



# **Reasonable Accommodations & Reasonable Modifications in Housing Workshop**

# Disclaimer

1. Because this is a group presentation, please do not share any private or confidential information. There is no right of confidentiality for anything that is asked or discussed during this presentation.
2. The information presented **does not constitute legal advice** and is being presented for **informational purposes only**
3. No attorney-client relationship is formed between you and Disability Rights California.
4. If you have an individual and/or private question you want to ask, you may request a consultation.

# Disability Rights California

## California's protection and advocacy agency

DRC Protects and advances the rights of people with disabilities through

- Education & Trainings
- Advocacy Services
- Investigations
- Public Policy
- Litigation

Non-profit law firm

Not a government agency

# Equal Access and Housing (EAH)



- ▶ Team of advocates, attorneys, and support staff.
- ▶ We also work with social workers to help our clients.
- ▶ We provide:
  - Legal Services
  - Training & Outreach

# How EAH Can Help

- ▶ Outreach and education materials about tenants' rights
- ▶ Weekly workshops on common housing issues:
  - reasonable accommodations
  - eviction notices
  - assistance animals
  - habitability issues
  - housing authorities
    - register here: <https://www.disabilityrightsca.org/events>
- ▶ Free legal advice and social work resources on individual tenant issues

# Today's Goals

1. What are reasonable accommodations and reasonable modifications in housing?
2. How to ask for them
3. How to enforce your rights



# Legal Basis for Your Rights

# How is Disability Defined?

- ▶ Federal Law definition:

“a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”

- ▶ State law is broader, does not include word “substantially”

# Who has to comply with Fair Housing Laws?

## *\*Housing Providers\**

- ▶ Landlords
- ▶ Housing authorities
- ▶ Homeowner's associations
- ▶ People in real estate transactions (brokers, lenders, agents, etc.)
- ▶ Mobile home parks
- ▶ Licensed care facilities (including board and care homes and nursing homes)
- ▶ Residential hotels
- ▶ Homeless shelters
- ▶ Primary tenants ("master" tenants/sublessors)
- ▶ Sober living environments (unlicensed board and cares)



# What is a Reasonable Accommodation or Modification?



## Reasonable Accommodation

Change to a rule, policy, practice, service, or procedure when that is needed for a person with a disability to use or enjoy a home or a program

## Reasonable Modification

Change to an existing structure to give a person with a disability full use and enjoyment of a home.

# Why make requests for reasonable accommodations or modifications?

- ▶ To make your home more accessible and to meet your disability-related needs
- ▶ Do this in a legal way that doesn't put your housing at risk
- ▶ Make sure it's clear you are a protected person and are entitled to these changes
- ▶ Educate your housing provider
- ▶ To require that your housing provider respond
- ▶ To set up defenses if your landlord evicts you for not following the rules or making changes to the property

# Reasonable Accommodation or Modification?

1. Your lease agreement says “no animals allowed,” but you have an emotional support animal.
2. You have a visual impairment and need the leasing office to provide an apartment application in large print.
3. There are no assigned parking spaces at your apartment complex, but you need a space that is closer to your front door because of your disability.
4. You ask the property manager to install grab bars in your shower to help with your balance.
5. The housing authority gives you 60 days to find an apartment to use your Section 8 voucher. You need more time because you are having difficulty finding an accessible unit.

# Steps to Request a Reasonable Accommodation or Modification

## Step 1: Ask

In writing, state:

1. You are a person with a disability
2. The change you need
3. The link to your disability-related symptoms
4. A deadline to respond by
  - a "reasonable period of time"
5. Address to send response to

# Reasonable Accommodation Request Example

[Date]

[Full name of the Landlord and/or Property Manager]

[Email address or physical address of the Landlord and/or Property Manager]

Dear [name of the Landlord and/or Property Manager]

I live at/am applying to rent your property at [address]. I am writing to request the following reasonable accommodations/modifications for my disability:

- ▶ I am requesting to have access to the laundry room after hours. Currently it closes at 9 P.M. I am unable to access the laundry room on my own due to my mobility disability. My in-home supportive services worker does not arrive to assist me until 9:30 P.M. and the laundry room is locked then. I am requesting that you provide me with a key card that will allow her to enter and do my laundry for me when she is working.

This request is related to my disability because:

- ▶ As you are aware, I use a wheelchair for mobility and I cannot go up the stairs to the laundry room on my own, let alone carry my laundry up and down the stairs. My in-home supportive services worker aides me with this task.

My [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual] has deemed these accommodations/modifications necessary due to my disability. I can provide this verification if you need it.

Federal and state law require that a housing provider reasonably accommodate tenants/occupants and applicants who have disabilities.

Please respond to this request, in writing, by [date]. Please understand that failure to respond to a reasonable accommodation, undue delay in responding, or unlawfully denying a reasonable accommodation request constitutes disability discrimination. See Cal. Code Regs. tit. 2, § 12177(e). Feel free to contact me at [your e-mail address/phone number]. Thank you for your attention to this request.

Sincerely,

[Your name]

[Your address]

[DRC RA/RM letter template is available here](#)

# Reasonable Modification Request Example

[Date]

[Full name of the Landlord and/or Property Manager]

[Email address or physical address of the Landlord and/or Property Manager]

Dear [name of the Landlord and/or Property Manager]

I live at/am applying to rent your property at [address]. I am writing to request the following reasonable accommodations/modification for my disability:

- ▶ I am requesting to install at my own cost a light-blocking curtain over my balcony window.

