

FAIR HOUSING CENTER OF CENTRAL INDIANA (FHCCI)

Guide for Residents on Requests for Reasonable Accommodations and/or Modifications

A resident or applicant is entitled under fair housing laws to a reasonable accommodation and/or modification when needed because of a disability of the resident, applicant and/or a person associated with a resident or applicant, such as a guest. The accommodation and/or modification must be necessary for the individual with the disability to enjoy and/or fully use services offered to other residents and/or the individual dwelling unit. Housing providers must grant all requests for reasonable accommodations and/or modifications that are needed as a result of a disability if the request is not unduly burdensome or a fundamental alteration of the housing program. If a request is denied, one should request the reasons for the denial be provided in writing.

What is a Reasonable Accommodation?

A reasonable *accommodation* is an exception or change that a housing provider makes to rules, policies, services, or regulations that will assist a resident or applicant with a disability to take full advantage of a housing program and/or dwelling. 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.

Reasonable accommodations can include (but are not limited to):

- A change in the rules or policies or how a housing provider does things that would make it easier for a person with a disability to live in the dwelling;
- Permitting a seeing eye dog for a household in a community where pets are not allowed, or not charging a pet deposit for an emotional support animal for someone with a mental disability when the housing provider charges deposits for pets;
- Permitting an outside agency (for instance a housekeeper) to assist a resident with a disability to meet the terms of the lease;
- Requesting an accessible (handicap) parking space or designating a parking space near a door for a tenant with a disability who cannot walk long distances;
- Permitting a live-in Personal Care Attendant or Live In Aide to live with a resident with a disability who might need 24 hour assistance or the waiving of any guest fees or rules due to this need; or
- A change in the way a housing provider communicates with or gives information, such as increasing the font size of typed documents to a person with a visual impairment or providing reminders of rent due for someone with a mental disability who needs reminders.

“Courts have ruled that [fair housing laws] may require a housing provider to grant a reasonable accommodation that involves costs, so long as the reasonable accommodation does not pose an undue financial and administrative burden and the requested accommodation does not constitute a fundamental alteration of the provider’s operations.”¹ It is otherwise discriminatory to

¹ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act-Question 9

charge a person with a disability an increased fee, rent or deposit because of their need of a reasonable accommodation for their disability.

What is a Reasonable Modification?

A reasonable *modification* is an alteration to the physical premises allowing a person with a disability to overcome obstacles that interfere with his/her use of the dwelling and/or common areas. These are typically structural changes to the housing which are necessary to accommodate a person with a disability.

Reasonable modifications can include (but are not limited to):

- A structural change or repair in an apartment or another part of the complex that would make it easier for a person with a disability to live in the dwelling;
- Allowing the installation of a ramp at a condo unit where there are only stairs;
- Modifying door knobs to levers for someone with mobility impairments;
- Altering a residence so that it can be accessed and used by a person in a wheelchair, such as widening a door so one can get through it with their wheelchair or walker or lowering kitchen or bathroom counters..

Who Pays for a Reasonable Modification?

In private housing, a housing provider may require that the tenant/resident pay for the cost of the modifications and request that funds be set aside to restore the unit to its original condition before the modifications (except for reasonable wear and tear). The housing provider may also request that a licensed contractor be obtained to make the modifications and/or restorations if applicable. The housing provider may also pay for the costs of modification if the provider is willing to do so. This can occur in situations where the provider wants the modification to stay after the resident vacates.

In government subsidized housing (Section 504, rural development, housing set up for those with disabilities, etc.), the housing provider typically pays for the modification unless it is an undue administrative or financial burden.

Restoring a Reasonable Modification

The housing provider can, under certain circumstances, request the consumer create an account with deposits equal to the amount necessary to restore the dwelling to the original condition, if adaptations made would interfere with the use and enjoyment of the unit by the next consumer.

