



## **FOR PERSONS WITH DISABILITIES:** **Requesting Reasonable Accommodations**

Persons with disabilities have unique protections under the fair housing laws. They are entitled to request various types of reasonable accommodations and modifications which would allow them to use and enjoy their home fully. Of course, a tenant must be in compliance with the terms of the lease. The following is a short lesson focusing on how to request a reasonable accommodation. (Although quite similar in procedure, “modifications”—physical changes to a dwelling—will be discussed separately.)

### **PERSON WITH A DISABILITY DEFINED**

*The term “handicap or disability”, with respect to a person, means: (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.*

(PA Human Relations Act)

### **WHAT IS A “REASONABLE ACCOMMODATION”**

A “reasonable accommodation” is a change in rules, policies and practices or a change in the way services are provided. (PHR Act). Fair housing laws require landlords to grant reasonable accommodations in order to enable a person with a disability to have an equal opportunity to use and enjoy their housing accommodation or any of a development’s public areas, such as a community room or laundry service. Reasonable accommodations can be necessary when someone is applying for housing, during tenancy or to prevent eviction.

Accommodations are considered “reasonable” when they are practical and feasible. Landlords do not have to grant an accommodation request if it would pose an undue burden (financial or administrative) on the landlord or require a fundamental alteration of the property. However the costs of the reasonable accommodation (if any) are assumed by the landlord and NOT the tenant.

Fair housing laws do not protect an individual “whose tenancy would constitute a direct threat to the health and safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.” 42 U.S.C. Section 3604(f)(9). A landlord must base his/her decision only on recent objective evidence of behavior that will put others at risk of harm.

### **REQUESTING A “REASONABLE ACCOMMODATION”**

Although it would be discrimination for a landlord to ask you first about your disability, you do need to disclose the fact that you have a disability upon requesting a “reasonable accommodation”. In your request you need to describe the accommodation you want, note the nature of your disability only to the extent it clarifies your need for the accommodation, and explain how the accommodation would help you to fully use and enjoy your unit. You should **make your request in writing (and keep a copy)**.

The landlord may ask you to document your need for the accommodation. You must then provide the landlord with proof of your disability and that the accommodation you are requesting will allow you to fully use and enjoy your unit. You do not need to disclose the unnecessary specifics of your disability

or provide a complete medical history. The type of “proof” you provide depends on your situation. For example, documentation or letters of explanation may come from a doctor or other medical professional, a health worker, or even a non-medical service agency.

**EXAMPLES OF “REASONABLE ACCOMMODATIONS”**

- A landlord with a first-come, first-served, parking policy makes an exception by creating a reserved parking space for a tenant who, because of her disability, has difficulty walking and needs to park close to the building.
- A landlord notifies a tenant with multiple chemical sensitivity in advance of painting and pest treatments.
- A landlord waives “guest fees” and parking fees for a disabled tenant’s home health care aide.
- A landlord assists an applicant with mental retardation in filling out the standard application form.
- If the applicant needs oral reminders to pay the rent, the landlord agrees to call or visit to remind the person before each month’s rent is due.
- The monthly tenants’ or owners’ association meeting, usually held in an inaccessible building, is moved to a building with a ramp.
- A landlord permits a tenant with mobility impairment to move from a third-floor unit to the first floor.
- A landlord makes an exception to the building’s “no pets” rule for people with disabilities who use guide dogs or other “service” animals.

*(What “Fair Housing” Means for People with Disabilities, Bazelon Center for Mental Health Law.)*

**IF YOU ARE IN NEED OF ASSISTANCE—  
IN REQUESTING A REASONABLE ACCOMMODATION, OR  
RESPONDING TO A REASONABLE ACCOMMODATION REQUEST...**

**PLEASE CALL:**

**THE FAIR HOUSING RIGHTS CENTER IN SOUTHEASTERN PA  
(215) 576-7711**