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Your Right to Reasonable Modifications 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 modifications from their landlord.

What is a reasonable modification?

A reasonable modification is any change that is made to the physical structure of housing in order to ensure that a person with a disability has an equal opportunity to use and enjoy their home. Reasonable modifications can be made to both the inside and outside of a home. Common examples of reasonable modifications include

- Making a doorway wider so that a wheelchair can fit through it
- Putting grab bars in a bathroom
- Adding a ramp to the entrance to a building to make it wheelchair-accessible
- Lowering cabinets and appliances in a kitchen to make them usable for a person who uses a wheelchair

How do I ask my landlord for a reasonable modification?

You or someone speaking on your behalf can ask your landlord for a reasonable modification at any time. You do not need to use the words "reasonable modification," but you should be clear that you are requesting a change to the physical structure of your home to make it usable for you. It is a good idea to make your request in writing and keep a copy of the correspondence with your landlord for your personal records.

What kind of information is my landlord allowed to ask me for?

Your landlord is allowed to ask you for certain information about why you need a reasonable modification, 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 modification is related to your disability.

Before granting your request for a modification, your landlord is also allowed to ask you for a description of the modification. Your landlord may also require that you get any necessary building permits for your modification.

What else should I know about reasonable modifications?

Unless you live in housing that is funded by the federal government, it will be your responsibility to pay for the cost of making the modification.

When you move out, your landlord is allowed to ask you to pay for the cost of restoring the property to the way it was before the modification only if the modification was done to the inside of the property and it affects the way future tenants use the property. In some cases, your landlord may also be able to require that you put money in a special bank account to make sure there are funds to restore the property when you leave.

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

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.

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