

**REASONABLE
ACCOMMODATIONS
& MODIFICATIONS -
GUIDANCE FOR
RESIDENTS WITH
DISABILITIES**



Reasonable Accommodations & Modifications **for Residents Who Have Disabilities**

The Fair Housing Partners developed this guidebook to help rental applicants and residents, and members of condominiums and homeowner associations understand the reasonable accommodation and modification process. We hope you find this information helpful in working with rental management.

We also have other resources available in print and CD format:

- *Housing Discrimination & Your Civil Rights: Fair Housing Guide for Renters and Home Buyers*
- *Domestic Violence & Fair Housing*
- *Sample Policy for Housing Providers: Reasonable Accommodations & Modifications for People with Disabilities*

If you have questions about fair housing, contact your local civil rights agency for information.

Please share your comments about this guidance by contacting the King County Office of Civil Rights, 206-296-7592, TTY Relay: 711, or e-mail to Civil-Rights.OCR@KingCounty.gov.

FAIR HOUSING PARTNERS OF WASHINGTON STATE

Washington State Human Rights Commission
King County Office of Civil Rights
Seattle Office for Civil Rights
Tacoma Human Rights and Human Services Department
Fair Housing Center of Washington
Northwest Fair Housing Alliance

This information does not constitute legal advice. The fair housing laws regarding service animals vary depending upon jurisdiction. Please consult with one of the fair housing agencies if you have questions about this topic.

AVAILABLE IN ALTERNATE FORMATS UPON REQUEST
Contact King County OCR, 206-296-7592, TTY Relay: 711

WHO IS DISABLED?

The Washington State Law Against Discrimination (WLAD) defines disability to mean: the presence of a sensory, mental, or physical impairment that:

- Is medically cognizable or diagnosable, or
- Exists as a record or history, or
- Is perceived to exist, whether or not it exists in fact.

Under the WLAD, a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated. Local fair housing ordinances contain similar definitions.

REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS

An applicant or resident with a disability may need either a reasonable accommodation or a reasonable modification, or both, in order to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. See Appendix B for a list of common accommodations and modifications.

A **reasonable accommodation** is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to use and enjoy a dwelling, including public and common use areas. Examples of reasonable accommodations include:

- providing rental forms in large print
- providing a reserved accessible parking space near your dwelling
- allowing you to have a service animal in a "no pets" building
- permitting you to move to the ground floor if you have developed a mobility limitation.

A **reasonable modification** is a structural change made to a resident's living space or to the common areas of a community, which is necessary to enable a resident with a disability to have full use of and enjoyment of the housing. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples of reasonable modifications include:

- widening a doorway for a wheelchair user
- installing grab bars in a bathroom
- lowering kitchen cabinets to a height suitable for a wheelchair user
- adding a ramp and handrails to make a primary entrance accessible
- altering a walkway to provide access to a public or common use area.

Who Pays?

Accommodations – The rental housing provider, condominium or homeowner association is responsible for ensuring general access to the facility and meeting minimum accessibility standards. Most reasonable accommodations are no or low cost. The housing provider is required to bear accommodation costs that do not amount to an undue financial and administrative burden. Housing providers may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation or modification.

Modifications – Generally, the resident will bear the expense of making reasonable structural modifications to a property. However, if the property receives federal funds, the housing provider usually pays, unless there is financial and administrative hardship.

ACCOMMODATIONS & MODIFICATIONS PROCESS

MAKE A REQUEST

If you or a member of your household needs a reasonable accommodation or modification, the first step is to submit a request to your housing provider. If you are unable to make a request for yourself, another person (an advocacy organization or representative) can make the request on your behalf. The request does not need to disclose the nature of your disability. (see sample letters in Appendix C)

You can make as many requests for accommodations or modifications as you need, whenever you need them. Your housing provider should consider each request you make. A landlord or manager cannot require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

You can make verbal requests for accommodations; however, it is recommended that you make requests in writing, because this will help your housing provider to assess your request and to avoid misunderstandings about what you need. You do not have to write your request on any particular form.

