

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

FACT SHEET NO. 2

Published by the Fair Housing of the Dakotas

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. (Under Section 504, government housing must allow reasonable accommodations.)

Reasonable modifications are for physical changes to a unit which is necessary to accommodate a disability. A reasonable modification means leaving the unit acceptable after a tenant moves out for someone who does not need the modification that was made. In private housing, a housing provider may require that the tenant 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 & tear.

It is the responsibility of the tenant to make any requests, not the provider’s to assume what is needed. The housing provider must also approve all accommodations/modifications before they are made. Sample forms are also available from the FHD. Below is the suggested format for a reasonable accommodation or modification request. Be sure to put in writing.

1. Indicate that you qualify as a person with a disability as defined by civil rights laws. It is not necessary to reveal the nature or severity of your disability. You may include a note from your doctor explaining why it is necessary (be sure to keep a copy). 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 disabled persons 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 Sec. 804 (42 U.S.C 3604) (f) (3) (B), 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 FHAA, Sec. 804 (42 U.S.C 3604) (f) (3) (B), 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. If the request is denied, contact an advocate to determine if your rights have been violated.

See the reverse side for a sample letter.

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Sample Request for a Reasonable Accommodation or Modification

October 1, 2004

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Danny Thomas
Building Manager
123456 North Divide
Bismarck, ND 58501

Dear Mr. Thomas:

I, Jim Olson, qualify as a person with a disability as defined by the Fair Housing Act Amendments of 1988. I live at 123456 North Divide in unit #205. This building is managed by you, Danny Thomas, and owned by Jane Anderson.

Our building's rules state a "no pets" policy. Because of my disability, a doctor has prescribed a service animal to assist in my daily living. The note from my doctor verifying my disability and need for a reasonable accommodation is attached.

I am requesting that you make a reasonable accommodation in the building's rules to permit me to have a service animal.

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

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

Sincerely,

(signature)

John Olson

EXAMPLES OF REASONABLE ACCOMMODATIONS & MODIFICATIONS:

- **WIDENING DOORWAYS**
- **ALLOWING SERVICE ANIMALS**
- **PROVIDING LARGE PRINT OR BRAILLED NUMBERS ON THE FRONT DOOR OR OTHER COMMON AREAS**
- **ALLOWING THE INSTALLATION OF GRAB BARS**
- **PROVIDING A VISUAL ALARM SYSTEM ON SMOKE DETECTORS**
- **ALLOWING A PERSONAL CARE ATTENDANT TO LIVE WITH A TENANT**
- **PROVIDING A RENT REMINDER WHEN RENT IS DUE**
- **MOVING A TENANT TO THE GROUND FLOOR FOR EASIER MOBILITY**
- **PROVIDING OR ALLOWING A PERSON FROM THE COMMUNITY TO EDUCATE OTHER TENANTS ABOUT A DISEASE OF A TENANT**

Parts of this document were adapted from Access Living's JEDA Project, Chicago, IL and used with their permission. The Fair Housing of the Dakotas (formerly the North Dakota Fair Housing Council) is a private, non-profit organization that serves North and South Dakota and works to eliminate housing discrimination and to ensure equal housing opportunities for all.

The Fair Housing of the Dakotas is located at 909 Basin Avenue, Suite 2, Bismarck, ND 58504. Phone: 701-221-2530 or 1-888-265-0907. ND TDD: 1-800-927-9275 or ND Relay: 1-800-366-6889 (voice). SD TDD: 1-866-273-3323 or SD Relay: 1-800-877-1113. Email: info@fhdakotas.org Web: www.fhdakotas.org

The work that provided the basis for this publication was supported by funding under a grant/cooperative agreement with the U.S. Department of Housing & Urban Development. The substance and findings of this work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in the publication. Alternative formats will be made available upon request. This information is not itself legal advice; for legal advice about a particular situation, contact an attorney.

