

FACT SHEET: FAIR HOUSING FOR PERSONS WITH DISABILITIES - REASONABLE ACCOMMODATIONS



Protection under the Federal Fair Housing Act

The Federal Fair Housing Act prohibits discrimination in housing, both public and private, on the basis of race, color, religion, sex, national origin, familial status, and disability. One potential type of prohibited discrimination under this Act is a refusal to provide a reasonable accommodation or a refusal to allow a reasonable modification to a person with a disability.

Definition of a “disability” under the Federal Fair Housing Act

The Act describes disability as those individuals

- with a physical or mental impairment that substantially limits one or more major life activities,
- who are regarded as having such an impairment, and/or
- with a record of such an impairment.

Physical and mental impairments can include but are not limited to:

- visual, speech, or hearing issues,
- cerebral palsy, autism, epilepsy, multiple sclerosis, or muscular dystrophy,
- cancer, heart disease, diabetes, or HIV/AIDS,
- intellectual development disorder, and/or
- emotional illness.

REASONABLE ACCOMMODATION

What is reasonable accommodation?

According to the Fair Housing Act, a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. In essence, reasonable accommodation usually addresses a housing provider’s rules or regulations on a property.

Example: *A housing provider has a policy of providing unassigned parking spaces to residents. A resident with mobility impairment, who is substantially limited in their ability to walk, requests an assigned accessible parking space close to the entrance of their unit as a reasonable accommodation. There are available parking spaces near the entrance to their unit that are accessible, but those spaces are available to all residents*



on a first come, first served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

How do you request a reasonable accommodation?

Requesting an accommodation is as simple as giving notice to your housing provider that you need one. You may do this orally or in writing; however, it is preferable to put the request in writing for documentation purposes. An example letter for a request for reasonable accommodation is attached to this Fact Sheet. In order to receive an accommodation, you must first make the request; a person with a disability is not entitled to an accommodation unless a request has been submitted. The housing provider is obligated to respond to the request in a timely manner.

Who can make the request for reasonable accommodation?

The request can be made by the person with a disability. Alternatively, it may be made by a family member or another person acting on behalf of the person with a disability.

May a housing provider ask for proof of disability or the need for accommodation?

In cases where the disability is readily apparent or known and the need for the accommodation is also apparent, this isn't necessary. However, in cases where the disability is not obvious or the need for the accommodation is not apparent, the housing provider may request additional information.

What information may the housing provider request?

In order to evaluate a request for reasonable accommodation, a housing provider may request information that is necessary to:

- verify that the person meets the Act's definition of disability,
- describe the needed accommodation, and/or
- show the relationship between the person's disability and the need for the requested accommodation.

What materials can I provide to the housing provider if requested?

Some materials that may be provided include but are not limited to:

- proof of Supplemental Security Income (SSI),
- proof of Social Security Disability Insurance (SSDI) benefits,
- a letter from a doctor or medical professional verifying the disability and the need for the requested accommodation, and/or
- a letter from a non-medical service agency verifying the connection between the disability and requested accommodation.

How is a request evaluated?

Each request for reasonable accommodation must be evaluated on a case-by-case basis. The approval or denial of the request is determined by 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.

Can my request for reasonable accommodation be denied and, if so, when?

In certain circumstances, a request for reasonable accommodation can be denied. A request may be denied if:

- it isn't considered reasonable (see examples below),
- it fundamentally alters the nature of the provider's operations, and/or
- it imposes undue financial and administrative burden on the housing provider.

Example: *As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources, and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation may be denied.*

**The request could then be modified to something more reasonable such as placing an open trash can in an accessible location where the tenant can dispose of their trash daily. Maintenance can then transfer this trash to the dumpster when on site.*

Example: *A tenant has a severe mobility impairment that substantially limits his ability to walk. He asks his housing provider to transport him to the grocery store and assist him with his grocery shopping as a reasonable accommodation of his disability. The provider does not provide any transportation or shopping services for its tenants, so granting this request would require a fundamental alteration in the nature of the provider's operations. The request can be denied for this reason.*

**The request could then be modified to altering the housing provider's parking policy to allow a local community service worker to park a car close to the tenant's unit so that he can be transported to the grocery store and assisted with shopping.*

If my request is denied, what recourse do I have?

The Fair Housing Center of Southeast & Mid Michigan (FHC) is ready to help with any problem of housing discrimination.

We are a private nonprofit organization providing investigative services (testing), advice, advocacy, conciliation, attorney referrals, and community education for Clinton, Eaton, Ingham, Jackson, Lenawee, Livingston, Monroe, and Washtenaw counties. The mission of the FHC is to end discrimination in housing and public accommodations and to promote accessible, integrated communities.

If you think you have experienced housing discrimination or have a question about fair housing, call us at [877-979-3247](tel:877-979-3247).

You can also fill out a contact form on our website (www.fhcmichigan.org) and FHC staff will follow up with you to obtain additional information concerning your allegation or complaint of discrimination.

Information provided about allegations or complaints of housing discrimination will be kept confidential.

Sources

Fair Housing Center of West Michigan

[“Fair Housing for Persons with Disabilities: Ensuring Accessibility”](#)

U.S. Department of Housing and Urban Development

[“Information Resource Center - Disability”](#)

U.S. Department of Housing and Urban Development & the U.S. Department of Justice

[“Reasonable Accommodations under the Fair Housing Act”](#)



Sample of Letter to Request Reasonable Accommodation

[DATE]

[NAME OF BUILDING MANAGER]
[ADDRESS]

Re: Reasonable Accommodation for my Disability

Dear [BUILDING MANAGER NAME]:

I live at [ADDRESS] in [UNIT NUMBER] and have lived there since [DATE]. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988.

Our building's rules state [XXX]. Because of my disability, I need the following accommodations: [LIST ACCOMMODATIONS]. A medical provider has prescribed this accommodation for my disability. I would like to meet with you to discuss these and any other accommodations that will enable me to have an equal opportunity to live in and enjoy this residence.

Please let me know what, if any, additional information you need from my health care provider in order to better understand my disability and the limitations it imposes.

Under the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of an existing building rule or policy if such accommodation may be necessary to afford such person full enjoyment of the premises.

Sincerely,
Signature