



Fair Housing Advocates of Northern California

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FREQUENTLY ASKED QUESTIONS: REASONABLE ACCOMMODATIONS

What is a reasonable accommodation?

A reasonable accommodation is a change in a housing provider's general rules, policies, practices, or services that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. Each reasonable accommodation is highly individualized and specifically designed to ameliorate the effects of a person's unique disability. There must be a clear nexus, or connection, between the person's disability and the requested accommodation. For example, a landlord may have a "no pets" policy; however, that landlord would need to make an exception for a disabled resident who requires the assistance of a service dog.

What is the definition of disability under the Fair Housing Act?

A person with a disability is 1) an individual with a physical or mental impairment that limits one or more life activities; 2) an individual regarded as having such an impairment; or 3) an individual with a record of such an impairment. Physical and mental impairments are defined broadly, encompassing many different conditions and diseases. Impairments may include alcoholism or a history of drug addiction; however, current use of a controlled substance is not protected.

A condition limits one or more major life activities when it significantly impedes that individual from an activity that is centrally important to everyday life, such as seeing, hearing, speaking, performing manual tasks, or caring for one's self.

How do I request a reasonable accommodation?

You can make a request for a reasonable accommodation at any point, including during the eviction process. There are a few principles to keep in mind when requesting a reasonable accommodation. First, you should notify your housing provider (i.e., landlord or property manager) of the reasonable accommodation you are requesting. Second, you should explain the nexus between your requested accommodation and the effects of your disability that require that accommodation. You are **not** required to disclose the specifics of your disability to the housing provider, but you should consider providing a letter from your doctor or other knowledgeable third party that verifies the effects of your disability and your need for the requested accommodation.

A reasonable accommodation request does not require any specific, formal language. However, you should make the request in writing. Writing the request will allow you to keep a copy for your records as well as lessen the chances the housing provider may lose track of your request.

What should a knowledgeable third party need to write in their letter in order to verify my request?

Your verification letter only needs to verify that your disability necessitates the reasonable accommodation you have requested. It does not need to explain your disability in any further detail. The letter does not need to be from a doctor. It may be from any knowledgeable professional who is familiar with the extent of your disabilities and qualified to determine your need for the reasonable accommodation you requested.

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A local non-profit helping communities eliminate housing discrimination

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When may a housing provider refuse to grant a reasonable accommodation request?

Yes, there are scenarios that entitle a housing provider to refuse to grant your request. First, a housing provider may prove that the accommodation would be an undue financial or administrative burden. The cost must be significant in order to be considered an undue financial burden. Second, the housing provider may refuse an accommodation if it can show that granting the request presents a direct threat to the health, safety, or quiet enjoyment the provider or other residents. To determine whether an accommodation would pose a “direct threat,” a housing provider must consider: a) the nature, duration, and severity of the risk of injury; b) the probability of reoccurrence; and c) whether any other reasonable accommodation would eliminate the threat. Third, a housing provider may refuse to grant an accommodation if it would fundamentally alter the nature of its business operations. This scenario most often occurs when the requested accommodation is not related to housing. Last, a housing provider may refuse to grant an accommodation if there is no nexus between it and the individual’s disability. Even if a housing provider refuses to grant an accommodation, it should still take part in an interactive process with the resident in an attempt to find an alternate accommodation.

Who decides what is “reasonable”?

In the accommodation context, the term “reasonable” is specific in nature. A request is reasonable if it does not pose an undue burden on the housing provider, alter the housing provider’s business operations, or pose a direct threat to safety, and there is a nexus between the disability and the accommodation. The tenant is person best situated to determine what is reasonable. If the accommodation request is reasonable by that definition, then the housing provider must grant the accommodation.

What are my options if my housing provider refuses to grant my reasonable accommodation request?

If you believe your request for a reasonable accommodation has been wrongfully denied, then you may file an administrative complaint with the Department of Housing and Urban Development (HUD) or the California Department of Fair Employment and Housing (DFEH) within one year of the incident or file a lawsuit in federal district court within two years of the incident. For more information and guidance through the reasonable accommodation process, please contact Fair Housing Advocates of Northern California at (415) 457-5025 or fhanc@fairhousingnorcal.org.

Disclaimer: The opinions expressed in the above are those of Fair Housing Advocates of Northern California and do not constitute legal advice. The information is general in nature. No attorney-client relationship exists between yourself and Fair Housing Advocates of Northern California. Consult with a licensed attorney for specific advice.