

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:



57 Suffolk Street, Holyoke, MA 01040

[www.massfairhousing.org](http://www.massfairhousing.org)

[info@massfairhousing.org](mailto: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

Printing of this publication is made possible through a grant from the Department of Housing and Urban Development.

This publication is available in Spanish and other languages upon request.

# Fair Housing for Individuals with HIV/AIDS



**1-800-675-7309**

**Fighting  
DISCRIMINATION**

OPENING DOORS

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 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 HIV/AIDS**

Federal and state laws prohibit discrimination in housing because of a handicap or disability, including physical and mental impairments. The law also protects people who have a physical condition that does not substantially impair their major life activities but who are positive for HIV, the virus that causes AIDS.

If someone associated with you (such as a family member or companion) has HIV/AIDS, the state and federal fair housing laws protect you from being discriminated against in housing because of their condition. Further, housing providers cannot ask an applicant if they or a family member or companion has HIV or AIDS, or about the nature or severity of any other disability, or any question that would require the applicant to reveal a medical condition or medical history.

### **What the Law Requires**

Landlords, housing providers, and other individuals cannot discriminate against individuals searching for housing either because they believe the person has HIV/AIDS or because in fact the person does have HIV/AIDS.

Individuals with HIV/AIDS have the right to be treated like any other home seeker when seeking housing.

### **Prohibited Conduct**

Landlords and other housing providers cannot ask someone who has HIV/AIDS for information different from that asked of any other home seeker who does not have HIV/AIDS. For example, landlords *cannot* ask about medical treatment or about whether the person can live independently, since they would not ask other potential tenants these questions.

Landlords and other housing providers cannot deny housing to someone because that individual has HIV/AIDS or because someone who lives with that person has HIV/AIDS. Landlords and other housing providers cannot impose different terms or conditions, such as an extra security deposit or higher rent, on a tenant because she or he has HIV/AIDS.

Landlords also have an obligation not to disclose your condition or medical records to anyone not directly involved in the management of the property.

### **Reasonable Accommodations**

The law requires landlords and housing providers to make “reasonable accommodations” to persons with disabilities. A “reasonable accommodation” is a change in the current rules, policies, practices, or services to allow an individual with HIV/AIDS to make use of the housing, as long as it does not create an unreasonable burden on the landlord or housing provider. For example, it would be a reasonable accommodation for a landlord to alter a policy that only tenants can use the laundry in order to allow a friend or personal care attendant to do laundry for a tenant with HIV/AIDS.

### **Common Forms of Discrimination**

#### **Misrepresenting the Availability of Housing:**

A landlord, owner, or real estate agent tells you that the housing is unavailable, when in fact, it has not been rented or sold.

#### **Steering:**

A real-estate agent, landlord, or owner offers you housing only in neighborhoods with people who have the same race, ethnicity, or religion as you.

#### **Refusals to Rent or Sell:**

A landlord or real estate agent refuses to rent or sell to you because you are an individual with HIV/AIDS or a member of your household has the disease.

#### **Discrimination in Terms or Conditions:**

A person with HIV/AIDS is held to different terms or rules than others who do not.

#### **Discriminatory Advertising:**

Any written statement in a newspaper or other publication; or any oral statement that indicates preferences or limitations for certain people. That includes any advertisement or brochure that is created by the owner of the property or someone working on their behalf.

#### **Use of Threats, Intimidation, or Coercion:**

Someone attempts to prevent a person with HIV/AIDS from renting or buying a house in a neighborhood by suggesting the person will not be safe or that neighbors do not want the person to move in.