

Requesting a parking space, grab bar, or other change to your housing?

Let us help!



A Guide to Requesting Reasonable Accommodations and Modifications Under the Fair Housing Act

What is fair housing?

Federal and Michigan fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, **disability**, marital status, and age. Illegal discrimination includes a refusal to make a reasonable accommodation or a refusal to permit a reasonable modification if either would be necessary to afford a person with a disability equal access to and full enjoyment of the housing and property.

The Fair Housing Act defines a person with a **disability** to include (1) individuals with a physical or mental impairment that substantially limits one or more **major life activities**; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Major life activities include:

- Walking
- Breathing
- Communicating
- Seeing
- Hearing
- Caring for oneself
- Thinking
- Learning
- And beyond...

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities, cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease, diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.



What is a reasonable accommodation or reasonable modification?

Under the Fair Housing Act, a **reasonable accommodation** is a change or exception to any rule, policy, procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a “no pet” policy, or allowing a live-in caregiver when a housing policy states “no over-night guests”. A **reasonable modification** is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford them full enjoyment of the premises, such as the installation of a ramp, grab bar or handrail. Reasonable accommodations and modifications enable independent living and equal access to housing for people with disabilities.

If you feel you need a **reasonable accommodation** or **modification** to your home or apartment based on a disability, there is a process you will need to go through to work with your housing provider. Reasonable accommodation requests should be evaluated on a case-by-case basis.

How do I make a request?

If you are someone with a disability looking for a reasonable accommodation or modification to a home or apartment, you will need to submit a request (see sample request letter on P. 5) to the housing provider, landlord, manager, or your condominium association. Caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability.

A request can be made verbally, but it is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. If your disability is not apparent or otherwise known, the housing provider or landlord may request verification of your disability and information establishing a disability-related need for the request. You can obtain supporting documentation from your doctor or other qualified medical professional, a peer support group, a non-medical service agency, a social worker, or a reliable third party who is in a position to know about your disability. The supporting documentation only needs to verify:

- (1) **that you have a disability, as defined by the Fair Housing Act**
- AND**
- (2) **your disability-related need for the requested accommodation or modification.**



Housing providers and landlords do not need to know the details related to the disability, diagnosis, or health history; only that a disability is present and that the request is needed because of that disability. When obtaining documentation words such as “necessary”, “essential”, and “prescribed” should be used to describe the need for a reasonable accommodation or reasonable modification (see sample support letter on P. 6).

You can make a request for a reasonable accommodation or modification at any time. Your request should not be a factor in your eligibility in obtaining housing.

Examples of Reasonable Accommodation Requests:

- Requesting an assigned, accessible parking space near a unit
- Requesting to waive a “no pet” or pet fee policy to allow for an assistance animal*
- Requesting a move to the ground floor due to changes in ability to use stairs

Examples of Reasonable Modifications:

- Widening a doorway for a wheelchair
- Installing grab bars in a bathroom
- Installing a ramp to make a main entrance accessible
- Installing handrails in stairwell



**The FHCWM has additional guidance specific to assistance animals at www.fhcwm.org/disability.*

What if there are costs involved?

A reasonable accommodation is usually processed and completed without cost to the resident. If the cost of the reasonable accommodation is an undue financial and administrative burden for the housing provider, they should meet or talk with you to evaluate and explore alternative reasonable accommodation methods.



For reasonable modifications, the tenant is responsible for paying the cost, while the housing provider must permit the modification.* A housing provider may require that a reasonable modification request includes a description of the proposed modification both before changes are made to the dwelling and before granting the modification.

If you require a reasonable modification to the interior of your home, depending on your living situation, you may be asked by the housing provider or landlord to restore your home or apartment back to its original state. In some situations, the landlord or housing provider could ask you agree to pay into an escrow account so that the home or apartment may be restored after you vacate the property.

** The Rehabilitation Act of 1973 states that structural changes needed by a person with a disability in housing that receives federal financial assistance (i.e. HUD subsidized apartment buildings, USDA rural housing developments, and others) are considered reasonable accommodations; they must be paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program or unless the housing provider can accommodate the individual’s needs through another means.*

Why can my request be denied?

A request for a reasonable accommodation or modification can be denied for the following reasons:

(1) The request for a reasonable accommodation or modification was not made by or on behalf of a person with a disability or if there is no disability-related need for the request,

and/or

(2) If it would impose undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider’s operations.