When reasonable to do so, a reasonable modification also requires leaving the *interior* of the unit acceptable after a tenant/resident moves out for someone who does not need the modification that was made. The HUD-DOJ Statement notes, "The tenant is obligated to restore those portions of the interior of the dwelling to their previous condition only where 'it is reasonable to do so' and where the housing provider has requested the restoration. The tenant is not responsible for expenses associated with reasonable wear and tear. In general, if the modifications do not affect the housing provider's or subsequent tenant's use or enjoyment of the premises, the tenant cannot be required to restore the modifications to their prior state. A housing provider may choose to keep the modifications in place at the end of the tenancy."²

² Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act-Question 24

In regard to exterior modifications, a resident cannot be required to restore these changes. The HUD-DOJ Statement states: “The Fair Housing Act expressly provides that housing providers may only require restoration of modifications made to interiors of the dwelling at the end of the tenancy. Reasonable modifications such as ramps to the front door of the dwelling or modifications made to laundry rooms or building entrances are not required to be restored.”³

Residency Requirements for Those with Disabilities

A resident with a disability who requests or receives approval for a reasonable accommodation or modification must still be able to meet essential obligations of tenancy – they must be able to pay rent, to care for the housing, to report required information to the manager, avoid disturbing their neighbors, etc., but there is no requirement that they be able to do these things without assistance.

A housing provider also cannot deny the right of a tenant or resident whose visitor/s may have disabilities from visiting or bringing his/her service animal (a form of reasonable accommodation) when visiting that person on-site.

Disability Defined

In order to request a reasonable accommodation or modification, the person must meet the definition of disability as stated under fair housing laws. From the HUD-DOJ Statements:

“The 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.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

The term “substantially limits” suggests that the limitation is “significant” or “to a large degree.”

The term “major life activity” means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking. This list of major life activities is not exhaustive. See e.g., *Bragdon v. Abbott*, 524 U.S. 624, 691-92 (1998)(holding that for certain individuals reproduction is a major life activity).⁴

If you *do* meet the definition of disability defined above, the housing provider is required by law to keep all information about your disability confidential.

³ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act-Question 26

⁴ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act-Question 3 and Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications-Question 4

If a person *does not* meet the definition of disability as defined above, that person cannot request a reasonable accommodation or modification under fair housing laws. Instead, the individual would make the request through landlord/tenant laws or other tenancy guidelines.

Please note that there are some individuals who are not protected under the definition of disability. From the HUD-DOJ Statements:

“...juvenile offenders and sex offenders, by virtue of that status, are not persons with disabilities protected by the Act. Similarly, while the Act does protect persons who are recovering from substance abuse, it does not protect persons who are currently engaging in the current illegal use of controlled substances. Additionally, the 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 reasonable accommodation”⁵ or modification.

Verification and Documentation

If the disability is not obvious or readily visible, the housing provider can request verification that the person meets the definition of disability. This is often provided through proof of disability benefits or through a medical professional’s statement. If needed, a healthcare or medical provider could send a signed letter on professional letterhead to the housing manager answering the following questions:

- Is the resident disabled as defined by fair housing laws?
- In their professional opinion, does the resident need the requested accommodation or modification in order to have the same opportunity as a non-disabled person to use and enjoy the housing community?

The healthcare provider should keep a copy and also give a copy to the resident making the request for their records.

When Can Requests be Denied?

According to the HUD-DOJ Statement, requests for reasonable *accommodations* can be denied when:

“...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 accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable – *i.e.*, if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider’s operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester’s disability-related needs.”⁶

Sometimes, the specific accommodation requested may be difficult, time-consuming or expensive to provide, and the housing manager may suggest alternate accommodations that

⁵ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act-Question 4

⁶ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act-Question 7

may work just as well. If the accommodation requested is the only one that will work, be prepared to explain why. Have a back-up plan in mind and be willing to discuss alternatives.

“When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester’s disability-related needs without a fundamental alteration to the provider’s operations and without imposing an undue financial and administrative burden.

