

## FAIR HOUSING FOR PERSONS WITH DISABILITIES - REASONABLE ACCOMMODATIONS

### Protection under the Federal Fair Housing Act

The Federal Fair Housing Act prohibits discrimination in housing, both public and private, based on race, color, religion, sex, national origin, familial status, and disability. One potential type of prohibited discrimination under this Act is refusing to provide reasonable accommodation or allow a reasonable modification to a person with a disability.

The FHA describes disability as mental or physical impairments that substantially limit one or more major life activities. Physical and mental disabilities can include but are not limited to:

- visual, speech, or hearing impairments,
- cerebral palsy, autism, epilepsy, multiple sclerosis, muscular dystrophy, or chronic fatigue,
- cancer, heart disease, diabetes, or HIV/AIDS,
- drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism,
- learning impairments, traumatic brain injury, intellectual development disorder, and other mental or emotional disabilities.

### What is a reasonable accommodation?

According to the Fair Housing Act, a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. In essence, reasonable accommodation usually addresses a housing provider's rules or regulations on a property.

***Example:** A housing provider has a policy of providing unassigned parking spaces to residents. A resident with mobility impairment requests an assigned accessible parking space close to the entrance of their unit as a reasonable accommodation. There are accessible parking spaces near the entrance to their unit, but those spaces are available to all residents on a first-come, first-served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.*

### How do you request a reasonable accommodation?

Requesting an accommodation is as simple as giving notice to your housing provider that you need one. You may do this orally or in writing; however, it is preferable to put the request in writing for documentation purposes. An example letter for a request for reasonable accommodation is attached to this Fact Sheet. To receive an accommodation, you must first make the request; a person with a disability is not entitled to an accommodation unless a

request has been made. The housing provider is obligated to respond to the request in a timely manner.

### **Who can make the request for reasonable accommodation?**

The request can be made by the person with a disability, a guardian, or another person acting on behalf of the person with a disability.

### **May a housing provider ask for proof of disability or the need for accommodation?**

Proof isn't necessary in cases where the disability is readily apparent or known, and the need for accommodation is also evident. However, in cases where the disability is not obvious or the need for accommodation is not apparent, the housing provider may request additional information.

### **What information may the housing provider request?**

In order to evaluate a request for reasonable accommodation, a housing provider may ask for additional information to:

- verify that the person meets the Fair Housing Act's definition of disability,
- describes the needed accommodation,
- shows the relationship between the person's disability and the need for the requested accommodation.

### **What materials could I provide to the housing provider if requested?**

Some materials that may be provided include but are not limited to:

- proof of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits,
- a letter from a mental health or medical professional verifying the disability and the need for the requested accommodation (for guidance, please see our [Fair Housing for Medical and Mental Health Professionals booklet](#)),
- a letter from a non-medical service agency verifying the connection between the disability and the requested accommodation.

### **How is a request evaluated?**

A housing provider must evaluate each request for reasonable accommodation on a case-by-case basis. The approval or denial of the request may be determined by the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

### **Can my request for reasonable accommodation be denied, and if so, when?**

A request could be denied if:

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- it isn't considered reasonable (see examples below),
- it fundamentally alters the nature of the provider's operations, or
- it imposes undue financial and administrative burden on the housing provider.

**Example:** *As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff member to their apartment daily to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources, and the maintenance staff is on-site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation may be denied.*

*\*The request could then be modified to something more reasonable such as placing an open trash can in an accessible location where the tenant can dispose of their trash daily. Maintenance can then transfer this trash to the dumpster when on site.*

**Example:** *A tenant has a severe mobility impairment that substantially limits his ability to walk. As a reasonable accommodation for his disability, he asks his housing provider to transport him to the grocery store and assist him with grocery shopping. The provider does not provide any transportation or shopping services for its tenants, so granting this request would fundamentally alter the nature of the provider's operations. The request can be denied for this reason.*

*\*The request could then be modified to alter the housing provider's parking policy to allow a local community service worker to park a car close to the tenant's unit so that he can be transported to the grocery store and assisted with shopping.*

### **What should I do if I need help with my request or suspect my fair housing rights have been violated?**

Please call us toll-free at **1-877-979-3247** to discuss the situation. You can also fill out a contact form on our website ([www.fhcmichigan.org](http://www.fhcmichigan.org)). FHC staff will follow up with you to obtain additional information. We will keep the information you provide confidential. We will not report undocumented immigrants to the authorities.

The Fair Housing Center is a nonprofit organization that provides investigative services (testing), advice, advocacy, conciliation, attorney referrals, and community education for Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe, Shiawassee, and Washtenaw counties. The FHC's mission is to end discrimination in housing and public accommodations and promote accessible, integrated communities.

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### Sources

Joint Statement by the U.S. Department of Housing and Urban Development & the U.S. Department of Justice, "[Reasonable Modifications under the Fair Housing Act](#)"

[U.S. Department of Housing and Urban Development's RA website](#)

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## Sample of Letter to Request Reasonable Accommodation

[DATE]

[NAME OF HOUSING PROVIDER]

[ADDRESS]

Re: Reasonable Accommodation for My Disability

Dear [HOUSING PROVIDER]:

I live at [ADDRESS] in [UNIT NUMBER]. I am an individual with a disability, as defined by the Fair Housing Amendments Act of 1988.

Our community rules state [XXX]. Because of my disability, I need the following accommodations: [LIST ACCOMMODATIONS]. A [MEDICAL or MENTAL HEALTH] provider has prescribed this accommodation for my disability. This accommodation will give me an equal opportunity to live in and enjoy this residence.

Under the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of an existing rule or policy if such accommodation may be necessary to afford such a person full enjoyment of their dwelling and/or the premises.

Sincerely,

*[Signature]*

[PRINT NAME]

encl: letter of support from [MEDICAL or MENTAL HEALTH PROVIDER]