In order for your housing provider to approve your request for a reasonable accommodation or modification, your request must be:

- for someone with a disability,
- directly related to the person's disability, and
- reasonable.

In your request, include a full description of the required accommodation. If you know of resources that will make it easier or quicker for management to grant your request, it can be helpful to include this information along with your request.

If your request is for permission to make a modification to the premises at your expense:

- Give a full description of the intended modification(s).
- Provide assurance that you will obtain building permits, if necessary.
- Provide assurance that the modifications will be done in a professional manner.

Requests for reasonable accommodations are generally granted without cost to you. However, in most cases, you must pay for reasonable modifications. In some cases, you will be asked to:

- Agree to return the premises to its original state, at your expense.
- Agree to pay into an interest-bearing escrow account, over a reasonable period, an amount of money not to exceed the cost of the restorations (the interest on the account accrues to you).

Example: You install bathtub grab bars with reinforcement in the wall. They may ask you to remove the grab bars when you move out, but leave the in-wall reinforcement.

PROVIDE VERIFICATION

Your housing provider may ask you to provide written verification that the person who needs the accommodation or modification has a disability. You may be asked to verify that the accommodation or modification is necessary for that person to have an equal opportunity to use and enjoy the housing community. You can get a verification letter from your healthcare provider or any other qualified third party.

If your disability and the need for the accommodation is obvious, you will not need to provide verification. Example: a resident who obviously has low vision asks for the tenancy rules in large print.

Whether in casual conversation or during the interactive process, sometimes you may reveal information about your disability, medical treatment, or details about tasks a service animal does. Your housing provider must keep this information confidential and not share it, except with management employees who need to make a decision to grant or deny a reasonable accommodation request.

DISCUSS YOUR REQUEST

Your housing provider may need to discuss your request with you. Sometimes the specific accommodation you request may be difficult, time-consuming or expensive to provide, and the housing provider may suggest alternate accommodations that might work just as well. If you believe the accommodation you have requested is the only one that will work, be prepared to explain why. Have a back-up plan in mind and be willing to discuss alternatives. Your housing provider should advise you if they decide not to fulfill your request, and offer an opportunity for you to make a modified request.

Your housing provider should evaluate each request on a case by case basis, in a timely and professional manner. They have an obligation to provide prompt responses to requests. If they delay responding to an accommodation request, after a reasonable amount of time the delay may be construed as a failure to provide a reasonable accommodation. You may then choose to seek legal assistance or to file a complaint with a fair housing agency.

The housing provider can:

- offer to move you to a different unit instead of you making a modification (but cannot insist that you move).
- require that a modification to a common area (or to the interior of the unit that will not need restoration) be done according to their design, if it imposes no additional costs and still meets your needs.
- require that whoever does the work on a modification is reasonably able to do so in a professional manner and obtain all necessary building permits.
- upon move-out, require you to restore interior dwelling areas to their previous condition where it is reasonable to do so. (In general, if the modification would not affect the next resident's use or enjoyment of the premises, you will not be asked to restore the premises to its prior state)
- (in certain limited and narrow circumstances) require that you deposit money into an interest bearing account to ensure that funds are available to remove modifications and restore the interior of a dwelling to its previous state.

The housing provider cannot:

- require you to use more costly materials for a modification in order to satisfy their aesthetic or unique design standards, unless the housing provider pays the additional costs.
- require that you obtain additional insurance or increase the security deposit as a condition of allowing an accommodation or modification.
- insist that a particular contractor perform modifications, but can require that the contractor be licensed, bonded, insured, etc.
- require that you restore modifications made to the exterior of a dwelling, such as ramps to the front door of the dwelling, or modifications made to laundry rooms or building entrances.

RESOURCES

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area listed in Appendix A. These agencies are able to provide technical assistance – they are a good information source for accommodation ideas, funding resources, access codes, etc.

For more information about your rights under fair housing laws, see www.hud.gov/offices/ftheo/FHLaws/yourrights.cfm.

