

**Received a request for an
assigned parking space or grab bar?**

Let us help!



**A Housing Professional's Guide to
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, the protections include race, skin color, national origin, religion, sex, familial status, and **disability**. 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:

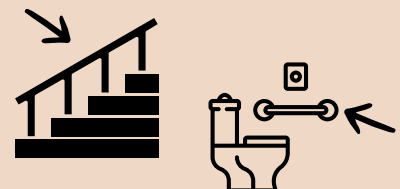
- Assigning an accessible parking space near a unit
- Waiving a “no pet” or pet fee policy to allow a trained assistance animal
- Allowing a transfer to a ground floor unit due to changes in ability to use stairs
- Waiving a “no over-night guests” policy to allow a live-in caregiver



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 that may be allowed:

- 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/>

What is an Assistance Animal?

Assistance animals are trained animals that provide disability-related assistance that 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.

Who can make a request for a reasonable accommodation or modification?

Persons with disabilities who reside at your property or belong to your condominium association may make such a request. Prospective residents and applicants as well as caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability for a reasonable accommodation or reasonable modification. There is no limit on the number of requests that can be made as sometimes multiple changes are necessary for equal access and enjoyment of the home, apartment, or property.

What do I do if a request is made?



Welcome the request! Listen and take notes! A reasonable modification or accommodation request should trigger an “**interactive process**”, which is a call for meaningful dialogue and action. A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability.

However, once a request for a reasonable accommodation or modification is made, it is a good idea to contact or meet with the person who has made the request (whether the request was made independently or by an advocate) to discuss the request and the disability-related need(s) further. You must take action on the request.

How should a reasonable accommodation or modification request be made?

A request can be made verbally or in writing by the resident to any representative of the property at **any time** during the housing transaction or at any time during the individual's residency (i.e. before they move in, while they move in, or after many years of living in their home). If a resident, applicant, or prospective applicant at your property makes a request, you are required to promptly respond and process the request.

A request should not be a factor in eligibility to obtain housing.

It is helpful, for both the resident and the housing provider, if the request is made in writing. This prevents misunderstandings on what is being requested, or whether the request was made. An individual requesting a reasonable accommodation does not need to mention the Fair Housing Act or use the words “reasonable accommodation or modification”. You can have a form for such a request, but you can't require use of that form. You must give appropriate considerations to all requests, even if the request is made verbally or doesn't use your preferred forms or procedures.

How do I process a request?

You need to determine what type of information, *if any*, you need from the applicant or resident regarding their request. The **amount of information** that you can request **depends** on whether or not the individual's *disability* is **obvious or known**, and whether or not the *disability-related need* is **readily apparent or known to you**. It is preferable for a housing provider to have the opportunity to review and approve all accommodations or modifications before they are made or obtained.



What do you already know? What do you still need to know?

If the disability and the disability-related need **are readily apparent or otherwise known**, you do not need any additional documentation to process the request.

For example, an applicant with an obvious mobility impairment who uses a motorized scooter asks for permission to install a ramp. Since the physical disability (difficulty walking) and the disability-related need (use of scooter) for the requested modification are readily apparent, you may not require any additional information about the disability or the need for the requested modification.

If the disability or disability-related need **is not obvious or otherwise known**, you may request verification of the presence of a disability and/or more information establishing the disability-related need for the request. The person with the disability or their advocate can obtain supporting documentation from their 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 the position to know about the resident's disability. The supporting documentation only needs to verify that the person:

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



As the housing provider you do not need to know the details of the person's disability, diagnosis, or health history, *only* that a disability is present and that the request is needed because of the disability.

It is important to keep all information confidential. It would be beneficial to designate one representative to handle such requests, but be sure

that there is someone else who is also able to address questions, handle the request process, and provide related updates if the designated person is not available. It also would be helpful to consistently maintain a list of requests granted. Your role as the housing provider is to collect *only* as much information as is necessary to understand the request being made and to follow up quickly and consistently. It is best to document every step of the process: the request, your response, all communication related to the decisions, and actions taken (see sample documentation on p. 8).

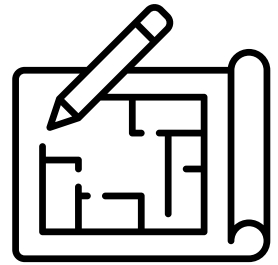
You don't need to provide a reasonable accommodation or modification to a person with a disability until the request has been made.

