma or sickle cell disease**, you should contact the Breathe Easy At Home program (BEAH), which has special processes for homes where someone has one of those conditions:
Breathe Easy At Home (BEAH) • (617) 534-2485 • asthma@bphc.org



3.

If the landlord still does not act, **you have a right to other support from a court.**

You can go to court to request a **Temporary Restraining Order**, or **TRO**. This is an order from a judge requiring someone to do (or stop doing) something immediately. In a housing case, a TRO can require a landlord to fix a dangerous housing problem right away.

Parent:
My landlord also wants to lay down carpet in my son's room, which will make his asthma worse. How can I prevent that?



4



Provider:
If the situation does not violate the SSC but harms a tenant with a disability, you can request a Reasonable Accommodation or Modification such as alternatives to the carpet.

Parent:
How do I request an RA or RM?



5



Provider:
You simply can ask for what you need, and explain that it is because of a disability. You should make the request in writing, keep a copy, and be clear about how the landlord can contact you.

Parent:
Can you help me with this request?



6

Provider:
I can write a "doctor's letter" that you can give to your landlord outlining the medical problems caused by the housing conditions (e.g., new carpets = high allergy risk).

Healthcare Letterhead
Date
Dear Landlord,
Billy the Kid has been my patient for several years and I am working closely with his mother to manage the symptoms of a disability he has. The disability affects his breathing and it gets much worse when he is exposed to dust, mold, pollen, and dust mites. Therefore, please provide the following reasonable accommodations:
1) Keep the family's unit free from carpeting
2) Expedite repairs to windows that are not weather tight
3) Apply weather-stripping around exterior doors
4) Expedite repairs to a plumbing leak that is causing mold
In my medical opinion this is an urgent issue. Thank you for your prompt attention to this important Fair Housing request on behalf of Billy the Kid. If you have any further questions about the connection between his disability and the medically necessary accommodations described above, please let his mother know and I will be happy to provide clarifications at her request.
Sincerely,
Dr. Do A. Lot
Title

- SUGGESTED RESOURCES:**
- Citizens for Citizens**
www.cncinc.org • (508) 679-0041
 - Eastern Region Legal Intake**
http://www.masslegalservices.org/findlegalaid
(617) 603-1700 • 1-800-342-LAWS (5297)
 - Mass Legal Help**
www.masslegalhelp.org/housing/bad-conditions
 - South Coastal Counties Legal Services**
www.sccs.org • (508) 586-2110
 - South Shore Housing Development Corp.**
www.southshorehousing.org • (781) 422-4200

Keeping A Kid's Home Safe and Healthy



An *It Takes Two* Guide for Patients and Providers



Greater Fall River Edition



Acknowledgments:

This resource was made possible through support from the **J.E. & Z.B. Butler Foundation.**

Designed by **Artists for Humanity**

Information contained in this document is for educational purposes only and does not constitute legal advice or establish an attorney-client relationship. If patients or caregivers have specific questions, they should contact a lawyer or advocate.

October 2016

v.2

Provider:
I understand your son's asthma is getting worse. Why do you think this is happening?

Parent:
I think our apartment is making him sick.

Provider:
Housing conditions definitely can affect a person's health. Tell me more about your concerns.

Parent:
A leak from our bathroom sink goes into my son's bedroom, and the water is rotting the window frame. Now there is mold growing. Also, because the window does not close tightly, his room is always cold and dusty.

Provider:
Have you tried talking to your landlord about this?

Parent:
Yes, but she said it was my fault for clogging the drain several months ago. She said if I want the problem to go away, I have to fix it myself.

Provider:
It sounds like you are dealing with a few problems that violate the law. You have rights in this situation, and there are government resources to help you fix these problems.

Top 3 Tips for Tenants Dealing with Poor Housing Conditions



1. All Massachusetts tenants have rights under the **State Sanitary Code (SSC)**, a law that promotes healthy housing by requiring homes to have certain features and to meet certain maintenance standards. These standards apply both to landlords and tenants, however it is the landlord's responsibility to fix most violations. **Report any problems and request any changes to your landlord in writing**, if you feel safe doing so. Keep notes of all your communications with your landlord about the situation.

What does a landlord have to fix? Most unhealthy housing conditions violate the SSC, including chronic dampness (which causes mold and crumbling ceilings/walls), pests (like roaches, mice and bedbugs), and certain heating extremes (below 64° at night, below 68° during the day, or above 78° at any time during the heating season).



2. If reporting the problems to your landlord does not work, know that **you can request an inspection** of your home. Prepare for any inspection by **attending to food storage issues and major clutter** because tenants also have to follow SSC rules. You can contact the:

Fall River Minimum Housing Department
(508) 324-2541



3. If the landlord still does not act, **you have a right to other support from a court.**

You can go to court to request a **Temporary Restraining Order, or TRO**. This is an order from a judge requiring someone to do (or stop doing) something immediately. In a housing case, a TRO can require a landlord to fix a dangerous housing problem right away.