

Fair Housing: Frequently Asked Questions about Housing Protection for People with Disabilities and Their Families

Introduction

Fair housing laws provide important rights and protections to renters and home buyers, including protections for people with disabilities and their families. In this article we cover some of the most frequently asked questions about these specific fair housing protections and link to resources about other important parts of Fair Housing law.

What is illegal discrimination against persons with disabilities?

Under state and federal law, it is illegal to **treat people with disabilities differently** from people without disabilities. This includes asking if someone is disabled, uses prescription medication, or has ever been hospitalized.

What are Reasonable Modifications?

Under state and federal law, you must be allowed to make **physical modifications** to a housing structure, inside and outside your unit, if you have a disability and if the modifications are **necessary** for you to enjoy full use of the unit. These are called “reasonable modifications.”

In most circumstances, you must pay for the modifications yourself, and your landlord can require you to restore the inside of the unit to the way it was before the change was made. There may be different rules for common areas.

Exceptions: Landlords for housing built or rehabilitated with federal funds (such as HUD or Rural Housing) must pay for reasonable modifications. This does not include Housing Choice Vouchers (formerly “Section 8”). Ramps and accessible routes to common areas in these units must be kept safe and in good repair. Snow and ice must be removed.

In the rare case where the landlord is responsible to make the modification, the modification request may be denied if it poses an **undue financial burden to the landlord** or if it **changes the fundamental nature of the program**. For example, even a landlord who receives federal funding does not have to spend 90% of their profit to make physical changes to a unit. This is a specific factor to be considered in figuring out if a modification is reasonable.

What are Reasonable Accommodations?

The landlord must **make** (not just permit!) a reasonable accommodation by changing rules, policies, procedures, and/or services when necessary to allow you, if you have a disability, to use or enjoy the premises to the same extent as others.

Examples:

- If a landlord has a policy requiring tenants to bring the rent to the housing office every month, the landlord has to permit a person with agoraphobia (fear of going outdoors) to mail the rent, or to have someone else drop it off.
- If you need to have an animal for assistance (for physical or mental health reasons), the landlord has to permit the animal, even if there is a "no pets" policy. You can't be charged any additional fees for the assistance animal, but you can be charged for any damages. [Read more about assistance animals for renters and get sample letters to a landlord.](#)
- If a landlord has a policy requiring tenants to stay for a year, they must grant a reasonable accommodation to let you out of your lease early if your disability makes a move necessary. This might come up if you live upstairs but can no longer climb stairs; or if you need a live-in personal care attendant and your apartment is too small for one.

Exception:

- The reasonable accommodation may be denied if it **poses an undue administrative or financial burden** or if it **changes the fundamental nature of the program**. For example, it would change the fundamental nature of the program if you asked your landlord to drive you to your medical appointments. These "exceptions" are actually just factors to be considered when looking at if a requested accommodation is reasonable.
- **Once you have received a reasonable accommodation for your disabilities, you can't be treated differently from persons without disabilities.** For example, a landlord cannot require you to pay a special "pet deposit" for an assistance animal.

Who is protected from discrimination against persons with disabilities?

If you have a **physical or mental impairment** which **substantially interferes with one or more major life activities**, you have a disability. If you have a record or history of such an impairment or you are perceived as having such an impairment, you are also protected. In addition, under Maine state law, if you have a **mental health diagnosis**, or you **receive special education, vocational rehabilitation or related services**, you are protected.

There is no hard and fast rule about how long a disability must last. Maine law protects persons with temporary impairments.

Examples:

- If you have an impairment that interferes with breathing, walking, learning, or seeing, you are protected.
- If you have a history of depression or cancer, but you are cured or in remission, you cannot be discriminated against.
- If other people think you have AIDS, but you don't, then you are perceived to have an impairment, and you are protected from discrimination.

Do these laws apply to all Maine landlords?

In Maine, all landlords, except those who live in a two-unit building, where they rent the other half, are covered under the Maine Human Rights Act. Also, no one can advertise a unit in a discriminatory way or make discriminatory statements.

There are extra requirements for landlords who get federal funding because the tenant is on a Housing Choice Voucher (formerly "Section 8") or lives in public housing.

How do I ask for a reasonable modification or accommodation? Does a medical professional have to verify my need for one?

The best way to ask for a reasonable modification or accommodation is to make a specific request in writing. It is often helpful to have a medical professional's note that says you have a disability under federal and state fair housing law, and that you need the requested accommodation because of your disability. The request does not have to give your diagnosis. The request should connect your disability related symptoms and needs with how the requested accommodation will help manage your disability related symptoms. Do this for each request for accommodation or modification that you make. There may be different disability related needs or reasons for the different requests.

Sometimes the need for a request is obvious or there is an emergency. Then you may speak to your landlord to make the request. Even in these cases, **follow up after you speak to your landlord and put the request in writing.**

It is also possible that, because of your disability, you cannot make a written request at all. In this case, you may speak to your landlord or ask someone else to do it for you.

A medical professional is not always the best person to ask for verification that the modification or accommodation is necessary. For example, if you use a wheelchair, you may need cabinets to be adjusted. It is better to have an adaptive equipment specialist, or other person knowledgeable about wheelchair accessibility, to verify how the cabinets should be changed. If you are addicted to drugs or alcohol but have been clean and sober for a year and you have been in treatment, you may want to get a letter from your substance abuse counselor that says that an accommodation is necessary, even though the counselor is not a doctor.

[For more information about "reasonable accommodations," listen to our podcast.](#)

What if I know I need some modification or accommodation, but I don't know what I need?

In this case, make a request that says you have a disability which is creating a special need and you want to discuss a reasonable modification or accommodation with your landlord (or the housing manager or other responsible person).

For example, you may have gotten an eviction notice because of noise you cause at night **because of your disability**. You can ask to talk to the landlord about a reasonable accommodation so that others won't be disturbed, even if you aren't sure what would work. Your request can begin a discussion between you and your landlord about what would solve the noise problem. For example, you might

both decide that a modification such as soundproofing, changing your medication, or changing how things are arranged in your apartment so that other tenants aren't disturbed, might meet your needs.

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When is a person with disabilities protected from discrimination?

You are protected from illegal housing discrimination at all stages, beginning with the advertisement of a unit through the time the security deposit should be returned or a claim for damages is made. Even if you did not disclose (or have) a disability at the time you first rented the unit, you may ask for a reasonable accommodation or modification whenever you need one.

What if I have a child or an adult dependent with a disability?

Families with children or adult dependents (under Maine law) with disabilities are protected under federal and state laws that prohibit discrimination against:

- persons with disabilities and
- families with children or adult dependents (under Maine law).

If I believe I have been illegally discriminated against, what can I do?

For legal help [contact Pine Tree Legal Assistance](#).

If you would like to file a complaint about illegal housing discrimination, you can file with the Maine Human Rights Commission (MHRC) or the United States Department of Housing and Urban Development (HUD). Before you file, you can [read more about Fair Housing laws in our article "Fair Housing: Your Right to Rent or Own a Home."](#) This article will help you decide where to file your complaint, and explains the steps you will need to take.

More resources

[Learn more about your Fair Housing rights in Maine](#) – we have a Fair Housing Unit and information available in many languages!

The [Maine State Housing Authority](#) lists subsidized housing by county, including housing for people with disabilities. [Read more on the Maine State Housing Authority website in the "Subsidized Housing" section.](#)

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