Whether your request is approved, denied, or you are asked for more documentation, it is important to maintain communication with the housing provider. If your initial request is denied, alternative methods to accommodate or modify should be discussed. It is important that the housing provider continue to communicate with you as you both explore different options; note that you are not obligated to accept an alternative accommodation if you believe it will not meet your needs.

What is an Assistance Animal?

An assistance animal is not a pet. There are two types of assistance animals: (1) service animals (limited to dogs and in rare instances miniature horses) and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to by HUD as a “support animal”).

NOTE: Pet fees and/or policies ***do not*** apply to assistance animals; breed or size limitations also do not apply.

NOTE: Fair Housing law does not require that support animals be trained, certified or licensed, however, they must be under your control.

Service dogs perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, and alerting persons to impending seizures or the presence of allergens. Assistance animals may help by preventing or interrupting impulsive or destructive behaviors, assisting in dealing with disability-related stress or pain, or providing emotional support that alleviates at least one identified symptom or effect of a physical or mental impairment.

The FHCWM has additional guidance on processing requests for assistance animals, as does HUD. These are available on the FHCWM website. As with all requests for reasonable accommodations, it is best to document everything that you disclosed and when any communication occurs.

You should hear a determination promptly, generally within 10 days of submitting your documentation.

These requests should be evaluated on a case-by-case basis. According to HUD, housing providers may not require a health care professional to use a specific form, to provide notarized statements, to make statements under penalty of perjury, or to provide detailed information about your impairments.

Additional Resources

- ◇ Department of Justice & HUD—Joint Statement on Reasonable Accommodations (5/17/2004)
- ◇ Department of Justice & HUD—Joint Statement on Reasonable Modifications (3/5/2008)
- ◇ HUD Fair Housing and Equal Opportunity Notice on Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act (1/28/2020); includes *Guidance on Documenting an Individual’s Need for Assistance Animals in Housing*
- ◇ HUD Memo on Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation (6/12/2006)
- ◇ FHCWM A Housing Professional’s Guide to Reasonable Accommodations and Modifications Under the Fair Housing Act
- ◇ FHCWM Fact Sheet: Supporting Requests for Assistance Animals in Housing
- ◇ FHCWM Resource Guide: Assistance Animals in Housing
- ◇ FHCWM Sample Assistance Animal Policy

Please visit www.fhcwm.org/publications to download these documents and other helpful information.

Here are some commonly asked questions as well as some ideas for action:

What do I do if...?	How you can find a solution!
Your verbal request prompted the housing provider to ask for a written request.	If possible, a written request is helpful for both parties. If you need assistance or alternative methods to communicate your needs, the housing provider will need to assist you in providing those means (ex: large print, braille, electronic format materials).
You are asked specifically what kind of disability you have.	You should tell your housing provider that you only need to verify the fact that you have a disability and how your request is related to your disability. <u>You do not need to state your disability or disclose details of your health history.</u>
You are asked for written documentation of your disability, even though your disability is apparent.	If you have a visible, obvious, or otherwise known disability, the housing provider does not need any documentation. Let them know that you do not need to provide additional documentation.
You are told your verification of your disability is not good enough.	Included in this guidebook is a form you can use to provide accurate and clear verification. (See pages 5 and 6 for sample request and support letters).
You made a request more than a week ago and you have heard nothing on your request.	Call the housing provider, ask who is taking care of your request, and what the status is. They should keep you updated.
You are told you can't have your assistance animal(s) due to the housing provider's insurance policy.	If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of animal or a certain animal, this may impose an undue financial and administrative burden: they should try to secure comparable insurance without such restrictions.

If you experience delays, issues and/or a lack of communication, or if you feel you are being discriminated against, you may want to contact the Fair Housing Center for help.

To aid you in the process of making a request, consider using language similar to these sample reasonable modification (top half) or reasonable accommodation (bottom half) request letters:

(Date)

Dear **(Housing Provider)**;

(My name is ____) and I live at **(insert address)**. I am a person with a disability as defined by the Fair Housing Act. I am writing this letter to request a modification. I am requesting **(insert your need here, examples found below)**.

Example: permission to install handrails on the stairs OR permission to install a ramp for the front door of my unit.

With the approval of this request I will be able to **(explain how there is a need for your request, examples found below)**

Example: safely travel up and down the stairs, as my disability limits my ability to use stairs without the assistance of handrails OR enter the front door of my home with the use of my wheelchair.

