

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 for people with disabilities?

Fair housing laws protect people from discrimination in housing based on protected characteristics. Under federal fair housing law, illegal discrimination on the basis of disability includes a refusal to make a **reasonable accommodation** or a refusal to allow a **reasonable modification**. Reasonable accommodations and modifications provide people with disabilities equal use, access, and full enjoyment of their homes.

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 yourself
- Thinking
- Learning
- And beyond...

Disabilities may 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, reasonable accommodations and modifications are necessary changes that allow people with disabilities to live independently and have equal access to and full enjoyment of their home.

A **reasonable accommodation** is a change or exception to any rule, policy, procedure, or service needed for a person with a disability to have equal opportunity to use and enjoy their home.

Examples of Reasonable Accommodations Requests:

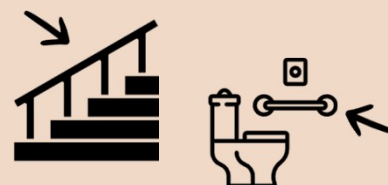
- Requesting an assigned, accessible parking space near a unit
- Requesting to waive a “no pet” or pet fee policy to allow a trained assistance animal
- Requesting a move to the ground floor due to changes in ability to use stairs
- Requesting to waive a “no over-night guests” policy to allow a live-in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



A **reasonable modification** is a structural change made to a building, individual unit, and/or common area to allow a person with a disability full enjoyment of their home.

Examples of Reasonable Modifications:

- Widening a laundry room doorway for wheelchair access
- Installing grab bars in a bathroom
- Installing a ramp to make a main entrance accessible
- Installing handrails in a stair well



The FHCWM has additional information for people with disabilities at <https://fhcwm.org/>

If you need to make 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 together with your housing provider or landlord. You can make requests at any time - before or after you move in. There is no limit to the number of requests that you can make.

A request should not be a barrier in accessing or keeping your housing.

How do I make a request?

A housing provider does not need to provide a reasonable accommodation or modification until a request has been made. If you are someone with a disability looking for a reasonable accommodation or modification to a current or future home/apartment, you will need to submit a request to your housing provider, landlord, manager, or condominium association (see sample request letter on p. 5). Caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability.



You can make a request verbally, but it is helpful for everyone if the request is in writing. This will help prevent misunderstandings on what is requested, or whether the request was made. A housing provider should also have the opportunity to review and approve all accommodations or modifications before they are made or obtained by residents.

If *your disability or disability-related need is not visible or known*, the housing provider *may request verification* of your disability and/or disability-related need. You can get supporting documentation from your doctor, other qualified medical professional, a peer support group, a non-medical service agency, a social worker, or a reliable third party who knows about your disability. The supporting documentation only needs to verify:

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



Housing providers do not need to know the details of your disability, diagnosis, or health history; only that a disability is present and the request is needed because of that disability. Documentation should use words such as “necessary”, “essential”, and “prescribed” to describe the need for a reasonable accommodation or modification (see sample support letter on p. 6). Accommodation and modification requests require working together and should be evaluated on a case-by-case basis.

What am I responsible for?

A housing provider may require a modification request to include a detailed description, for it to be done in a workmanlike manner, meet applicable code, and have the necessary building permits. If asked, you should provide this information before changes are made.

If modifications made inside the unit would affect a future tenant’s use, you may need to restore it back to its original state. You may also need to take steps to make sure funds are available for restoration, if reasonable and allowable, such as setting up an escrow account.

You are responsible for maintaining modifications only used by you. If the modification is made to a common area that is normally maintained by the housing provider, like a main entrance, then they are responsible for the upkeep and maintenance of the modification.

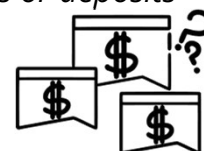
What if there are costs involved?

A **reasonable accommodation** is generally processed and completed without cost to the resident. This is because these are changes to policies applied by the housing provider. If the cost of the reasonable accommodation is an undue financial and administrative burden for the housing provider, the housing provider should meet or talk with you to explore alternative reasonable accommodations options.

If you are a person with a disability, you cannot be required to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

For **reasonable modifications**, the type of property helps decide who is responsible for the cost. In the private housing market, generally, you, the resident, are responsible for paying the cost of modifications for your own use, while the housing provider must allow the modification. If the property receives federal financial assistance* (for example, federally subsidized apartments, rural housing developments, and others), then it is considered a reasonable accommodation. This means it must be paid for by the housing provider unless it would be an undue financial or administrative burden; a fundamental alteration of the program; or there is another way it can be accommodated.

**See Sec. 504 of the Rehabilitation Act of 1973*



Why can my request be denied?

