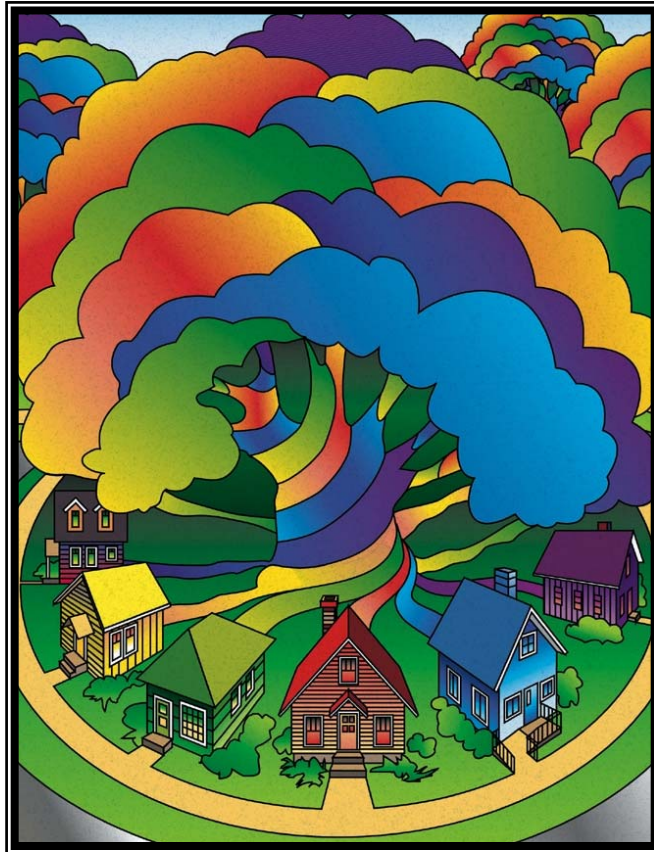


Requesting an assistance animal, grab bar, or other change to your housing?

Let us help!



A Guide to Requesting Reasonable Accommodations and Modifications Under the Fair Housing Act



Produced 2015 by the Fair Housing Center of West Michigan



What is a reasonable accommodation or reasonable modification?

Under the Fair Housing Act, a ***reasonable accommodation*** is a change or exception to any rule, policy, procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a “no pet” policy, or allowing a live-in caregiver when a housing policy states “no over-night guests”. A ***reasonable modification*** is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford them full enjoyment of the premises, such as the installation of a ramp, grab bar or handrail. Reasonable accommodations and modifications enable independent living and equal access to housing for people with disabilities.

If you feel you need a ***reasonable accommodation*** or ***modification*** to your home or apartment based on a disability, there is a process you will need to go through to work with your housing provider. These requests should be evaluated on a case-by-case basis.



What is fair housing?

Federal and Michigan fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, ***disability***, marital status, and age. Illegal discrimination includes a refusal to make a reasonable accommodation or a refusal to permit a reasonable modification if either would be necessary to afford a person with a disability equal access to and full enjoyment of the housing and property.

The Fair Housing 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.

Major life activities include:

- **Walking**
- **Breathing**
- **Communicating**
- **Seeing**
- **Hearing**
- **Caring for oneself**
- **Thinking**
- **Learning**
- **And beyond...**

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities, cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease, diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.

How do I make a request?

If you are someone with a disability looking for a reasonable accommodation or modification to a home or apartment, you will need to submit a request (see sample request letter on P. 5) to the housing provider, landlord, manager, or your condominium association. Caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability.

A request can be made verbally, but it is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. If your disability is not apparent or otherwise known, the housing provider or landlord may request verification of your disability and information establishing a disability-related need for the request. You can obtain supporting documentation from your doctor or other qualified medical professional, a peer support group, a non-medical service agency, a social worker, or a reliable third party who is in a position to know about your disability. The supporting documentation only needs to verify:



- (1) **that you have a disability as defined by the Fair Housing Act AND**
- (2) **your disability-related need for the requested accommodation or modification.**

Housing providers and landlords do not need to know the details related to the disability, diagnosis, or health history; only that a disability is present and that the request is needed because of that disability. When obtaining documentation words such as “necessary”, “essential”, and “prescribed” should be used to describe the need for a reasonable accommodation or reasonable modification (see sample support letter on P. 6).

You can make a request for a reasonable accommodation or modification at any point. Your request should not be a factor in your eligibility in obtaining housing.