With the approval of this request the effects of my disability will be assisted or alleviated.

Please provide documentation that you received this request and the status of my request. If further documentation of my disability is needed, let me know so that I can provide documentation about the disability-related need for my request.

Sincerely,

(Your name)

(Date)

Dear **(Housing Provider)**;

(My name is ____) and I live at **(insert address)**. I am a person with a disability as defined by the Fair Housing Act. I am writing this letter to request an accommodation. I am requesting **(insert your need here, example found below)**.

Example: to be provided with an assigned parking space closer to my unit

With the approval of this request I will be able to **(explain how there is a need for your request, example found below)**

Example: safely and easily get to my vehicle, as my disability limits my ability to walk long distances.

With the approval of this request the effects of my disability will be assisted or alleviated.

Please provide documentation that you received this request and the status of my request. If further documentation of my disability is needed, let me know so that I can provide documentation about the disability-related need for my request.

Sincerely,

(Your name)

Please visit www.fhcwm.org/disability to download this document and other helpful documents.

This sample reasonable accommodation or reasonable modification support letter can be used to aid your medical professional in providing verification of your request:

- Should be on letterhead
- Should accomplish the following:
 1. Verify that the person meets the Fair Housing Act’s definition of disability (need not mention specific diagnosis, but must be clear that the person’s condition rises to the level of a disability)
 2. Show the relationship between the person’s disability and the need for the requested accommodation/ modification (“need” should be distinguished from “may benefit” or “is recommended”)

A support letter may be written by a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party who is in a position to know about the individual’s disability.

Date

Dear **(Housing Provider)**:

**TIP: USE
OFFICE LOGO or LETTERHEAD**

(Name of client) is my client/patient, and has been under my professional care since **(date)** involving the provision of health care **OR** disability-related services and therefore I am familiar with his/her history and disability-related functional limitations. She/he has a physical or mental impairment that substantially limits at least one major life activity or major bodily function as defined by the Fair Housing Act.

To enhance his/her ability to live independently and to have full use and enjoyment of his/her dwelling, **(Name of client)** needs **(insert need)**

Example 1: a support dog, cat, bird, etc. (be as specific as possible about the kind of animal(s) needed and mention if the patient has the animal(s) already) that will assist **(name of client)** with the functional limitations associated with his/her disability.

Example 2: a parking space closer to **(name of client)**’s unit to assist with the functional limitations associated with his/her disability, i.e. walking long distances.

Specifically, **(please provide information demonstrating how the accommodation is needed or necessary to alleviate one or more identified symptoms or effects of an existing disability or how the disability will be exacerbated in the absence of the accommodation)**

Example 1: the support animal (dog, cat, bird, etc.) is necessary to prevent or interrupt impulsive or destructive behaviors **OR** calm a person with post-traumatic stress disorder (PTSD) during an anxiety attack **OR** assist in dealing with disability-related stress or pain **OR** assist to leave the isolation of home **OR** assist to interact with others **OR** provide a reason to live **OR** provide emotional support that alleviates at least one identified symptom or effect of a physical or mental impairment, etc. *(If animal is not a traditional domesticated animal, please justify the patient’s need for the particular animal or type of animal(s))*

Example 2: the parking spot is necessary to alleviate symptoms of **(name of client)**’s disability, such as pain in joints and muscles.

While honoring HIPAA and/or other patient/client confidentiality laws, I am available to answer questions you may have concerning my verification of **(name of client)**’s request.

Sincerely,

Signature and Printed Name of Professional, Credentials

Please note there is additional guidance and information available regarding assistance animals, including service animals and support animals found at the link below.

Please visit www.fhcwm.org/disability to download this document and other helpful documents.

The Fair Housing Act and other laws seek to end discrimination in housing based on race, color, religion, national origin, sex, familial status, disability, marital status, and age.

If you or someone you know feels they may have been or are victims of illegal housing discrimination, call the Fair Housing Center for help.



Fair Housing Center of West Michigan

20 Hall Street SE • Grand Rapids, MI 49507

Phone: (616) 451-2980 or 1-866-389-FAIR (3247)

Fax: (616) 451-2657 • E-mail: contact-us@fhcwm.org

Website: www.fhcwm.org

Please note that this guide book is not intended to be used as legal advice.

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.