

RENTER'S HANDBOOK ON REASONABLE ACCOMODATIONS

Do you or someone you live with have a disability? Are you unable to get approved for housing because of a rental barrier in your past that was caused by a disability? Is there something about your current housing that is difficult for you to manage because of your disability? Are you being asked to move out because of something that happened related to your disability?

If you answered yes to any of these questions, you may be able to ask your landlord or prospective landlord to change their rules, policies, or even the physical features of the housing so that you can get into housing, more fully enjoy your housing, or in some cases, avoid eviction. These changes are called “reasonable accommodations.” Reasonable accommodations help ease the effects of your disability.

This packet contains:

1. Overview of fair housing laws and reasonable accommodations.
2. Sample reasonable accommodations letter.
3. Sample provider verification letter.

OVERVIEW OF FAIR HOUSING LAWS AND REASONABLE ACCOMODATIONS

What are fair housing laws?

- Fair housing laws are laws that prohibit discrimination in housing on the basis of someone's protected class. Under federal law, the protected classes are race, color, religion, sex, national origin, familial status (whether you have children or not), and disability. Oregon state law adds the additional protected classes of marital status, source of income, sexual orientation, and status as a victim of domestic violence, stalking or sexual assault.
- This handout focuses on one way in which fair housing laws protect individuals with disabilities.

What is housing discrimination?

- In some situations, discrimination occurs when individual or a group of people is treated differently than other people under the same or similar circumstances. For example, discrimination occurs when a landlord changes a higher security deposit for someone in a wheelchair than someone not in a wheelchair.
- In other situations, discrimination can occur when a landlord refuses to make reasonable changes (or accommodations) that would help a disabled person get into housing, avoid eviction or enable the person to fully enjoy his or her home.

Who is considered to be a person with a disability according to fair housing laws?

- Disability under state and federal fair housing law means a "physical or mental impairment that substantially limits an individual in one or more major life activities."
- Examples of major life activities include, but are not limited to: seeing, walking, climbing, standings, lifting, hearing, speaking, breathings, thinking, concentrating, interacting with others, learning, and self-care.
- Alcoholism or a history of drug use/addiction is considered a disability. Current users of illegal drugs are not considered to be disabled.

What is a reasonable accommodation?

- The laws that make housing discrimination illegal require landlords to make reasonable changes or "accommodations" in rules, policies, practices or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common area.

- In other words, fair housing laws require that landlords make reasonable changes so that renters with disabilities can get into housing if a rental barrier is caused by a disability, enjoy their homes and avoid eviction if the reason for the eviction is related to a disability.

When can I request a reasonable accommodation?

- You can request a reasonable accommodation at any time including when you are applying for housing, during your tenancy, and to prevent eviction.

How do I get a reasonable accommodation?

- You must ask for it.
- It's really important that you ask for it in **writing**, and keep a copy for yourself. You should also ask that your landlord respond to your request within a specific amount of time in writing.
- Your landlord may have a specific form they want you to use. The landlord can not require you to use their form and they shouldn't ignore your request if you don't use their form.

What do I include in my reasonable accommodation request?

- You need to include the following:
 - That you have a disability covered under fair housing laws. But you DO NOT have to tell your landlord specifics of your disability or give a full copy of your medical history.
 - That an accommodation is necessary; and
 - That the particular accommodation you are proposing will help you overcome the effects of your disability.

Can my landlord ask for proof of my need for an accommodation?

- Yes, a landlord or housing providers can ask you to provide documentation from a professional stating that you have a disability and that your requested accommodation is necessary because of your disability.
- This documentation should be given to the landlord or housing provider in writing. These letters are often called "disability verification letters."
- The professional should know about your disability and your needs. The professional doesn't have to be medical provider.

- Examples of individuals who can provide a disability verification letter include: Physicians, counselors, social service providers, religious leaders, case managers, psychologists.

What should be included in the disability verification letter?

- The disability verification letter should include the following:
 - Describe the professional's qualification.
 - Describe the nature of the relationship the professional has with the person.
 - Include a statement explaining that the person needing the accommodation has a disability as defined by fair housing laws.
 - Describe how the accommodation is necessary to afford the person an equal opportunity to access housing, maintain housing, or fully use and enjoy the housing. Reasonable accommodations must be necessary, so be sure the letter uses words like "necessary" or "essential."

Can a landlord deny a reasonable accommodation?

- Yes, but only if at least one of the three reasons apply:

1. The request isn't related to your disability.

Example: *If you have bad credit from unpaid credit cards, but your unpaid bills don't relate to your disability, then it would not be reasonable to ask your landlord to waive its credit score requirement when you are applying to be a tenant. However, if you have bad credit from unpaid medical bills that are a result of your disability, then it may be possible to require that the landlord waive its credit score requirement.*

2. The request isn't reasonable because granting the request would cause an undue financial or administrative burden for the landlord or housing provider.

