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Your Right to Reasonable Accommodations in Rental Housing

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What is the Fair Housing Act?

The Fair Housing Act is a set of federal civil rights laws originally passed by Congress in 1968 that protect everyone from discrimination in housing. One of the protections the Fair Housing Act created is the right for people with disabilities to get reasonable accommodations from their landlord.

What is a reasonable accommodation?

A reasonable accommodation is any change that is made to a landlord's usual rules in order to give a person with a disability an equal opportunity to use and enjoy their home. There are many examples of reasonable accommodations. Some common examples include A person with a disability living with an assistance animal, even if the landlord otherwise has a "no pets" rule A tenant with a disability being given a specific accessible parking spot when the landlord does not have a policy of assigning spots A person who receives their SSI or SSD benefit after the 1st of the month paying rent in the middle of the month when it is otherwise due on the 1st

How do I ask my landlord for a reasonable accommodation?

Either you or someone speaking on your behalf can ask your landlord for a reasonable accommodation at any time. You do not need to use the words "reasonable accommodation," but you should be clear that you are asking for a change in the rules for a reason related to your disability. It is also a good idea to make your request in writing and to keep a copy of the correspondence with your landlord for your own records.

What kind of information can my landlord ask me for?

Your landlord is allowed to ask you for certain information about why you need a reasonable accommodation, but you do not need to give your landlord your medical records. Instead, you should be ready to give your landlord a letter from a health care provider explaining that you have a disability and how the reasonable accommodation you need is related to your disability.

What else should I know?

Your landlord can deny your request if it creates an unreasonable burden on them or if the accommodation creates an unavoidable direct threat to the health and safety of others. Otherwise, it is unlawful for your landlord to deny your request for a reasonable accommodation that you have shown you need. If your landlord does have a reason to deny your request, they should discuss alternative solutions with you. Your landlord cannot charge you any extra fees because of your request. However, your landlord is allowed to charge you for any damages you cause to the property, just like they would with any other tenant.

If your landlord denies or ignores your request for a reasonable accommodation, you can contact the Fair Housing Enforcement Project at Legal Assistance of Western New York, Inc. by calling 1-866-671-3247.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

Last Reviewed Date: Feb. 2023

Last updated on June 28, 2024.

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