If an alternative accommodation would effectively meet the requester’s disability-related needs and is reasonable, the provider must grant it. An interactive process in which the housing provider and the requester discuss the requester’s disability-related need for the requested accommodation and possible alternative accommodations is helpful to all concerned because it often results in an effective accommodation for the requester that does not pose an undue financial and administrative burden for the provider.”⁷

In regard to reasonable *modifications*, according to the HUD-DOJ Statement:

“A person with a disability must have the housing provider’s approval before making the modification. However, if the person with a disability meets the requirements under the Act for a reasonable modification and provides the relevant documents and assurances, the housing provider cannot deny the request.”⁸

Frequently Asked Questions

Can the housing provider ask about a person’s disability or if they need an accommodation and/or modification?

A housing provider cannot ask about a disability unless it is used for qualification to housing designed for people with disabilities or as a means to verify that the person meets the definition of a disability due to a requested reasonable accommodation or modification. A consumer should request the accommodation/modification of the housing provider before obtaining on their own and should do so in writing (although it is not required to be writing).

There is no limit on the number of accommodations or modifications that can be requested and/or the number of times a consumer may request these needs. A housing provider also cannot impose an accommodation or modification on a consumer who does not want one. A consumer is entitled to an accommodation/modification that affords equal opportunities to use and enjoy a dwelling, even if the accommodation/modification provided is not the one preferred by the consumer.

Can the provider ask for proof of the disability or if they need the accommodation/modification?

A housing provider can ask for verification of the disability and the need for the adaptation from a qualified medical professional or someone knowledgeable about the person’s disability (unless the disability is obvious). The verification of the disability does not have to include a detailed statement of what the disability is. A consumer does not have to provide and/or disclose medical records at this stage of the request process. A request for a reasonable accommodation and/or modification triggers an affirmative duty on the part of the housing provider to exchange information with the consumer.

⁷ Ibid.

⁸ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act-Question 16

For verifying a disability, who qualifies as a medical professional?

Medical or licensed medical professionals means a person licensed by a public regulatory authority to provide medical care, therapy or counseling to persons with physical, mental or emotional disabilities, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers. Please note that fair housing laws do not require that verification of a disability and need of a reasonable accommodation/modification come from a medical professional. The HUD-DOJ Statement notes that “a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability may also provide verification of a disability”.⁹

Case law on the issue of questioning the credentials of a medical professional to submit verification of a disability and/or the need for a reasonable accommodation/modification is not completely developed. However, if, for example, a tenant with a mental disability submits a request for an accommodation that is verified by a chiropractor, the housing provider could seek further verification of the need for the [accommodation] and further verification that the tenant is a qualified person with a disability. A request for an accommodation and/or a modification, at the very least, puts the housing provider on notice that the need for an accommodation and/or a modification may exist. Denying the request without further review of information could lead to a violation of fair housing laws.

Some housing providers are requiring that medical professionals certify that they will testify in court before the provider will allow an accommodation or modification. A medical professional’s ability to testify in court should NOT be used as a means of approving or denying a reasonable accommodation or modification.

Resources/Questions

See:

- Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act, May 17, 2004
- Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act, March 5, 2008

These materials are available on the FHCCI’s website or by contacting the FHCCI.

If you have questions about this topic or other fair housing issues, please contact:

Fair Housing Center of Central Indiana
615 N. Alabama St. Suite 426
Indianapolis, IN 46204
Phone: 317-644-0673
Toll-Free: 855-270-7280
Web: www.fhcci.org Email: info@fhcci.org

How to Request a Reasonable Accommodation or Modification

If the resident or a member of their household needs a reasonable accommodation or modification, they should submit a request to the housing manager. It is the responsibility of the

⁹ Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act-Question 18

tenant or resident to make any requests for an accommodation or modification, not the housing provider's to assume what is needed. The housing provider should also approve all accommodations or modifications before they are made. It is recommended that the request be in writing and one should keep a copy of the request and any attachments for their records. However, a housing provider cannot require a request to be in writing, particularly if a disability limits the ability to do so. It is recommended for documentation purposes and one's own protection that requests be put in writing.

