



Reasonable Accommodations and Modifications in Housing Settings

Various federal laws require housing providers to make reasonable accommodations and modifications for people with disabilities. Federal non-discrimination laws that protect against disability discrimination cover not only tenants and home seekers with disabilities but also buyers and renters without disabilities who live or are associated with individuals with disabilities.

Q: Who can request a Reasonable Accommodation or Modification for housing?

Various federal laws require housing providers to make reasonable accommodations and reasonable modifications for individuals with disabilities. Federal nondiscrimination laws that protect against disability discrimination cover not only tenants and home seekers with disabilities, but also buyers and renters without disabilities who live or are associated with individuals with disabilities. These laws also prohibit housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because they require reasonable accommodations or modifications.

Q: Who must comply with these requirements?

The requirement to provide reasonable accommodations and modifications applies to, but is not limited to individuals, corporations, associations and others involved in the provision of housing or residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. This also applies to state and local governments, including in the context of exclusionary zoning or other land-use decisions.

Q: What is a reasonable accommodation for housing?

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as “modifications.”

Any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a reasonable accommodation. In other words, reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally-assisted programs or activities. Housing providers may not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation.

Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in the program. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

Under Section 504 and the ADA, public housing agencies, other federally-assisted housing providers, and state or local government entities are required to provide and pay for structural modifications as reasonable accommodations/modifications.

Q: What is a Reasonable Modification for Housing?

Under the Fair Housing Act, 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 such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom. Under the Fair Housing Act, prohibited discrimination includes a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program. If an undue burden or fundamental alteration exists, the recipient is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program.

For more information, visit Section 504 Frequently Asked Questions page (https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq).

Note: This requirement to accommodate an individual's request for accessible features under Section 504 is separate from a recipient's affirmative obligation to provide program access and to have an inventory of accessible units available for persons with disabilities. Similarly, under the Fair Housing Act, there are design and construction requirements for covered properties irrespective of the requirement to provide reasonable modifications. Additional information on these physical accessibility requirements is available on the Physical Accessibility (https://www.hud.gov/program_offices/fair_housing_equal_opp/physical_accessibility) page.

Q: What are some examples of Reasonable Accommodations or Modifications?

- Assigning an accessible parking space for a person with a mobility impairment
- Permitting a tenant to transfer to a ground-floor unit
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance
- Adding a grab bar to a tenant's bathroom
- Permitting an applicant to submit a housing application via a different means
- Permitting an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability. Additional information about assistance animals is available Assistance Animals | HUD.gov / U.S. Department of Housing and Urban Development (HUD) (https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals)

Q: What information may a provider seek when a reasonable accommodation or modification related to housing is requested?

A provider is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation or modification may be necessary because of a disability. If a person's disability is obvious, readily apparent, or otherwise known to the provider, and if the need for the requested accommodation or modification is also readily apparent or known, then the provider may not request any additional information. If the disability and/or the disability-related need for the requested accommodation or modification is not known or obvious, the provider may request only information that is necessary to evaluate the disability and/or disability-related need for the accommodation. This information may be from the requesting individual, medical professional, a peer support group, a non-medical service

agency, or a reliable third party who is in a position to know about the individual's disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry and may be inappropriate.

Q: When may a housing provider deny a requested accommodation or modification?

A housing provider can deny a request for a reasonable accommodation or modification if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation or modification. In addition, a request for a reasonable accommodation or modification may be denied if providing the accommodation or modification would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the housing provider's program. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors. If an undue burden or fundamental alteration exists, the housing provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular housing provider and/or constitute a fundamental alteration of the program.

When a housing provider denies a requested accommodation or modification, the provider should discuss with the requester whether there is an alternative accommodation or modification that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden. As part of this interactive process, the housing provider should recognize that the individual requesting the accommodation or modification is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective to meet a disability-related need. These discussions often result in an effective accommodation or modification for the requester that does not pose an undue financial and administrative burden for the provider.

Q: What can I do if my housing provider did not acknowledge my request or denied my request, or we could not reach an agreement regarding my request for reasonable accommodation or modification?

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation. A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. When a person with a disability believes that he or she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, he or she may file a complaint (

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.

with the Office of Fair Housing and Equal Opportunity (FHEO). If the individual who was denied an accommodation files a complaint with FHEO to challenge that decision, then Housing and Urban Development (HUD) (or the state or local agency receiving the complaint) will review the evidence in light of applicable law and assess whether the housing provider violated that law

Q: What laws are applicable to requests for reasonable accommodations in housing?

