

## **Know your rights! How to obtain accommodations for housing**

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The Fair Housing Act ("FHA") prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability. One type of disability discrimination prohibited by the FHA is the refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with disability an equal opportunity to use and enjoy a dwelling. Since rules, policies, practices and services may have a different effect on people with disabilities than on other persons, treating people with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy their home and its surrounding common areas. As such, a person with a disability may need a reasonable accommodation - a change, exception, or adjustment to a rule, policy, practice or service - in order to have an equal opportunity to use and enjoy a dwelling.

A housing provider is only obligated to provide a reasonable accommodation to a resident or applicant if a request for the accommodation has been made. While there is no particular manner or time that a reasonable accommodation request must be made, it is important that the request is made in a way that a reasonable person would understand it to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability. A person with a disability does not have to personally make the request, as a request for a reasonable accommodation can be made by a family member or someone who is acting on behalf of an applicant or resident with a disability. A reasonable accommodation request can be made orally or in writing, but putting it in writing is recommended.

A housing provider is required to make a reasonable accommodation *only if* it may be necessary to afford a disabled resident with an equal opportunity to use and enjoy a dwelling. To show that an accommodation may be necessary, there must be an identifiable relationship between the requested accommodation and the individual's disability.

A housing provider is entitled to obtain information to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information about the requester's disability or the disability-related need for the accommodation. If the requester's disability is known or readily apparent to the provider, but the need for the accommodation is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation. If the requester's disability is not obvious, a housing provider may request reliable disability-related information that (1) verifies that the person meets the FHA's definition of disability, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. Information provided by a resident or applicant must be kept confidential and not shared with anyone who is not related to the reasonable accommodation determination.

A request for a reasonable accommodation may be denied if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operation. When a reasonable accommodation request is denied by a housing provider because it is not reasonable, the housing provider and requester should discuss whether there are any alternative accommodations that would effectively address the requester's

disability-related needs. Housing providers have an obligation to provide prompt responses to reasonable accommodation requests and an undue delay in responding to a reasonable accommodation request can be considered to be a denial to the request.

If you believe you have been unlawfully denied a reasonable accommodation or if the accommodation provided to you by a housing provider is unacceptable, you can file a complaint with the U.S. Department of Housing and Urban Development (“HUD”) within one year of the alleged discrimination and HUD will investigate the complaint at no cost to the person with a disability.

It is important to remember that requests for reasonable accommodations are often fact-specific and evaluated on a case-by-case basis. If you have any questions related to obtaining accommodations for housing, please feel free to contact me at (305) 669-2822 or [rgoldstein@justdigit.org](mailto:rgoldstein@justdigit.org).