When making a reasonable accommodation request to management, fully describe the required accommodation. If there are resources that will make it easier or quicker for management to grant the request, include this information along with the request. For example, one may know of an inexpensive place to get written material put into Braille, or a good source for access signs.

If you are requesting permission to make a reasonable modification to the premises at your expense, be sure to provide the following with your request:

- fully describe the intended modification(s),
- provide assurance that required building permits will be obtained,
- provide assurance that the modifications will be done in a professional manner,
- agree to return the premises to their original state, unless the modification will not interfere with the next tenant's use and enjoyment of the premises or are in a common area,
- (in some cases) agree to pay into an interest-bearing escrow account, over a reasonable period, an amount of money not to exceed the cost of the restorations.

Below is the suggested format for a reasonable accommodation or modification request.

1. Indicate that you qualify as a person with a disability as defined by civil rights laws (if this is so). It is not necessary to reveal the nature or severity of your disability. Include a note from your medical professional verifying that you meet the definition of disability under law (you're your disability is not obvious) and explaining why this request is necessary. Be sure to keep a copy of anything you provide. 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. 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. 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. 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. Example:
"I am requesting that you designate a reserved parking space for my use 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 Amendments, 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 Amendments, 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 for your files as well as copies of any documents you attached.
9. If the request is denied, contact the FHCCI to determine if your rights have been violated.

Please note that in the next section are forms and sample letters for your use in requesting a reasonable accommodation or modification if you would prefer to use them instead of drafting your own letter. Other information also follows.

Forms for Requesting Reasonable Accommodations and/or Modifications

Using the attached forms will help you and your housing provider to better formulate the request and implement any follow up necessary. The attached forms include:

- A Request for a Reasonable Accommodation and/or Modification. This form explains the request and the need for the accommodation or modification (for the person making the request to complete). Sample letters are also provided at the end of this packet to adapt to individual needs.
- Verification of the need for an Accommodation and/or Modification (for a health care provider, such as a doctor, nurse, therapist, or social worker, to complete).
- Approval or Denial of a Request for a Reasonable Accommodation and/or Modification (for the housing provider to complete).

We have also included some sample letters if you prefer using instead of the forms. If you need any help in completing these forms or letters, please contact the FHCCI.

Disclaimer

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Alternate formats for those with disabilities are available upon request. This information is not legal advice, for legal advice, please consult an attorney.

Request for a Reasonable

Accommodation **Modification**

TO: _____

ADDRESS: _____

FROM: _____

ADDRESS: _____

PHONE: _____

ADDRESS of PROPERTY: _____

The following member of my household has a disability:

I am requesting the following change or changes be made and/or allowed so that the aforementioned person may have equal opportunity to use and enjoy this dwelling and common areas available to all tenants, as afforded by the Federal Fair Housing Act, Title 42 §3604, Subsections 3a and/or 3b.

I understand that a change in rules or policies does not exempt me from meeting the terms of the rental agreement, lease, and/or contract. A written medical/therapeutic verification of the need for this request is attached. Please respond to my request, in writing, within ten working days.

Signature

Date

VERIFICATION OF STATUS AS AN INDIVIDUAL WITH A DISABILITY

Federal regulations under the Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, define "disability" as:

1. a physical or mental impairment that substantially limits one or more major life activities;
2. a record of such an impairment; and/or
3. being regarded as having such an impairment.

A physical or mental impairment may include:

1. any physiological disorder or condition;
2. cosmetic disfigurement;
3. anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;
4. any mental or psychological disorder, such as cognitive delays, organic brain syndrome, emotional or mental illness, and/or learning disabilities; and/or
5. drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism (other than addiction caused by current use) are covered by these provisions.

IMPORTANT: The individual verifying the disability and need for an accommodation and/or modification **IS NOT** required to reveal the specific nature and/or severity of the individual's disability.