The Fair Housing Act

Under the Fair Housing Act a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.

In addition, the Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Section 504

Unlike the Fair Housing Act, Section 504 does not distinguish between reasonable accommodations and reasonable modifications. Instead, both are captured by the term "reasonable accommodations. Under Section 504, the requirement to make reasonable accommodations applies to any changes that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity. This includes a change, adaptation or modification to a policy, program, service, facility, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in housing, or perform a job. Reasonable accommodations also include any structural changes that may be necessary. Reasonable accommodations may include changes which may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity. Under Section 504, reasonable accommodations must be provided and paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program. In such cases, the provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program. In addition to the statutory requirement to make reasonable accommodations under Section 504, HUD's Section 504 regulation provides for making "housing adjustments" at 24 C.F.R. § 8.33.

Americans with Disabilities Act (ADA)

Similar to and based upon the Section 504 reasonable accommodation requirement, Titles II and III of the ADA require public entities and public accommodations to make reasonable modifications to policies, practices, or procedures to avoid discrimination. This obligation applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity (Title II), or the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (Title III). For more information, see the Department of Justice ADA page (<https://www.ada.gov/>.)

Q: What are the essential elements of a request for reasonable accommodation or modification?

Request for accommodation or modification do not need to be submitted in writing, although this is recommended to document the request. The information that should be included in a request for accommodation or modification letter includes:

- Appropriate addressee information
- Name of individual requesting a reasonable accommodation or modification
- If you are a tenant state so and include your address
- Statement that as a person with a disability you are requesting a reasonable accommodation or modification
- State what reasonable accommodation or modification you are requesting.
- Cite the applicable law
- Include documentation from a medical professional stating that the accommodation is necessary if required and the need for the accommodation or modification due to a disability is not readily apparent.
- Example

Jane Tenant
 Building 522 Apt 5
 West Missoula, Wisconsin 10243

John Building Owner
 Manager Building 522
 West Missoula, Wisconsin 10243

Dear John,

I am a tenant of Building 522, Apt 5, West Missoula, Wisconsin 10234. I am requesting a reasonable accommodation or modification as a person with a disability under the Fair Housing Act. Due to my disability, I require the use of a service dog. I am requesting a reasonable accommodation of your no pets policy to permit me to keep my service dog in my apartment. I am including a letter from my doctor documenting my need for a service dog. Please respond to this request within 20 business days.

Best regards,
Jane Tenant

Q: What kind of animals can be accommodated under the Fair Housing Act?

Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider's pet restrictions. An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. An assistance animal is not a pet.

Q: How can I file a complaint if I think my housing rights have been violated?

Complaints can be filed with the Office of Fair Housing and Equal Opportunity (FHEO) nationwide and with local and state agencies based on local and state laws.

FHEO Online

You can file a complaint with FHEO online in English at <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action> or Spanish at <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action?lang=es>.

FHEO Email

Email your local FHEO office at the email address on Contact FHEO | HUD.gov/ U.S. Department of Housing and Urban Development (HUD) (https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo)

FHEO Phone

You can speak with an FHEO intake specialist by calling 1-800-669-9777 or 1-800-877-8339.

You can also call your regional FHEO office at the phone numbers on Contact FHEO | HUD.gov / U.S. Department of Housing and Urban Development (HUD) (https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo).

FHEO Mail

Mail it to your regional FHEO office at the address on Contact FHEO | HUD.gov / U.S. Department of Housing and Urban Development (HUD)(
https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo)

Sources:https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications
https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals
https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

Need to talk to someone?

Our Information Specialists are available to answer your questions.
 Call toll-free 1-800-539-7309 Mon-Fri, 7am-8 pm EST.
 Or [schedule a call](#) or [ask a question online](#).

Resources for Housing Accommodations:

Joint Statement of HUD and DOJ on Reasonable Accommodations under the Fair Housing Act 2004

<https://www.hud.gov/sites/dfiles/FHEO/documents/huddojstatement.pdf>

Joint Statement of HUD and DOJ on Reasonable Modifications under the Fair Housing Act 2008

https://www.hud.gov/sites/dfiles/FHEO/documents/reasonable_modifications_mar08.pdf

Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs

https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals

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