What are other things I should consider?

Reasonable Modifications

As a housing provider, before changes are made and you grant the modification, you may require that reasonable modifications:

- provide a description of the proposed modification,
- meet applicable code and obtain all necessary building permits, and
- be done in a workmanlike manner.



You may be able to negotiate terms related to cost (see p. 5.) , and, in some situations, restoration, so long as it allows the person the ability to make the modification.

Reasonable modifications are not limited to the interior of a resident's unit and can be requested for public or common areas (*examples: widening entrances to laundry rooms or installing railings on the steps of a building's entrance*).

The Fair Housing Act expressly provides that housing providers may only require restoration of modifications made to the interior of a dwelling, at the end of the tenancy, when reasonable. Generally, if the interior modifications do not affect the use or enjoyment of the premises by another person, the resident cannot be required to restore the modifications to their prior state. *You may also choose to keep the modifications in place at the end of tenancy.* Accessible features in homes are in demand and can be marketed as an amenity of the unit. Exterior or common area modifications, such as ramps to a front door or modifications made to laundry rooms, are not required to be restored.

When restoration is allowed and reasonable, you may take steps to ensure funds are available to pay for restoration, such as the individual creating an escrow account.

If you prefer the use of more costly materials for aesthetics or workmanship preferences, then, as the housing provider, you may pay for those additional costs as long as the changes made still meet the resident's disability-related needs.

The *resident is responsible* for the upkeep and maintenance of a modification that is *used exclusively by them*. If the modification is made to a common area that is *normally maintained by you*, as the housing provider, then *you are responsible* for the upkeep and maintenance. If it is in a common area that is *not normally maintained by you*, then you have *no responsibility* under the Fair Housing Act to maintain the modification.

Reasonable Accommodations

Generally, reasonable accommodations are the responsibility of the housing provider as they are *your* rules, policies, procedures, or services that are being changed.

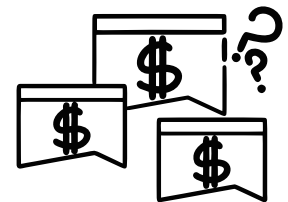
The Fair Housing Act does not protect an individual with a disability whose tenancy would constitute a "direct threat" to the health or safety of other individuals or result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by a reasonable accommodation.

What if there are costs involved?

A **reasonable accommodation** is processed and completed without cost to the resident with a disability. This is because these are policies applied by the housing provider. If the cost of the reasonable accommodation is an undue financial and administrative burden, then you *must* discuss alternative accommodation methods with the resident or advocate. It is important to listen to the requester as they have the best knowledge of what works for their disability. Your role in processing the request is to maintain communication and to exhaust all possible alternatives before denying the request. The last resort alternative to an accommodation request may be a discussion about releasing the resident from their lease without penalty because the housing no longer meets the person's needs.

You cannot require people with disabilities 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 the resident is responsible for paying the cost of modifications for their individual 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*

When can a request be denied?

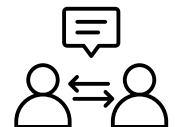
A request for a reasonable accommodation or modification can be denied for the following:

(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.

These determinations should be made on a case-by-case basis involving factors such as the cost of the request, financial resources, the benefit to the requester, and the availability of alternative changes that would equally meet the requester's needs.

If, for the reason(s) listed above, you deny a request, alternative methods to accommodate their needs or modify the premises must be discussed.



It is crucial that you maintain communication throughout the entire process.

It is a best practice to think through how denying a request could be defended as non-discriminatory in the event that you were ever challenged on it. *Would you be able to comfortably prove (with evidence) what happened, how you made your decision, and that the actions were in compliance? What documentation do you have to establish this?*

What questions would be helpful to ask myself when processing a request?

Reasonable Accommodations

- What does any existing policy say?
- What is the standard procedure or service, and how does this request differ?
- Is documentation needed? Do they have a visible or known disability?
- When or how does the policy/service get changed?

Reasonable Modifications

- Who will use it? Private use or public?
- Will there be any code compliance issues?
- Is documentation or plans/drawings needed?
- Who pays?
- What happens when the resident moves out, if anything?

