

REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS FOR PEOPLE WITH DISABILITIES

Housing Discrimination Based on Disability is Illegal

Under federal and state fair housing laws, it is illegal to discriminate in the sale, rental, or financing of housing based on disability, race, color, national origin, religion, sex, familial status, sexual orientation, marital status, source of income, or any other arbitrary reasons such as age.

Fair housing laws make it illegal to:

- Refuse to rent or sell a home to a person because that person has a disability;
- Refuse to make a reasonable accommodation in policies or practices for a disabled person; or
- Refuse to permit a reasonable modification for a disabled person.

Fair housing laws also require that multifamily housing of four or more units built for first occupancy after March 13, 1991 maintain common areas and facilities that are accessible to people with disabilities. In addition, the interior of units must be designed to meet certain accessibility requirements, such as sufficient room for a wheelchair to maneuver in kitchens and light switches placed at accessible heights.

The Federal Fair Housing Act establishes design and construction requirements for multifamily housing of four or more units built for first occupancy after March 13, 1991 so that the public and common use areas and facilities are accessible to people with disabilities. In addition, the interior of units must be designed to meet certain accessibility requirements.

Definitions

A “Reasonable Accommodation” is:

A change in a housing provider’s rules, policies, practices or services that is necessary to provide a person with a disability an equal opportunity to use and enjoy her home.

A “Reasonable Modification” is:

A physical alteration of the interior of the existing premises that is necessary to provide a person with a disability an equal opportunity to use and enjoy his home.

An accommodation or modification is “reasonable” if it does not:

- Impose an undue financial or administrative burden on the housing provider
- Require a fundamental alteration in the nature of the housing provider’s services; or
- Create a direct threat to the health or safety of others.

A Person with a disability is an individual who:

- Has a *physical or mental impairment that limits one or more major life activities*, like seeing, breathing, working, self-care, or performing manual tasks, OR
- Has a *record* of such an impairment, OR
- Is *regarded as* having a physical or mental impairment.

Note: The law does not protect people who currently use illegal substances.

Rights and Responsibilities of Tenants and Housing Providers

Tenants:

- Are responsible for making the initial request for a reasonable accommodation or modification, either verbally or in writing.
- Do not have to reveal specifics about the nature of their disability, but must explain (1) how their physical or mental impairment limits a major life activity, and (2) how the requested change in policies or practices will mitigate the effects of their disability.
- Must pay the cost of making interior modifications in privately owned housing, but may not be charged the cost of structural modifications necessary to bring a complex into compliance with Fair Housing Act accessibility requirements.

Housing Providers:

- May ask for verification from a knowledgeable third party that (1) a tenant is disabled if the disability is not obvious or apparent, and (2) that as a result of a disability, requires the specific accommodation she has requested.
- May decline to make an accommodation that would impose an undue financial and administrative burden, constitute a fundamental alteration in the nature of services provided, or pose a direct threat to the health and safety of others.
- May condition permission to make a reasonable modification to the interior of a unit on restoration to its original condition if the requested modification would interfere with the use and enjoyment of future tenants.

Examples of Reasonable Accommodations

- Permitting an assistance animal in a building with a “no pets” policy
- Allowing a tenant with a mobility impairment to transfer to a ground floor unit
- Reminding a tenant with a cognitive impairment when rent is due
- Reserving a parking space close to the building for a tenant in a wheelchair
- Holding a homeowners’ association meeting in a physically accessible location
- Widening a doorway to allow wheelchair access
- Installing ramps
- Installing grab bars in bathrooms
- Removing or lowering kitchen or bathroom cabinets for people who use wheelchairs
- Installing flashing doorbells for tenants with hearing impairments

Where to Get Help

If you need help with a reasonable accommodation or modification, or want further information, contact: Fair Housing of Marin at (415) 457-5025 / TDD: (800) 735-2922 / www.fairhousingmarin.com.