FAIR HOUSING AGENCIES IN WASHINGTON STATE

The Federal Fair Housing Act, state and local fair housing laws exempt certain types of housing from coverage. For questions, contact each agency concerning the law that agency enforces.

U.S. Dept. of Housing & Urban Development Fair Housing 909 First Avenue Suite 205 Seattle, WA 98104-1000	Washington State Human Rights Commission 711 S. Capitol Way Suite 402 Olympia, WA 98504-2490	King County Office of Civil Rights Chinook Building 401 Fifth Avenue Suite 215 Seattle, WA 98104-1818	Seattle Office for Civil Rights 810 Third Avenue Suite 750 Seattle, WA 98104-1627	Tacoma Human Rights & Human Services Dept. 747 Market Street Room 836 Tacoma, WA 98402-3779
206-220-5170 800-877-0246 TTY 206-220-5185 Fax 206-220-5447	360-753-6770 800-233-3247 (in WA) TTY 800-300-7525 Fax 360-586-2282	206-296-7592 TTY Relay: 711 Fax 206-296-4329	206-684-4500 TTY 206-684-4503 Fax 206-684-0332	253-591-5151 TTY 253-591-5153 Fax 253-591-5050
www.hud.gov/local/sea/seafhome.html	www.hum.wa.gov	www.kingcounty.gov/civilrights	www.seattle.gov/civilrights	www.cityoftacoma.org/humanrights
<u>Protected Classes</u> Race Color National Origin Religion Sex Disability Familial Status	<u>Protected Classes</u> Race Color National Origin Creed Sex Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Veteran/Military Status	<u>Protected Classes</u> Race Color National Origin Religion Gender Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Age Section 8 Ancestry Use of a Service or Assistive Animal	<u>Protected Classes</u> Race Color National Origin Religion/Creed Sex Disability Parental Status Marital Status Sexual Orientation Gender Identity Age Section 8 Political Ideology Veteran/Military Status	<u>Protected Classes</u> Race Color National Origin Religion Sex Disability Familial Status Marital Status Sexual Orientation Gender Identity Age Ancestry Veteran/Military Status
File within 1 year <u>Jurisdiction:</u> United States	File within 1 year <u>Jurisdiction:</u> Washington	File within 365 days <u>Jurisdiction:</u> Unincorporated King County	File within 180 days <u>Jurisdiction:</u> City of Seattle	File within 1 year <u>Jurisdiction:</u> City of Tacoma
Fair housing laws prohibit retaliation – an act of harm by anyone against a person who has asserted fair housing rights (makes an informal discrimination complaint, files a civil rights complaint, or is otherwise involved in an investigation).				
NOTE: City of Bellevue investigates fair housing violations based on participation in the Section 8 Program. To file a complaint, contact Code Compliance, 450 110th Ave. NE, P.O. Box 90012, Bellevue, WA 98009, 425-452-4570, e-mail: codecompliance@bellevuewa.gov , web: www.bellevuewa.gov/reportproblem.htm .				
<u>These organizations advocate for fair housing, and provide training, education and outreach</u>				
Fair Housing Center of Washington 1517 S. Fawcett Avenue, Suite 250 Tacoma, WA 98402		253-274-9523 or 888-766-8800 (toll free) Fax 253-274-8220 www.fhcwashington.org		
Northwest Fair Housing Alliance 35 West Main Avenue, Suite 250 Spokane, WA 99201		509-325-2665 or 800-200-FAIR (in 509 area code) Fax 509-325-2716 www.nwfairhouse.org		

APPENDIX B - COMMON DISABILITY ACCOMMODATIONS & MODIFICATIONS

Under fair housing laws, housing providers must accommodate the disability-related needs of applicants and residents who have disabilities. A reasonable accommodation is an adjustment in rules, procedures or services that gives a person an equal opportunity to use and enjoy their dwelling and common areas. A reasonable modification is a change in a dwelling or common areas (usually at the resident's expense) that is needed to live comfortably and safely. Do not ask applicants or residents if they have a disability, for details about the condition, or to see medical records. If unaware of the person's disability status or need for the accommodation/modification, it is okay to ask for third-party verification that the person has a disability and that the request will address the person's disability needs. *

