

Reasonable Accommodations and Modifications

Fact Sheet #4



Fair housing laws require housing providers to allow **reasonable accommodations** and **reasonable modifications** to a property when such changes are needed for a person with a disability to be given equal opportunity to use and enjoy a dwelling unit or common area.

What are Reasonable Accommodations?

Reasonable accommodations (RAs) are changes in a housing provider's 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 financial and administrative burden or is unreasonable. Any costs associated with RAs typically fall on the housing provider. Common examples of reasonable accommodations include:

- Moving a rent due date based on when a tenant's SSI or SSDI income is processed
- Assigning a reserved and/or accessible parking spot with signage, despite a first-come, first-serve parking rule
- Allowing an assistance, service, or emotional support animal, despite a no-pets policy
- Providing American Sign Language (ASL) interpretation upon request
- Early termination or unit transfers at no cost, if necessary, due to a disability-related need
- Installing large print or braille numbers on the front door or other common areas for someone with visual impairments

What are Reasonable Modifications?

Reasonable modifications (RMs) are physical or structural changes to a unit or common area which are necessary for a disability. In private housing, a housing provider may require that the tenant pay for the cost of the modification. Under Section 504, government housing must treat a reasonable modification as an accommodation and bear any associated costs. Common examples of reasonable modifications include:

- Installing a ramp where there is otherwise only stairs
- Widening doorways when necessary for wheelchair or walker use
- Installing grab bars in/around toilet, shower, or bathtub
- Changing door hardware to make more accessible
- Installing a roll-in shower or tub cuts
- Installing a smart thermostat or visual alarm system

As a housing provider, what rights do I have?

Someone in need of a RA or RM must seek approval in advance before they make any changes. A housing provider can also require verification when a disability is not visually obvious that the person meets the definition of disability under law and can request the RA or RM. If the RM is to the interior of a unit and could hinder the next tenant's use or enjoyment of the dwelling, the housing provider may request that the tenant set aside funds to restore the unit to its original condition upon move out, except for reasonable wear and tear. The tenant is also likely responsible for any upkeep. If the RM is made to the exterior of a dwelling or in a common area, the housing provider must allow the RM to stay upon the resident's move out because it is usable by all. The housing provider must provide any upkeep of such modification. Additionally, a housing provider can ensure that RMs are done in a professional manner, and any necessary building permits are obtained.

Who can request a RA/RM?

The person seeking the RA or RM must:

1. show that they meet the definition of disability under fair housing laws
- AND
2. show a *nexus*, or relationship, between their disability and the accommodation and/or modification they are requesting.

The request itself can be made by the tenant or by someone on their behalf.

How is *disability* defined under fair housing laws?

Under fair housing laws, someone can file a complaint due to the disability protection if they were discriminated against because they:

- Have a physical, cognitive, intellectual, and/or mental disability that substantially limits one or more major life activities;
- Have a record of having had a disability; and/or
- Were regarded as having a disability.

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/disability/>

Or scan the QR code:





Possible Signs of Disability-Based Discrimination

Unlawful housing discrimination due to a disability may include:

- Charging d/Deaf individuals who require an ASL interpreter
- Charging monthly pet rent or a pet deposit for an animal needed for a disability
- Refusing to allow a request (or charging a fee) for early lease termination when someone develops a disability and can no longer live in their unit
- Requiring sensitive medical records to prove a disability or sharing information on a disability
- Mandating specific forms when adequate information has been provided for decision-making
- A refusal or unnecessary delay in response to a RA or RM request

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

How to request a RA or RM:

It is the responsibility of the person with a disability (or a third party on their behalf) to make any RA and/or RM request, not the housing provider's to assume what is needed. The housing provider must approve all requests before they are made. If your disability is not visually obvious, you may be required to provide verification that you meet the definition of disability under law.

Below is a suggested outline for a RA or RM request:

1. If you qualify as a person with a disability as defined by fair housing laws, say such. It is not necessary to reveal the nature or severity of your disability.
"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.
"I live at 805 West Street. This building is managed and owned by you, Jane Smith."
3. Describe the policy, rule, or architectural barrier that is problematic.
"There are stairs that I must take to get into my apartment on the second floor."
4. Describe how this policy or barrier interferes with your needs, rights, or enjoyment of your housing.
"Because of my disability, I can no longer climb up or down stairs. Doing so has significantly worsened my disability."
5. In clear and concise language, describe the change you are seeking. If your disability or the needed RA or RM is not visually obvious, attach supporting documentation (like a note from your treating physician).
"I am requesting a transfer to a first available ground-floor unit within the complex, without any penalties, transfer fees, or negative rental history. A doctor's letter is attached for your review."
6. Cite the law which protects your rights. For accommodations use:
"Under the federal Fair Housing Act, it is unlawful discrimination for a housing provider 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, it is unlawful discrimination for a housing provider 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 time period.
"Please respond to my request, in writing, within 5 business days of the date of this letter."
8. Sign and date the request if in writing or request delivery receipt if email.

Be sure to keep a copy of your correspondence and any attachments for your records. If the request is denied or ignored, contact the FHCCI. **Please refer to FHCCI's RA & RM Guide for further information, examples, and sample forms.**

Contact us!

If you are experiencing barriers to housing or for assistance in requesting an RA or RM, please reach out to the FHCCI:



317-644-0673
Toll-Free: 855-270-7280
Relay: 711



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