This request is related to my disability because:

- ▶ Due to my disability, I am very sensitive to light. This causes me to become light-headed and experience uncomfortable disability-related symptoms. Currently, I am unable to use my living room because I am trying to avoid the on-set of these difficult symptoms. This is not allowing me to use and enjoy my housing the same way as people without my disability.

My [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual] has deemed these accommodations/modifications necessary due to my disability. I can provide this verification if you need it.

Federal and state law require that a housing provider reasonably accommodate tenants/occupants and applicants who have disabilities.

Please respond to this request, in writing, by [date]. Please understand that failure to respond to a reasonable accommodation, undue delay in responding, or unlawfully denying a reasonable accommodation request constitutes disability discrimination. See Cal. Code Regs. tit. 2, § 12177(e). Feel free to contact me at [your e-mail address/phone number]. Thank you for your attention to this request.

Sincerely,

[Your name]

[Your address]

[DRC RA/RM letter template is available here](#)

# Improve the Request

1. A tenant doesn't tell their landlord they need more than 24 hours' notice before the landlord enters because they figure the landlord knows they have cancer and should know they're immunocompromised.
2. A tenant delivers his reasonable accommodation request by yelling through the landlord's window.
3. A tenant with a service dog says they'll only pay half of the pet deposit because they have a disability-related need for a service dog.
4. A tenant tells her landlord she needs to pay her rent on the 7th of the month instead of the 1st.



## Step 2: Interactive Process

- ▶ Opportunity to discuss what you need in more detail and what the landlord can provide
- ▶ What is NOT the interactive process:
  - Asking for specific diagnosis or invasive questions
  - Ignoring or not responding
  - Just saying “no” without further communication
- ▶ If the disability is not apparent, the housing provider can ask for verification.

# Verification Letters

## Do Not Need to Be From a Doctor

List of people who can provide verification letters, 2 CCR §12178(g):

- ▶ A medical professional
- ▶ A health care provider, including the office of a medical practice
- ▶ A peer support group
- ▶ Non-medical service agencies or providers, such as In-Home Supportive Services or Supported Living Services providers
- ▶ Any other dependable 3rd party who knows about the disability or disability-related need for an accommodation or modification. This could even be a family member who is also your caregiver.

## Step 3: Enforce your Rights if Request is Denied

- ▶ Mediation
- ▶ Administrative Complaints
  - Civil Rights Department
  - US Department of Housing and Urban Development (HUD)
- ▶ Civil Lawsuits
  - [Learn about how to sue in small claims court for discrimination here](#)

# When Can a Landlord Say No?

## 1. Undue burden

- Financial or administrative burden
- Something that can be proven

## 2. Service not provided

- Fundamental alteration of the services
- Does the housing provider provide the service you're asking for?

## 3. Direct threat to health and safety

- Landlord must show no RA would be possible

# RA/RM Steps Summary

1. Make a written request
2. Interactive process resulting in housing provider response
3. Escalation and Enforcement
  - Mediation
  - Administrative Complaint
  - State or Federal Lawsuit

# DRC Publications & Resources

## **DRC Publication links**

[Housing Discrimination Based on Disability - Your Rights and Options](#)

[Housing Authorities, Section 8 Vouchers, & Housing Discrimination Based on Disability - Your Rights and Options](#)

[Reasonable Accommodation and Modification Requests in Housing: Verification Letters](#)

[Assistance Animals in Housing: Service Animals and Emotional Support Animals](#)

[A Guide to Small Claims Court: How to sue if a business or landlord discriminates against you because of your disability](#)

[DRC's Housing/Homelessness Resources page](#)

## **Additional DRC Resource links**

[Your Right to Reasonable Housing Accommodations \(Information & Video\)](#)

[Equal Access and Housing \(EAH\)](#)

 

- Home
- About Us
- What We Do
- Legislation
- Newsroom
- Resources**
- Events
- Get Help
- Contact Us
- Donate



### Resources

- Abuse and Neglect
- Assistance Animals
- Assistive Technology & Medical Equipment
- Businesses and Government Entities
- California Children's Services (CCS)
- Census
- Conservatorship
- Department of Rehabilitation (DOR)
- Disability-Related Discrimination
- Emergency Preparedness

## Housing/Homelessness

**Disclaimer:** These materials are based on the law at the time we write them. We try to update our materials; however, laws are regularly changing. If you want to make sure the law has not changed, contact us or another legal source.

Jun 1, 2020 | #7155.01

### Rights to Service and Emotional Support Animals in Housing and Public Places – FAQs

If you have a disability, are experiencing homelessness, and have a service animal, the law enables you to have it with you in public places and in your housing, including in homeless shelters.

[Read More >](#)

Sep 8, 2020 | 7159.01

# Consultations

To be eligible for a consultation, you must:

- 1) Be a person with a disability;
- 2) Have a question about a current reasonable accommodation/ modification issue;
- 3) Have attended this full presentation; and
- 4) The person with the legal issue must be present for the consultation.

If you meet all these requirements, please type into the chat that you would like to request a consultation.

- ▶ We may not be able to meet with everyone today. We will provide further instructions for those who would like a consultation that we are unable to talk with today.



## Contact Information

Intake Line:  
(800) 776-5746

Monday, Tuesday,  
Thursday, & Friday  
9:00 am-3:00 pm