Examples of Reasonable Accommodation Requests:

- Requesting an assigned, accessible parking space near a unit
- Requesting to waive a “no pet” or pet fee policy to allow for an assistance animal
- Requesting a move to the ground floor due to changes in their ability to use stairs

Examples of Reasonable Modifications:

- Widening a doorway for a wheelchair
- Installing grab bars in a bathroom
- Installing a ramp to make a main entrance accessible
- Installing handrails in stairwell



What if there are costs involved?

A reasonable accommodation is usually processed and completed without cost to the resident. If the cost of the reasonable accommodation is an undue financial and administrative burden for the housing provider, they should meet or talk with you to evaluate and explore alternative reasonable accommodation methods.



For reasonable modifications, the tenant is responsible for paying the cost, while the housing provider must permit the modification.* A housing provider may require that a reasonable modification request include a description of the proposed modification both before changes are made to the dwelling and before granting the modification. If you require a reasonable modification to the interior of your home, depending on your living situation, you may be asked by the housing provider or landlord to restore your home or apartment back to its original state. In some situations, the landlord or housing provider could ask you agree to pay into an escrow account so that the home or apartment may be restored after you vacate the property.

* The Rehabilitation Act of 1973 states that structural changes needed by a person with a disability in housing that receives federal financial assistance (i.e. HUD subsidized apartment buildings, USDA rural housing developments, and others) are considered reasonable accommodations; they must be paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program or unless the housing provider can accommodate the individual’s needs through another means.

Why can my request be denied?

A request for a reasonable accommodation or modification can be denied for the following reasons:

- (1) **The request for a reasonable accommodation or modification was not made by or on behalf of a person with a disability or if there is no disability-related need for the request, and/or**
- (2) **If it would impose undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider’s operations.**

Whether your request is approved, denied, or you are asked for more documentation, it is important to maintain communication with the housing provider. If your initial request is denied, alternative methods to accommodate or modify should be discussed. It is important that the housing provider continue to communicate with you as you both explore different options; note that you are not obligated to accept an alternative accommodation if you believe it will not meet your needs.

What is an Assistance Animal?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals do not need to be trained, certified or licensed by any entity or program. *Any* animal prescribed by a doctor or other medical professional to assist a person with a disability can be an assistance animal.

NOTE: Pet fees and/or policies ***do not*** apply to assistance animals.

NOTE: *Any* animal prescribed by a medical professional to assist a person with a disability can be an assistance animal.

Assistance animals perform many disability-related functions, including but not limited to: guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals can significantly enhance a person's ability to live independently.

Assistance animals are not subject to pet fees, deposits, or policies. Breed, size, and weight limitations may not be applied to assistance animals. You and your assistance animal, once approved, should be allowed in all areas of the premises where persons are normally allowed to go unless there is an undue financial and administrative burden or fundamental alteration of the housing provider's services. Your assistance animal must be under your control at all times.

NOTE: Fair Housing law does not require that assistance animals be trained, certified or licensed, however, they must be under your control.

Examples of Assistance Animals:

- An animal that assists a person with a disability manage their symptoms related to depression, anxiety, stress or difficulties with social situations
- An animal that alerts others of the need for help or aids a person with a disability through a seizure, panic attack, or medical emergency
- An animal that provides assistance with mobility or health concerns



Additional Resources

⇒Department of Justice & HUD—Joint Statement on Reasonable Accommodations

⇒Department of Justice & HUD—Joint Statement on Reasonable Modifications

⇒HUD Fair Housing and Equal Opportunity Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs

⇒HUD Memo on Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation

⇒Please visit www.fhcwm.org/publications to download these documents and other helpful information

Here are some commonly asked questions about requesting reasonable accommodations and modifications as well as some ideas for action:

What do I do if...?	How you can find a solution!
Your verbal request prompted the housing provider to ask for a written request.	If possible, a written request is helpful for both parties. If you need assistance or alternative methods to communicate your needs, the housing provider will need to assist you in providing those means (ex: large print, braille, electronic format materials).
You are asked specifically what kind of disability you have.	You should tell your housing provider that you only need to verify the fact that you have a disability and how your request is related to your disability. <u>You do not need to state your disability or disclose details of your health history.</u>
You are asked for written documentation of your disability, even though your disability is apparent.	If you have a visible, obvious, or otherwise known disability, the housing provider does not need any documentation. Let them know that you do not need to provide additional documentation.
You are told your verification of your disability is not good enough.	Included in this guide book is a form you can use to provide accurate and clear verification. (See pages 5 and 6 for sample request and support letters).
You made a request more than a week ago and you have heard nothing on your request.	Call the housing provider, ask who is taking care of your request, and what the status is. They should keep you updated.
What if I am told I can't have my assistance animal(s) due to the housing provider's insurance policy?	If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of animal or a certain animal, this may impose an undue financial and administrative burden, especially if they cannot secure comparable insurance without such restrictions.