Vision Disabilities	Hearing Disabilities	Cognitive Disabilities	Physical Disabilities	Psychiatric Disabilities	Environmental Disabilities
<p>Allow a guide dog.</p> <p>Read notices aloud or put them in large print or in Braille.</p> <p>Provide ample interior and exterior lighting.</p> <p>Provide large print or Braille numbers on doors.</p> <p>Provide documents in electronic format.</p> <p>Remove objects that protrude into hallways and pathways.</p> <p>Put non-slip, color-contrast strips on stairs.</p>	<p>Provide a doorbell signaler.</p> <p>Provide a visual smoke alarm system.</p> <p>For phones in common areas, add voice amplification.</p> <p>Install a TTY in the rental office.</p> <p>Provide sign language interpreters for important meetings.</p> <p>Allow a service animal.</p>	<p>Explain the rental agreement and tenancy rules.</p> <p>Write application, rental agreement and notices in clear, simple terms.</p> <p>Show how to use appliances.</p> <p>Provide simple door locks or security systems.</p> <p>Provide a monthly reminder that the rent is due.</p> <p>Show location of the water shutoff valve and explain when to use it.</p>	<p>Make sure the on-site rental office is accessible.</p> <p>Allow a live-in personal care attendant.</p> <p>Provide lever door handles and automatic door closers.</p> <p>Clear shrubs from pathways and trim to low height.</p> <p>Insulate exposed kitchen and bathroom pipes.</p> <p>Install anti-skid tape on floors and stairs.</p> <p>Upon request, move resident to a lower floor.</p> <p>Allow modifications:</p> <ul style="list-style-type: none"> ▪ wider doorways ▪ ramps ▪ grab bar installation ▪ lower closet rods ▪ lower thermostat. 	<p>Move a resident to a quieter unit, upon request.</p> <p>If an applicant misses a deadline because of the disability, return the application to the waiting list upon request.</p> <p>Allow a service animal.</p> <p>Allow a third party payee.</p> <p>Upon request, notify an authorized third party of compliance issues.</p>	<p>Use non-toxic fertilizers and cleaning products.</p> <p>Allow removal of carpet from the rental.</p> <p>Remove the ballast on fluorescent lights.</p> <p>Post "no smoking" signs in common areas.</p> <p>Consider a "no smoking" rule for an entire building.</p>

* The documentation that can be requested is a letter of verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability and the need for reasonable accommodation. For more information, see the joint HUD and Dept. of Justice guidance memo on reasonable accommodations online at www.usdoj.gov/crt/housing/joint_statement_ra_5-17-04.pdf.

APPENDIX C - ACCESSIBLE PARKING

Resident Parking – If parking is provided for residents, it is a reasonable accommodation to provide reserved accessible spaces for residents with disabilities.

- The standard accommodations process can be used for accessible parking requests. If a resident has a state disabled parking permit, this is generally sufficient proof of the need for a reserved accessible parking space.
- Many people who need an accessible parking space don't need an extra-wide space with an access aisle – they often need only a regular-size parking space nearest to their front door or on the most accessible route to the front door. Discuss your specific parking needs with your housing provider.
- Even if parking spaces are not normally assigned, a reserved parking space should be provided to a resident with a disability.
- The housing provider should post a sign at the head of the parking space noting that the spot is reserved, so that others do not park there. Vendors should be alerted that these spaces are off-limits.
- Housing providers should strictly enforce a resident's reserved accessible parking space, and be prompt in responding to complaints when others park there.

Guest Parking – If guest parking is provided near the rental office, some of those spaces must be accessible.

