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REASONABLE ACCOMMODATIONS AND MODIFICATIONS

FACT SHEET # 4

Published by High Plains Fair Housing Center

Fair housing laws require providers to make reasonable accommodations in their rules, policies, practices or services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. Accommodations are “reasonable” when they are practical and feasible. To deny an accommodation, a provider must show that it causes an undue burden or is unreasonable. (Under Section 504, government housing must allow reasonable accommodations.)

Reasonable modifications are for physical changes to a unit or common area which are necessary for a disability. A reasonable modification means leaving the unit acceptable after a tenant moves out for someone who does not need the modification that was made. In private housing, a housing provider may require that the tenant pay for the cost of the modification and request that funds be set aside to restore the unit to its original condition before the modifications, except for reasonable wear and tear.

To make a request, the resident must meet the definition of disability under fair housing laws. It is the responsibility of the resident to make any requests, not the provider's to assume what is needed. The housing provider must also approve all accommodations/modifications before they are made. Sample forms are available from the HPFHC. Below is the suggested format for a reasonable accommodation or modification request. Be sure to put in writing and keep a copy.

1. Indicate that you qualify as a person with a disability as defined by fair housing laws. It is not necessary to reveal the nature or severity of your disability. Include a note from your doctor explaining why it is necessary (be sure to keep a copy). For example:

“I qualify as an individual with a disability as defined by the Federal Fair Housing Act Amendments of 1988.”

2. State where you live and who is responsible for the building. For example:

“I live at 805 West Street, Apt #2. This building is managed and owned by you, Jane Smith.”

3. Describe the policy, rule, or architectural barrier that is problematic to you. For example:

“There is not any reserved accessible parking in our building's lot.”

4. Describe how this policy or barrier interferes with your needs, rights, or enjoyment of your housing. For example:

“I am unable to park in regular sized parking places because I need additional space to transfer from my car to a wheelchair.”

5. In clear and concise language; describe the change you are seeking in the policy, rule or barrier. For example:

“I am requesting that you designate a reserved parking space for people with disabilities next to the curb on the west side of the parking lot.”

6. Cite the applicable law, which protects your rights. For accommodations use:

“Under the Federal Fair Housing Act, it is unlawful discrimination for a management company to deny a person with a disability a reasonable accommodation of building rules or policies if such an accommodation may be necessary to afford such person full enjoyment of the premises...”

For modifications, quote the law as follows:

“Under the Federal Fair Housing Act, it is unlawful discrimination for a management company to deny a person with a disability a reasonable modification of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises.”

7. Ask for a written response within a certain amount of time. Example:

“Please respond in writing to my request within 10 days of the date of this letter.”

8. Sign and date the request. Remember to keep a copy of your request and any attachments for your records. If the request is denied, contact the HPFHC to determine if your rights have been violated.

Sample Request for a Reasonable Accommodation:

December 1, 2015

Danny Thomas,
Building Manager 1234 South St.
Minot, North Dakota

Dear Mr. Thomas:

I, Jim Olson, qualify as a person with a disability as defined by the Federal Fair Housing Act. I live at 1234 South St. #15. This building is managed by you, Danny Thomas, and owned by Jane Anderson.

Our building's rules state a “no pets” policy. Because of my disability, a

doctor has prescribed a service animal to assist in my daily living. The note from my doctor verifying my disability and need for a reasonable accommodation is attached.

I am requesting that you make a reasonable accommodation in the building's rules to permit me to have a service animal.

"Under the Federal Fair Housing Act, it is unlawful discrimination for a management company to deny a person with a disability a reasonable accommodation of an existing building rule or policy if such an accommodation may be necessary to afford such person full enjoyment of the premises."

Please respond in writing to my request for a reasonable accommodation within ten days of the date of this letter. I look forward to your response and appreciate your attention to this critical matter.

Sincerely,

(signature)

John Olson

Examples of Reasonable Accommodations

- Allowing a service, assistive, therapeutic, emotional support or companion animal for someone who needs it for their disability
- Providing large print or brailled numbers on the front door or other common areas for someone visually impaired

- Designating a reserved parking space near a door or unit for someone who cannot walk long distances
- Providing a visual alarm system on smoke detectors
- Allowing a Personal Care Attendant to live with a tenant or not charging guest or overnight fees
- Providing a rent reminder when rent is due
- Moving a tenant to the ground floor for easier mobility
- Providing or allowing a person from the community to educate other tenants about an illness of a tenant to eliminate harassment

Examples of Reasonable Modifications

- Widening a doorway for a wheelchair
- Allowing the installation of grab bars in a bathroom
- Replacing door knobs with levers
- Allowing a condo resident to install a ramp to their unit

Additional Resources (at www.highplainsfhc.org)

- HUD & DOJ Joint Statement on Reasonable Accommodations
- HUD & DOJ Joint Statement on Reasonable Modifications
- HPFHC Guide on Reasonable Accommodations & Modifications

The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement and advocacy. For more information please contact:

Phone: 701-203-1077 Toll Free: 1-866-380-2738; Email: highplainsfairhousing@gmail.com; www.highplainsfhc.org

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