WHAT TO DO

When a request is made, **welcome the request** and document everything.

Any person or entity (individuals, corporations, associations) **involved** in the provision of housing must engage in the interactive process in response to a reasonable accommodation or modification request.

Make a plan to **respond** within 14 calendar days.

Follow up and **stay in communication** throughout the process with the resident.

Document every step taken and all communication between you and the resident.

If a request is denied, provide a detailed financial or administrative reason and an alternative accommodation or modification (*see p. 8*).

If you are not sure how to process the request, please **contact the FHCWM**.

WHAT NOT TO DO

Do not make discouraging remarks or speculate about the response to that type of request (ex. those are usually denied).

Do not require certain forms to be used. You may offer a form, but not require it.

Do not impose unreasonable conditions on a proposed modification or accommodation (ex. requiring additional or liability insurance, or increasing the security deposit before being granted).

Do not make decisions for or assume you know what is best for a person with a disability.

Do not ask invasive questions about the nature, severity, or treatment of a person's disability.

Do not ask questions not related to the specific request.

Do not deny a request **because of aesthetics** or **fear of setting a precedent**.

**It is very important to take prompt action after receiving a request.
Here are some commonly asked questions about addressing such requests.**

What do I do if...?	
A resident made the request verbally and not in writing.	<i>You need to follow up regardless of how the request is made. If the resident needs assistance or alternative methods to communicate their needs to you, you will need to assist them in providing those means, such as large print materials, braille, electronic format, ASL, etc.</i>
Someone made a request to maintenance staff, but not to the front office staff or designated housing representative.	Anyone who represents the property has the responsibility to ensure that such requests are referred to someone who can follow up with the person making the request. It is important that everyone is trained to identify and take action when a request is made, regardless of when or how (verbal or written) it's made.
A request has been made; can I ask for proof of their disability?	PAUSE! <i>What do you already know? What do you still need to know?</i> If the disability-related need or the disability is apparent or known, you may not need any more information (see next question). Regardless, you can never ask for details about their diagnosis, health history, prognosis, etc.
What kind of information do I need to ask for when getting verification of a disability or disability-related need that is not obvious?	If the disability and/or disability-related need is not apparent, you can ask for reliable documentation that the person has: 1) a disability as defined by the Fair Housing Act AND/OR 2) the disability-related need for the requested accommodation or modification (see p. 3).
The resident or applicant says I cannot ask them anything about their disability after they make a request. What should I do?	You are welcome to educate the requester by providing FHCWM's <i>"A Guide to Requesting Reasonable Accommodations and Modifications under the Fair Housing Act"</i> . You can also refer them to us for further information on how best they can work with you to request a reasonable accommodation or modification.

It is best to document the entire process: receipt of request, all follow-up communication, dates, and steps taken to address the request. This prevents any miscommunication and allows for questions/requests to be addressed promptly.

Dear **(name of requester)**, on **(date)** you requested the following reasonable accommodation and/or modification: _____

IN RESPONSE, WE HAVE:

☐ **Approved your request**

☐ **Not approved your request**, because we need more information (check all that apply):

☐ Please provide verification that the person who needs the accommodation/modification has a disability (as defined by fair housing law).
You do not have to give a specific diagnosis or too many details about the disability.

☐ Please provide more information or documentation (i.e. letter from medical professional, caseworker, service provider, peer support group, etc.) to explain the specific connection between the disability and the need for the requested accommodation or modification.

☐ Please provide a more detailed description of the proposed modification.

☐ Please provide assurance that the proposed modification will be done in a professional manner and that required building permits will be obtained.

☐ **Denied your request**, because (check all that apply):

☐ You were unable to verify that the person who needs the accommodation has a disability covered by fair housing laws.

☐ You were unable to demonstrate that the accommodation or modification is needed because of a disability.

☐ The accommodation you requested is not reasonable. **Please contact me immediately so that we can discuss whether there are other accommodations that would need your needs.** Your request is not reasonable because:

☐ It would cost \$_____ and _____ hours of staff time and this is an undue financial **and** administrative burden on our operations.

☐ It would fundamentally change the nature of our operations.

Additional notes: _____

To discuss this further, please contact me:

Name: _____ Title: _____

Address: _____

Phone Number: _____

Signature: _____ Date: _____

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 versed in fair housing.*