

Request for Reasonable Accommodation/Modification

Housing providers are required to make a reasonable accommodation in their rules, policies, practices and procedures, and to allow reasonable modifications (changes to the physical structure) for individuals with disabilities, whether or not they are service-connected. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common areas? This is not determined by the housing provider but by the individual; however, confirmation from a qualified third party may be requested.
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider? For a modification, this may only be considered if the housing provider receives federal financial assistance.
- Would the requested accommodation require a fundamental alteration in the nature of the program?

Under no circumstances may a housing provider ask about the nature or severity of the disability. Housing providers may request information about the relationship between the person's disability and the need for the requested accommodation or modification.

Providers may ask questions that clarify what it is about the rule, policy, practice or procedure that serves as a barrier or whether there are alternatives that would work for the person with a disability. This may enable providers to offer an alternative solution if the requested accommodation is an administrative and financial hardship or would fundamentally alter the nature of a provider's operations.

Additional Protections for Servicemembers and Veterans

In addition to the Fair Housing Act's prohibition on housing discrimination, other laws protect a variety of civil rights for servicemembers and veterans. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects servicemembers from workplace discrimination based on their military status, and it requires employers to place servicemembers back to work in their civilian jobs after military service. The Servicemembers Civil Relief Act (SCRA) relieves servicemembers of some civil obligations, such as certain types of evictions and foreclosures, while they are on active duty. Further, the Americans with Disabilities Act (ADA) protects servicemembers and veterans with disabilities from discrimination in employment and public accommodations. For more information, visit www.servicemembers.gov.

For more information or to file a housing discrimination complaint, contact The Southwest Fair Housing Council (SWFHC) at:

1-888-624-4611

520-798-1568

602-218-6491

Relay Friendly

www.SWFHC.org



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FAIR HOUSING RIGHTS OF SERVICEMEMBERS AND VETERANS



HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on additional protected classes, including military status.

The Fair Housing Act applies to a wide variety of housing-related transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of a protected class.

This brochure provides information about the fair housing rights of veterans and others with disabilities. Census data indicate that 19.6 million military veterans reside in the United States. Approximately 28 percent of veterans have disabilities and nearly 20 percent of veterans have service-related disabilities. This brochure also includes information about reasonable accommodations and reasonable modifications that may be required to enable persons with disabilities to use and enjoy a dwelling.

Housing discrimination is against the law.
The only way to stop discrimination is to report it.



COMMONLY ASKED QUESTIONS AND ANSWERS

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

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or being regarded as having such an impairment. For example, Posttraumatic Stress (PTS) is considered a disability under the Fair Housing Act.

Unlike program eligibility requirements defined by the Social Security and Veterans Administrations, under the Fair Housing Act, the type of disability or degree of severity is not at issue. What matters is whether the disability, of whatever type, affects a person's ability to perform major life activities. For veterans, it does not matter whether the disability is service-connected.

The Fair Housing Act's disability protections do not extend to persons whose tenancy would constitute a direct threat to the health or safety

of others. A general wariness of a person with a disability is insufficient to constitute a "direct threat;" rather, the threat must be specific and particularized.

What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents or potential residents with disabilities. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident with a disability.

Under the Fair Housing Act, housing providers have an obligation to accommodate persons who, because of their disability, require service dogs or other types of assistance animals to perform tasks, provide emotional support, or alleviate the effects of their disabilities.

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider's operations, determined on a case-by-case basis. When a housing provider refuses a requested accommodation for one of these reasons, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.

What is an "assistance animal" under the Fair Housing Act?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons who have a disability-related need for such support. The Fair Housing Act does not require an assistance animal to be individually trained or certified. While dogs are the most common type of assistance animal, other animals may also be assistance animals.

Assistance animals under the Fair Housing Act are sometimes referred to as "service animals," "assistive animals," "support animals," "therapy animals," "emotional support animals," or "companion animals."

What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person

with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes. Section 504 of the Rehabilitation Act of 1973 may require housing providers that receive federal funds to pay for reasonable modifications.

May a housing provider ask for details or proof that I have a disability?

A housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. The housing provider may request that the individual provide reliable disability-related information which verifies that the person meets the Act's definition of disability, describes the needed accommodation, and shows the relationship between the person's disability and the need for the accommodation. Information may—but need not—include proof that the individual receives Supplemental Security Income or Social Security Disability benefits. It may also include a written statement from a licensed medical or social service professional or other reliable third party stating that the applicant/resident qualifies as an individual with a disability. The housing provider may not require an independent medical review of the individual's disability, nor may it require that only specific professionals, like doctors, provide the proof of disability. Further, the housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability or for a copy of the individual's medical records or list of medications.

Am I entitled to reasonable accommodations and reasonable modifications in federally-assisted housing?

Yes. Section 504 of the Rehabilitation Act of 1973 requires federally-assisted housing programs, including the HUD-VASH program, to make reasonable accommodations and modifications for veterans with disabilities. Common accommodations in federally-assisted housing programs include allowing tenants with HUD-VASH vouchers to extend the allotted time to search for an apartment or considering a request to port a voucher to another locality if a move is necessary for a tenant with a disability. Other accommodations include granting a voucher for a larger unit to allow a live-in aide to assist a person with a disability and allowing a tenant to terminate a lease early, without penalty, if there is a nexus between need to terminate and the disability.