As an individual with the knowledge necessary to make a determination, I certify that

_____ (name of client)

qualifies as an individual with a disability as defined above and that the following accommodation and/or modification is consistent with the needs associated with his/her disability.

Accommodation/Modification: _____

Signature of Professional

Date

Printed Name, Title and Phone Number (please print clearly)

**Approval or Denial of Reasonable Accommodation and/or
Reasonable Modification Request**

TO: _____

On _____ (date) you requested the following reasonable accommodation and/or modification:

We:

have approved your request. We will provide the following accommodation and/or modification:

The change is effective immediately.

We will provide the accommodation by _____.

To make the change you requested, we must have bids and then arrange installation or we must order certain equipment. We anticipate that the change will be made by: _____ (date), and we will notify you if we discover that there will be a delay. If you feel this will take too long, please contact me immediately.

are unable to approve your request, but offer instead the following:

If you have questions or think this accommodation and/or modification will not meet your needs, please contact me immediately.

have denied your request. We have denied your request because (check all that apply):

You are not a person with a disability or your guest or household member or person associated with you does not have a disability, as defined by federal and/or state law, and we are not required to give you an accommodation and/or modification.

The accommodation and/or modification you requested is not reasonable because:

you do not need this accommodation and/or modification to live here as easily as others without disabilities or to enjoy or participate equally in this housing as easily as others without disabilities.

it will cost (fill in amount) \$ _____ and/or _____ hours of staff time to make the change you requested and this is an undue burden on our operations.

it will fundamentally change the nature of our housing.

We used these facts to deny your request (list): _____

To make this decision, we spoke with the following people, reviewed the following documents, and performed the following investigation:

If you disagree with this decision or have more information to provide to us, you may contact me at the following address and/or phone number.

Name: _____ Title: _____

Address: _____

Phone Number: _____ Email: _____

Date: _____

Signature: _____

SAMPLE LETTERS FOR THOSE WITH DISABILITIES

If you do not want to use the forms on the previous pages, below are some sample letters for tenants, prospective tenants, residents with disabilities or their advocates to use when requesting a reasonable accommodation or modification. Be sure to keep copies of anything submitted including any attachments.

Reasonable Accommodation Request Sample 1:

December 1, 2011

Danny Thomas, Building Manager
123 N. Anywhere Street
Indianapolis, IN 46210

Dear Mr. Thomas:

I live at the Evergreen Apartments at 123 N. Anywhere in unit 205. I (or a member of my household) am a person with a disability.

Our building's rules state a "no pets" policy. Because of my disability, a doctor has prescribed a service animal to assist with my daily living.

I am requesting that you make a reasonable accommodation in the building's no pets rules to permit me to have a service animal in my apartment. My service animal is a golden Labrador retriever.

Please respond in writing to my request for a reasonable accommodation within 7 days of this letter. I look forward to your response and appreciate your attention to this matter.

Sincerely,

(signature)

Jim Smith
(address and phone number)

(NOTE: You are not required to disclose the exact nature of your disability to the housing provider. However, you may share that information if you wish and if you believe it will assist them in providing you with a reasonable accommodation.)

Reasonable Accommodation Request Sample 2:

December 1, 2011

Danny Thomas, Building Manager
123 N. Anywhere Street
Indianapolis, IN 46210

Dear Mr. Thomas:

I live at the Evergreen Apartments at 123 N. Anywhere in unit 678. I (or a member of my household) have low vision and need written materials in large print form (at least 20 point type).

As an accommodation for my disability, I request that you provide me with a large print copy of the lease, tenancy rules, safety rules, tenant notices, and other printed materials given to tenants or posted on the grounds.

Please respond in writing to my request for a reasonable accommodation within 7 days of the date of this letter. I look forward to your response and appreciate your attention to this matter.