- Housing providers should locate at least one accessible guest parking space near an on-site rental office, with an accessible route from the parking to the office.
- Guest parking is subject to ADA Title III rules, which require that at least 2% of all guest spaces in each lot meet access requirements and be designated with appropriate signage. These spaces must be at least 96" wide and must have an adjacent access aisle at least 60" wide. An access aisle can be shared between two accessible parking spaces. At least one of these spaces must be van accessible, with a 96" access aisle. Vendors should be alerted that these spaces are off-limits.
- Housing providers should strictly enforce accessible guest parking spaces, and be prompt in responding to complaints when others park there.

Cooperative housing and condominiums – Sometimes a governing board or owners group has only limited control over parking spaces. Boards should assist within their means to the person seeking a parking accommodation. If another resident owns the desired space, the two owners can negotiate a swap.

APPENDIX D - SERVICE ANIMALS

When an applicant or resident who has a disability requests to live with a service animal, the usual accommodation process can be used. It is a reasonable accommodation to allow residents to live with service animals that meet their disability-related needs.

- Service animals are **not** pets. A person with a disability uses a service animal as an auxiliary aid – similar to the use of a cane or wheelchair.
- Fair housing laws require that service animals be permitted despite "no pet" rules.
- While the most common service animals are dogs, they may include cats, birds, or other common domestic animals. "Companion" animals are considered to be service animals, if they are required to meet a disability-related need.
- Service animals may be any breed, size or weight. A housing provider should not apply pet size or weight limitations to service animals.
- Service animals need no special license or visible identification. Some owners of service animals choose to put special collars or harnesses on their animals. If city or county laws require pet licenses for dogs and cats, rental management can require licensing for service dogs or cats. In some cases, such licenses are free or discounted for service animals.
- Service animals need no "certification." A person may train his or her own service animal.
- Housing providers should not charge owners of service animals any pet deposits or fees. They can charge general cleaning or damage deposits, if all residents are similarly charged. The service animal's owner is responsible for the animal's care and liable for any damage the animal causes.
- Because service animals provide different types of assistance, in some cases a person with a disability may require more than one service animal.

For more information, see the Sample Policy on Service Animals available from the Fair Housing Partners of Washington State.

APPENDIX E - SAMPLE LETTERS FOR RESIDENTS

NOTE: You are not required to disclose the exact nature of your disability with the landlord, manager, condo board or homeowner association. However, you may share that information if you wish and if you believe it will assist them in providing you with reasonable accommodations.

REASONABLE ACCOMMODATION REQUEST – ACCESSIBLE PARKING

Dear Manager:

I live at the Evergreen Apartments at 123 N. Main in unit #A-1. I (or a member of my household) have a mobility disability and use a Washington state disabled parking permit. I have enclosed a photocopy of my state parking permit.

As an accommodation for my disability, I request that you provide me with a reserved accessible parking space nearest to the front door of my unit. I need a regular size parking space with no extra access aisle. I believe that the parking space at the end of the row nearest the mailboxes on the north side of Building 3 would be the best spot for me to access my apartment unit.

Please respond in writing to my request for a reasonable accommodation within a week.

I look forward to your response and appreciate your attention to this matter.

Sincerely, (resident name)

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REASONABLE ACCOMMODATION REQUEST – LARGE PRINT

Dear Manager:

I live at the Evergreen Apartments at 123 N. Main in unit #A-1. I (or a member of my household) have low vision and need written materials in large print form (at least 20 point type).

As an accommodation for my disability, I request that you provide me with a large print copy of the lease, tenancy rules, safety rules, resident notices, and other printed materials given to residents or posted on the grounds.

Please respond in writing to my request for a reasonable accommodation within a week. I look forward to your response and appreciate your attention to this matter.

Sincerely, (resident name)

REASONABLE ACCOMMODATION REQUEST – SERVICE ANIMAL

Dear Manager:

I live at the Evergreen Apartments at 123 N. Main in unit #205. I (or a member of my household) am a person with a disability.

Our building's rules state a "no pets" policy. Because of my disability, a doctor has prescribed a service animal to assist with my daily living.

I am requesting that you make a reasonable accommodation in the building's rules to permit me to have a service animal in my apartment. My service animal is a golden Labrador retriever.

