

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



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 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 MODIFICATION

What is reasonable modification?

According to the Fair Housing Act, reasonable modification refers to a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. These structural changes can be made to the interior or exterior of a dwelling as well as in common and public use areas. In essence, reasonable modification refers to some physical change to the housing premises.

Example: *Because of a hearing disability, a tenant wishes to install a peephole in her door so that she can see who is at the door before she opens it. This is a reasonable modification and must be permitted at the tenant’s expense.*

Example: *Because of a mobility disability, a tenant wants to install a ramp outside the building in a common area. This is a reasonable modification and must be permitted at the tenant’s expense.*



How do you request a reasonable modification?

Requesting a modification is as simple as giving notice to your housing provider that you need one. You may do this orally or in writing, but we advise to put requests in writing. You must have a housing provider's approval before making any modifications.

Who can make the request for reasonable modification?

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 modification?

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

***Example:** A tenant who is deaf asks his housing provider to allow him to install extra electrical lines and a cable line so the tenant can use computer equipment that helps him communicate with others. If the tenant's disability is known, the housing provider may not require him to document his disability. However, since the need for the electrical and cable lines may not be apparent, the housing provider may request information that is necessary to support the disability-related need for the requested modifications.*

What information may the housing provider request?

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

- verify that the person meets the Act's definition of disability,
- describes the needed modification, and/or
- shows the relationship between the person's disability and the need for the requested modification.

Depending on the desired modification, a housing provider may also require building permits before approval for the project is given.

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 modification, and/or
- a letter from a non-medical service agency verifying the connection between the disability and requested modification.

May a housing provider require additional insurance or increase the security deposit because of the requested modification?

A housing provider cannot require any additional insurance or an increased security deposit because of a request for a reasonable modification.

Example: *Because of a mobility disability, a tenant wants to install a ramp outside his unit. The housing provider informs the tenant that the ramp may be installed but only after the tenant obtains separate liability insurance for the ramp out of concern for the housing provider's potential liability. The housing provider may not impose this requirement as a condition of approval for the ramp.*

May a housing provider require a deposit into an interest bearing account because of the requested modification?

There are certain cases in which the housing provider may request the tenant to deposit money into an interest bearing account as a condition of allowing the modification. This occurs when the housing provider must ensure that funds are available to restore the interior of a dwelling to its previous state after the tenant with a disability leaves the property.

A decision to do so is based upon the following factors:

- the extent and nature of the proposed modifications,
- the expected duration of the lease,
- the credit and tenancy history of the individual tenant, and/or
- other information that may bear on the risk to the housing provider that the premises will not be restored.

Example: *Because of a mobility disability, a new tenant with a poor credit history wants to lower the kitchen cabinets to a more accessible height. It would be reasonable for the housing provider to require payment into an interest bearing escrow account to ensure that funds are available for restoration upon the tenant's move out.*

Can a request for reasonable modification be denied and, if so, when?

A housing provider or homeowners association must allow a reasonable modification to the premises when such a modification may be necessary to afford the person with a disability full enjoyment of the premises. However, the requested modification must be reasonable, and there must be a relationship between the requested modification and the individual's disability.

Who is responsible for the expense of the modification?

The tenant is responsible for paying the cost of the modification. The upkeep and maintenance of the modification is also the responsibility of the tenant if it is exclusively used by the tenant and not in a common area usually maintained by staff.

If the tenant with a disability lives in housing that receives federal financial assistance, the requested modification must be paid for by the housing provider unless doing so would be an undue financial and administrative burden or the tenant's needs can be met through other means.

Can a housing provider suggest an alternative modification or alternative design?

If the modification is made to the interior of the tenant's unit, the housing provider cannot suggest an alternative. If the modification is made to a common area, they may do as long as no additional costs are incurred by the tenant and the alternative still meets the tenant's needs.

When are restorations required?

A tenant is obligated to restore the interior of their dwelling to its previous condition where it "is reasonable to do so" and where the housing provider has requested the restoration. Modifications made to the exterior of a building or in a common area do not have to be restored. Usually, modifications don't have to be removed if they don't affect the housing provider's or subsequent tenant's use or enjoyment of the premises.

***Example:** Because of a mobility disability, a tenant obtained approval from the housing provider to install grab bars in the bathroom. As part of the installation, reinforcements were put on the underside of the wall. These reinforcements are not visible and do not detract from the use of the apartment. Therefore, it would be reasonable for the housing provider to require the tenant to remove the grab bars but not the reinforcements.*

Who pays for the restoration?

If any restoration is required, it is up to the tenant to bear the costs unless the unit is in housing that receives federal financial assistance.

What should I do if I believe my rights have been violated?

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

U.S. Department of Housing and Urban Development & the U.S. Department of Justice
[“Reasonable Modifications under the Fair Housing Act”](#)