If you experience delays, issues and/or a lack of communication,
or if you feel you are being discriminated against,
you may want to contact the Fair Housing Center for help .

To aid you in the process of making a request, consider using language similar to this sample reasonable modification or reasonable accommodation request letter:

(Date)

Dear (Housing Provider)

(My name is ____) and I live at (insert address). I am a person with a disability as defined by the Fair Housing Act. I am writing this letter to request (a modification and/or an accommodation). I am requesting (insert your need here, examples are found below).

Example 1: permission to install handrails on the stairs OR permission to install a ramp for the front door of my unit.

And/or

Example 2: an assistance animal that will aid with the functional limitations associated with my disability (be as specific as possible about the kind of animal(s) you need and mention if you have animal(s) already).

With the approval of this request I will be able to (explain how there is a need for your request, examples are found below)

Example 1: safely travel up and down the stairs, as my disability limits my ability to use stairs without the assistance of handrails OR enter the front door of my home with the use of my wheelchair.

Example 2: better manage the stress, anxiety, and health issues associated with my disability. An assistance animal provides me the ability to combat and alleviate the symptoms of my disability.

With the approval of this request the effects of my disability will be assisted or alleviated.

Please provide documentation that you received this request and the status of my request. If further documentation of my disability is needed, let me know so that I can provide documentation about the disability-related need for my request.

Sincerely,

(Your name)

This sample reasonable accommodation or reasonable modification support letter can be used to aid your medical professional in providing verification of your request:

- Should be on letterhead
- Should accomplish the following:
 1. Verify that the person meets the Fair Housing Act’s definition of disability (need not mention specific diagnosis, but must be clear that the person’s condition rises to the level of a disability)
 2. Show the relationship between the person’s disability and the need for the requested accommodation/ modification (“need” should be distinguished from “may benefit” or “is recommended”)

A support letter may be written by a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party who is in a position to know about the individual’s disability.

(Date)

Dear **(Housing Provider)**:

(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. She/he meets the definition of disability under fair housing laws.

To enhance his/her ability to live independently and to have full use and enjoyment of his/her dwelling, I am prescribing/recommending **(insert need, examples are found below)**

Example 1: a transfer to a first floor unit

Example 2: an emotional support dog, cat, bird, etc. **(be as specific as possible about the kind of animal(s) needed and mention if the patient has the animal(s) already)**, that will assist **(name of tenant)** with the functional limitations associated with his/her disability.

Specifically, **(please provide information demonstrating how the accommodation is needed or necessary to alleviate one or more identified symptoms or effects of an existing disability or how the disability will be exacerbated in the absence of the accommodation)**

Example 1: the tenant has increasing difficulty climbing stairs due to a disability and needs a first floor unit to ensure health and safety AND/OR reduce stress on mobility limitations AND/OR have safer and increased access to laundry facilities AND/OR have safe egress options in event of emergency, etc.

Example 2: the emotional support animal (dog, cat, bird, etc.) is necessary to ease disability-related stress and anxiety OR decrease heart rate OR ameliorate or reduce likelihood of panic episodes OR increase capacity for social interaction OR allow for continued health and stability OR increase focus necessary for positive school or work performance OR improve physical, emotional and psychological functioning, etc.

I am available to answer questions you may have concerning my verification of **(name of tenant)**’s request.

Sincerely,

Signature and Name of Professional

Please visit www.fhcwm.org/disability to download this document and other helpful documents.

The Fair Housing Act and other laws seek to end discrimination in housing based on race, color, religion, national origin, sex, familial status, disability, marital status, and age.

If you or someone you know feels they may have been or are victims of illegal housing discrimination, call the Fair Housing Center for help.



Fair Housing Center of West Michigan

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Website: www.fhcwm.org

Please note that this guide book is not intended to be used as legal advice.

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