Please respond in writing to my request for a reasonable accommodation within a week. I look forward to your response and appreciate your attention to this matter.

Sincerely, (resident name)

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REASONABLE MODIFICATION REQUEST

Dear Manager:

I live at the Evergreen Apartments at 123 N. Main in unit #A-1. I (or a member of my household) use a wheelchair.

As a reasonable modification for my disability, I request your permission to install grab bars in the bathroom of my unit, near the toilet and inside the bath stall, at my expense. I intend to hire Able Carpenters Company to do the installation, which will include wall reinforcement to current state building codes. Joe Johnson at ACC is willing to discuss this project with you, show you the blueprints and discuss any concerns you may have.

If you wish, I will have the grab bars removed when I vacate my unit.

Please respond in writing to my request for a reasonable modification within ten days. I look forward to your response and appreciate your attention to this matter.

Sincerely, (resident name)

**APPENDIX F - GUIDANCE FOR HEALTH CARE
AND QUALIFIED PROFESSIONALS:
Verifying Reasonable Accommodation and Modification Requests**

Dear Health Care Provider or Qualified Individual:

Fair housing laws allow an individual who has a physical, mental, or sensory disability to request that a housing provider grant him/her a reasonable accommodation (a change in rules, policies, or practices) or reasonable modification (a structural change to a dwelling). Once an applicant or resident has made a request, a housing provider may ask that the person obtain written verification of disability and/or verification of the need for the accommodation, if not obvious or known.

Verification of disability or need may come from a medical professional, peer support group, non-medical service agency, or a reliable third party who is in a professional position to have knowledge about the person's disability and/or need for accommodation. The verification should state that the person meets the fair housing definition of disability and that the requested accommodation is necessary and is related to the disability.

For the purposes of requesting a reasonable accommodation or modification in housing in Washington state, **disability is defined as “the presence of a sensory, mental, or physical impairment that: (i) is medically cognizable or diagnosable or (ii) exists as a record or history or (iii) is perceived to exist whether or not it exists in fact.”** Additionally, “a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated ... or whether or not it limits any other activity....” (RCW 49.60.040)

The verification should include the following items:

- I. **Qualification of person** writing the verification letter.
- II. **Nature of relationship** the professional has with the person making the request.
- III. **Statement that** the person has a disability that meets the state definition above.

Important Note: Revealing a diagnosis puts an individual at risk of additional discrimination. Before naming a specific diagnosis or category of disability, obtain the person's informed consent.

IV. **Describe how the accommodation or modification requested is necessary** to afford the person the equal opportunity to access housing, maintain housing, or for full use and enjoyment of the housing or housing related service. Because housing providers must make only those accommodations or modifications that are necessary, **be sure to use words like: “necessary,” “essential,” “prescribed”; when describing that the condition creates a need for the accommodation or modification.** The role of the verifier is to establish that the need derives from the disability.

Sample Verification Letter
for Reasonable Accommodation or Modification

Re: John Smith's request for a reserved accessible parking space adjacent to his apartment.

Please accept this correspondence as verification that:

- I. I am a _____ licensed medical doctor _____.
- II. I have treated John Smith since May 2005 for a disability-related condition.
- III. John Smith is a person with a disability as defined by the Washington Law Against Discrimination (RCW 49.60).
- IV. Designating a reserved accessible parking space adjacent to his apartment is necessary to afford Mr. Smith the opportunity to access and fully use and enjoy his home.

Please approve John Smith's request for _____ a reserved accessible parking space adjacent to his apartment.

Signature: _____ *Dr. Leon Jones* _____

Printed Name: _____ Dr. Leon Jones _____

Professional Title: _____ Medical Doctor _____

Name of Clinic, Hospital, Agency, etc.: Seattle Hospital _____

Address: _____ 500 First Avenue, Seattle, WA 98101 _____

Phone Number: _____ 206-555-1212 _____

Fax Number: _____ 206-555-1234 _____

Date: _____ May 1, 2012 _____