Sincerely,

(signature)

Donita Gonzales
(address and phone number)

Reasonable Accommodation Request Sample 3:

December 1, 2011

Danny Thomas, Building Manager
123 N. Anywhere Street
Indianapolis, IN 46210

Dear Mr. Thomas:

I live at the Evergreen Apartments at 123 N. Anywhere in unit 391. I (or a member of my household) have a mobility disability and use an Indiana state disabled parking permit. I have enclosed a photocopy of my state parking permit.

As an accommodation for my disability, I request that you provide me with a reserved accessible parking space nearest to the front door of my unit. I need a regular size parking space with no extra access aisle. I believe that the parking space at the end of the row nearest the mailboxes on the north side of Building 3 would be the best spot for me to access my apartment unit.

Please respond in writing to my request for a reasonable accommodation within 7 days of the date of this letter. I look forward to your response and appreciate your attention to this matter.

Sincerely,

(signature)

Nadia Green
(address and phone number)

Reasonable Modification Request Sample 1:

December 1, 2011

Danny Thomas, Building Manager
123 N. Anywhere Street
Indianapolis, IN 46210

Dear Mr. Thomas:

I live at the Evergreen Apartments at 123 N. Anywhere in unit 663. I (or a member of my household) use a wheelchair.

As an accommodation for my disability, I request your permission to install grab bars in the bathroom of my unit, near the toilet and inside the bath stall, at my expense. I intend to hire Able Carpenters Company (ACC) to do the installation, which will include wall reinforcement to current state building codes. Joe Johnson at ACC is willing to discuss this project with you, show you the blueprints and discuss any concerns you may have. If you wish, I will have the grab bars removed when I vacate my unit.

Please respond in writing to my request for a reasonable modification within 10 days of the date of this letter. I look forward to your response and appreciate your attention to this matter.

Sincerely,

(signature)

Song Nguyen
(address and phone number)

Sample Reasonable Accommodation Letter from Medical Professional (should be on letterhead):

December 1, 2011

Danny Thomas, Building Manager
123 N. Anywhere Street
Indianapolis, IN 46210

Dear Mr. Thomas:

(Name of tenant) is my client/patient, and has been under my care since (date). I am familiar with his/her history and disability-related functional limitations. S/he meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to the full use and enjoyment of his/her dwelling, I am prescribing (insert RA/RM need) that will assist (name of tenant) with the functional limitations relating to his/her disability.

-or-

To enhance his/her ability to live independently and to full use and enjoyment of his/her dwelling, I hereby verify that (name of tenant) requires the accommodation(s) listed here:

I am available to answer any questions you may have concerning my recommendation that (name of tenant) have this accommodation.

Sincerely,

(signature)

Name of Professional
Phone Number

REASONABLE ACCOMMODATION AND MODIFICATION POLICY

Guidelines for Housing Providers and Staff

Below are some sample policies for housing providers to incorporate into their staff training and policies.

Sample Policy

It is the policy of [insert name of company here] to provide reasonable accommodations and to permit tenants with disabilities to make reasonable modifications upon request, with provision of appropriate documentation of the need for the accommodation or modification.

Sample Procedure

Fair housing laws require that the housing provider and the tenant enter into a dialogue about the tenant's disability needs to reach a mutually acceptable reasonable accommodation. Only after such a dialogue and thorough exploration of access options should a housing provider consider denying the request or claiming undue burden. Reasonable modifications should be approved when appropriate documentation is provided.

Property management must review all requests for reasonable accommodations or modifications. In some cases, the need for an accommodation will be obvious, so no documentation may be needed (as when a low vision resident asks for the tenancy rules in large print or when someone using a wheelchair asks for permission to install a ramp). When the need is not obvious or where the accommodation entails more than minimal cost or staff time, you can request the resident provide written verification from the tenant or resident's healthcare or mental health professional that the resident has a disability under law and needs the accommodation or modification. However, you cannot require the tenant/resident provide specific information about the disability.

If you are unsure how to provide a requested accommodation, the tenant/resident may be aware of resources with which you are unfamiliar (for example, where to get written material put into Braille, sources for access signs, etc.).

