



## **FAIR HOUSING**

### **REASONABLE ACCOMMODATIONS AND MODIFICATIONS IN PRIVATE RENTAL HOUSING**

#### **WHAT IS AN ACCOMMODATION?**

**An accommodation is a change or an exception to a rule so that a person with a disability has the same opportunity to use and enjoy a dwelling as anyone else.**

A landlord must make reasonable accommodations to any rules, policies, practices, or services, when necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.

“Reasonable” means practical and feasible.

#### **Examples:**

- Giving a reserved parking space close to the apartment of a person with a mobility impairment.
- Allowing a service animal to a person with a disability despite a no-pets policy.
- Waiving a rule against non-tenants using the laundry room to allow a family member to do a tenant’s laundry.
- Allowing a person with a mobility impairment to communicate in writing or over the telephone rather than meeting in person.

#### **WHAT IS A MODIFICATION?**

**A modification is any type of physical change made to a dwelling so that a person with a disability can use the dwelling.**

A landlord must allow a person with a disability to make reasonable modifications to rented or leased property at his/her own expense if these changes are necessary for the person with a disability to fully enjoy the property.

A modification is “reasonable” if, after you move out, the unit is acceptable to the next renter *either* because the change won’t bother the next renter, *or* because you will undo the modification when you leave.

#### **Examples:**

- Lowering a light switch.
- Widening doorways.
- Building a ramp.

#### **WITH REGARD TO A MODIFICATION, A LANDLORD CANNOT:**

- Refuse to allow a renter to make a reasonable modification at his or her own expense.
- Require a larger deposit for a dwelling from a person with a disability than is customarily required from a person who does not have a disability.

## **WITH REGARD TO A MODIFICATION, A LANDLORD MAY REQUIRE:**

- The renter to provide the landlord with a description of the proposed modifications.
- That modifications be performed in a professional manner, and that all necessary building permits are obtained.
- Where reason exists, that altered property is restored to its original condition upon the departure of the premises, *except* for reasonable wear and tear.
  - Examples of required restoration:
    - Re-hang a door;
    - Re-install cabinets;
    - Raise kitchen countertops to original height.
  - You do NOT need to restore modifications that do not affect the next tenant, such as widened doorways.

## **MODIFICATIONS TO COMMON USE AREAS OR THE OUTSIDE OF A DWELLING:**

**Areas of common use or public areas, such as hallways, lobbies, recreation areas, and passageways between buildings should be readily accessible and usable by persons with disabilities.**

It is the landlord's obligation to make modifications to make common areas accessible to persons with disabilities. An example of a common use area modification would be the installation of a ramp into the mailroom so that it is wheelchair accessible.

## **REQUIREMENTS FOR NEW BUILDINGS:**

**New multi-family housing with four or more units, built for the first occupancy after March 13, 1991, must be accessible. In buildings without elevators, only ground-floor units must be accessible.**

“Accessible” means:

- Public and common use areas must be accessible to persons with disabilities.
- Doors and hallways must be wide enough for wheelchairs.
- All dwelling units must have an accessible route into and throughout the unit, accessible light switches, electrical outlets, thermostats and other environmental controls, reinforced bathroom walls to allow later installation of grab bars, and kitchens and bathrooms that can be used by people who use wheelchairs.

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