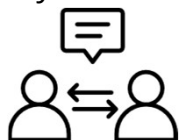
A request for a reasonable accommodation or modification can be denied for the following:

(1) The request 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.

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, if you believe it will not meet your needs or is more costly to you.



Whether your request is approved, denied, or you are asked for more documentation, it is important to respond as soon as you can and maintain communication with the housing provider.

What is an Assistance Animal?

Assistance animals are trained animals that provide disability-related assistance and can be requested in housing. Assistance animals are individually trained to assist with a disability, such as an animal performing work or tasks directly related to the person's disability. This may include assisting someone who is blind or has low vision with navigation, alerting a person who is deaf or hard of hearing when people or sounds are around them, assisting during a seizure, retrieving items, providing physical support with balance and stability, and helping people with psychiatric and neurological disabilities.

Here are some commonly asked questions about requesting reasonable accommodations and modifications as well as some ideas for action:

What do I do if...?	How you can find a solution!
My verbal request prompted the housing provider to ask for a written request.	It is best to follow your housing provider's policy when possible and provide a written request. This is helpful for both parties. <i>If you need assistance completing a form or an alternative method of communication, the housing provider will need to assist you in doing so (ex: large print, braille, electronic format, ASL, etc.).</i>
I am asked specifically what kind of disability I have.	You should tell your housing provider that you only need to verify that you have a disability and how your request is related to your disability. You do not need to state your disability or disclose details of your health history.
I am asked for written documentation of my disability, even though my disability is obvious.	If you have a visible, obvious, or otherwise known disability, the housing provider <u>does not</u> need any documentation. Let them know that you do not need to provide additional documentation.
I am told my verification of my disability is not good enough.	Included in this guidebook is a sample form you can use to provide accurate and clear verification. (See pages 5 and 6 for sample request and support letters).
I made a request more than a week ago and have heard nothing on my request.	Call the housing provider, ask who is taking care of your request, and what the status is. They should keep you updated.
I am required to get liability insurance before my modification is granted.	Let the housing provider know they cannot impose unreasonable conditions on a proposed modification or accommodation (another example includes increasing the security deposit).
I am told I can't have my trained assistance animal 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 lack of communication, or if you feel you are being discriminated against, contact the Fair Housing Center for help.

Sample Request Letters - 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 **(insert your name)** and I live at **(insert your 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 disability-related 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 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 I can provide documentation about the disability-related need for my request.

Sincerely,

(Your Name)

(Date)

Dear **(Housing Provider)**:

My name is **(insert your name)** and I live at **(insert your 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 disability-related 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 I can provide documentation about the disability-related need for my request.

Sincerely,

(Your Name)

Sample Support Letter - This sample support letter can be used to help your medical professional in providing verification of your reasonable accommodation or modification request. A medical support letter includes these important details:

- On letterhead or use office logo
- Verification that the person meets the Fair Housing Act's definition of disability
 - *No need to mention specific diagnosis, but must be clear that the person's condition rises to the level of a disability*
- Clearly establish the relationship between the person's disability and the need for the requested accommodation or modification ("*need*" should be distinguished from "*may benefit*" or "*is recommended*")

A support letter may be written by a doctor or other medical professional (for example: physician's assistant, nurse, nurse practitioner), peer support group, non-medical service agency, a social worker, a therapist, or reliable third party who is in a position to know about the individual's disability.

(Date)

Dear **(Housing Provider)**:

(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 their history and disability-related functional limitations. They have 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 my client's ability to live independently and to have full use and enjoyment of their dwelling, **(Name of client)** needs **(insert disability-related need)**

Example: to change the tub to a walk-in shower to assist with the functional limitations associated with their disability (i.e. lifting leg over the tub)

*Example: a parking space closer to **(name of client)'s** unit to assist with the functional limitations associated with their disability (i.e. walking long distances)*

Specifically, **(please provide information demonstrating how the accommodation/modification 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/modification).**

*Example: the tub change is needed for **(name of client)** to access the shower and bathe safely in their home.*

*Example: the parking spot is necessary to alleviate symptoms of **(name of client)'s** disability, such as pain in joints or 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

The federal Fair Housing Act seeks to end discrimination in housing based on race, color, religion, national origin, sex, familial status, and disability.

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



Fair Housing Center of West Michigan

20 Hall Street SE, Grand Rapids, MI 49507

Phone: (616) 451-2980

Fax: (616) 451-2657

Email: contact-us@fhcwm.org

Website: <https://fhcwm.org>

*Please note that this guide book is not intended to be used as legal advice.
For legal advice, please consult an attorney.*