Example: *Asking your landlord to waive rent because your disability payments arrive after rent is due is not reasonable. Waiving rent would cause an undue financial burden. But, it could be reasonable for a landlord to accept rent a few days late if your disability payments arrive after rent is due.*

3. The request isn't reasonable because granting the request would fundamentally alter the nature of housing being offered.

Example: *Asking a landlord to take care of a pet for a tenant with a mental illness who cannot take care of the pet himself is not reasonable. It would fundamentally alter the nature of housing being offered since the landlord is not the business of dog sitting.*

4. The request isn't reasonable because it would create a direct threat to the health and safety of other individuals or substantial physical damage to the property of

others. However, the landlord or housing provider must have recent objective evidence of the possible threat to deny a request on this ground.

Example: Asking a landlord to approve an assistance animal that has bitten your old neighbor. The landlord or housing provider can require you to get a different assistance animal because the current one poses a direct threat to others.

If my landlord denies my request because he/she thinks it's not reasonable, what happens then?

- If your landlord denies your request because it's not reasonable, he or she needs to explain why it's not reasonable (see question 10 above).
- Your landlord should discuss with you whether there is an alternative accommodative that could meet your disability related needs without causing an undue financial, administrative burden, or posing a direct threat.
- If an alternative accommodation would effectively meet your disability-related needs and is reasonable, your landlord should grant it.
- You may file a discrimination complaint at any time if your landlord refused to grant your request and you have provided sufficient proof of you need for an accommodation. See below for more information.

What if my accommodation costs my landlord money?

- An accommodation that costs a landlord some money is okay, as long as it doesn't cause an undue financial burden. Factors to consider to determine whether a request will cause an undue financial burden are:
 1. Your landlord's financial resources;
 2. The cost of the reasonable accommodation;
 3. The benefits to you if the request is granted; and
 4. The availability of other, less expensive accommodations that would meet your disability related needs.

Can my landlord charge an extra fee or require an additional deposit as a condition of granting my reasonable accommodation?

- No. Landlords may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

What if my landlord ignores my request?

- Your landlord should not ignore your request for an accommodation.
- If you don't get a response from your landlord within a reasonable time after submitting your request, consider sending the request again along with a letter in writing stating that you have not received a response and expect a response by a set time.
 - There's no definition in the law of a "reasonable time," but depending on the nature of your request, the landlord should respond within 14 to 30 days.
- If your landlord ignores your request, you may have a claim for discrimination under fair housing laws. See below for more information.

What you can do if you were denied a reasonable accommodation request?

- If you have been denied a reasonable accommodation, you may have a legal claim against your landlord. You must bring your legal claim for housing discrimination within a certain amount of time. You might either file an administrative complaint within one year or file a lawsuit within two years.
- If you have been denied a reasonable accommodation request, you should contact an attorney to learn more about your rights. Some options include:
 - Oregon State Bar Lawyer Referral Services at 1-800-452-7636.
 - Legal Aid Services of Oregon provides free legal assistance for low-income individuals. If you live in Multnomah, Clackamas, Hood River, Wasco, or Sherman County, you can call Legal Aid at 503-224-4086. For information for other Oregon locations, visit: <http://oregonlawhelp.org/resource/oregon-legal-aid-offices>
- Contact the Fair Housing Council of Oregon ("FHC") at 503-223-8197.
- File a complaint with the state or federal government agency charged with enforcing fair housing laws.
 - Oregon Bureau of Labor and Industries (BOLI).
800 NE Oregon St., Suite 1045
Portland, OR 97232
Phone - For English: 971-673-0764 / For Spanish: 971-673-2818
 - Federal Department of Housing and Urban Development (HUD).
909 First Avenue
Seattle, WA 98104
Phone: (800) 877-0246
https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

REASONABLE ACCOMMODATION REQUEST

Date: _____

To: _____

From: _____

RE: Reasonable Accommodation Request

Dear [Housing provider] _____,

I, _____, am requesting a reasonable accommodation under the Fair Housing Act due to a disability.

The specific accommodation I am requesting is:

I appreciate your consideration of this requested accommodation and ask for a written response within 10 days from the date of this letter. If I do not receive a reply, I will assume that you have denied my request.

Sincerely,

_____ (your name)

Sample Verification Letter for Reasonable Accommodation

Date: _____

Name of Professional (therapist, physician, psychiatrist, rehabilitation counselor)

Address

City, State Zip

Dear _____ (Landlord /Housing Provider):

_____ (full name of tenant) is my patient, and has been under my care since _____. I am familiar with his/her history and with the functional limitations imposed by a disability. He/she meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

As a reasonable accommodation _____ (name of tenant) will need:

(give detail of requested accommodation—examples: 1) a first floor apartment without stairs; 2) an emotional support dog; or 3) additional time to move).

We are requesting this accommodation in order to help alleviate the symptoms of my patient's disabilities and to enable him/her to have equal access to enjoy.

Sincerely,

Name of Professional

(Contact Information)