If you attempt to honor the request and find that it is very difficult, time-consuming or expensive, let the tenant know and suggest any easier, quicker or less expensive alternate accommodations that you think may work. Offer the tenant an opportunity to make a modified request. If you and the tenant/resident disagree about whether the request is reasonable, discuss this with upper management before denying the request.

If you determine that you cannot fulfill the request because it poses an undue financial and administrative burden or because it would cause a fundamental alteration in the housing program, discuss this with upper management before denying the request.

Reasonable Accommodations

Staff will promptly review all requests a tenant or resident with a disability makes for reasonable accommodations. The property manager will provide a written response notifying the tenant whether the accommodation will be provided and how immediately or within a reasonable time.

Reasonable Modifications

Tenants or residents will be permitted to make modifications when the tenant/resident:

- fully describes the intended modification(s),
- provides assurance that any required building permits will be obtained,
- provides assurance that the modifications will be done in a professional manner,
- agrees to return the premises to their original state (unless the modification will not interfere with the next tenant's use and enjoyment of the premises or are in a common area),
- (in some cases) agrees to pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations.

The property manager will provide a written response notifying the tenant/resident whether the requested modification will be allowed as soon as practicable.

NOTE: If your housing is government funded, the housing provider is likely responsible for the costs of any reasonable modification. Make appropriate changes to these guidelines to reflect that responsibility.

Resources/Questions

See the "Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act" and "Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act" for additional guidance.

If you have questions about this topic or other fair housing issues, please contact:

Fair Housing Center of Central Indiana (FHCCI)

615 N. Alabama Street, Suite 426

Indianapolis, IN 46204

Phone: 317-644-0673

Toll-Free: 855-270-7280

Web: www.fhcci.org Email: info@fhcci.org

Disclaimer

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Alternate formats for those with disabilities are available upon request. This information is not legal advice, for legal advice, please consult an attorney.

SAMPLE LETTERS FOR HOUSING PROVIDERS

If you do not want to use the forms on the previous pages, below are some sample letters to use when responding to requests for a reasonable accommodation or modification.

Reasonable Accommodation Sample Response 1:

Date

Dear (tenant/resident):

We have received your request for a reasonable accommodation, specifically, _____. Please provide us with a letter from your service provider confirming your disability status and need for the accommodation. Once we receive the above letter, we will give prompt consideration to your request.

Sincerely,
Jessica Martinez, Building Manager

Reasonable Accommodation Sample Response 2:

Date

Dear (tenant/resident):

We have received your request for a reasonable accommodation, specifically, _____, together with your healthcare provider's letter documenting your disability and need for the accommodation. We will provide the requested accommodation as follows: _____.

Sincerely,
Danny Thomas, Building Manager

Reasonable Accommodation Sample Response 3:

Date

Dear (tenant/resident):

We have received your request for a reasonable accommodation, specifically, a reserved accessible parking space, together with your healthcare provider's letter. Your request is granted and we will begin the process of designating a parking space for your use immediately. Please contact me as soon as possible so that we may discuss which parking location(s) will best meet your needs.

Sincerely,
Jamal Jackson, Building Manager

Reasonable Accommodation Sample Response 4:

Date

Dear (tenant/resident):

We have received your request for a reasonable accommodation. We are unclear about your specific needs and would like to meet with you to discuss the accommodation request. Please contact me as soon as possible so that we may discuss what will best meet your needs.

Sincerely,
Susan Anderson, Building Manager

Reasonable Modification Sample Response 1:

Date

Dear (tenant/resident):

We have received your request for a reasonable modification, specifically, to be allowed to install grab bars in the bathroom of your unit. We have spoken to Joe Johnson at Able Carpenter Company, who has assured us that the project will be done in a professional manner and to building code.

Your request to make this modification is granted. Please let me know when the carpentry work begins and ends.

When you vacate your unit, we request that you remove the grab bars around the toilet, but you may leave the grab bars in the bathtub area.

Sincerely,
Joseph O'Leary, Building Manager

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