



REASONABLE ACCOMMODATIONS IN HOUSING

WHAT IS A REASONABLE ACCOMMODATION?

A reasonable accommodation is a change in a landlord's usual rules, policies, or practices that is necessary and reasonable for a tenant with a disability to fully use and enjoy the housing.

Example: An apartment building has a no-pets rule. However, a tenant with difficulty seeing due to their disability, needs a guide dog to live with them. The landlord must allow the tenant's guide dog to live with the tenant, even though the general rule is that the landlord does not allow tenants to have pets in their apartments.

WHAT IS A DISABILITY?

A disability is a physical or mental impairment that limits one or more major life activities. Examples of major life activities include: seeing, hearing, walking, breathing, speaking, or performing manual activities.

WHO MUST PROVIDE REASONABLE ACCOMMODATIONS?

All landlords, except for a landlord who is renting out only one room in the home where the landlord lives. The Housing Authority and other providers of housing services must also grant reasonable accommodations.

WHAT DOES IT MEAN FOR AN ACCOMMODATION TO BE "REASONABLE?"

An accommodation is reasonable if it does not cause an undue financial or administrative burden for the housing provider, and if it does not fundamentally change the housing provider's business or service. If the landlord says your request is not reasonable, then the landlord must engage in an interactive process with you to explore whether there is a different accommodation that would meet your disability-related needs.

HOW DO I ASK FOR A REASONABLE ACCOMMODATION?

- 1. Make a request:** either in writing or verbally. It is always better to send requests in writing because you will have proof of your request. The request should state there is a disability and briefly describe why the disability requires an exception to the landlord's normal policy. (Ask Law Foundation staff for a sample letter).
- 2. Wait for a response:** the landlord is required by law to respond to your request within a reasonable amount of time. What is reasonable may vary depending on the disability and the urgency of your request.
- 3. The housing provider can ask** for medical verification of the disability, and proof that you need the accommodation. A doctor or other knowledgeable professional can provide this information. However, the housing provider does not have a right to view your medical records or know specific details about your medication or diagnosis.

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WHAT IF THE LANDLORD OR HOUSING AUTHORITY DENIES MY REQUEST OR DOES NOT RESPOND?

If, after submitting your reasonable accommodation request, the landlord, Housing Authority, or other housing provider denies your request or does not respond, contact the Law Foundation of Silicon Valley at (408) 280-2424 to discuss your options.

CAN TENANTS ASK FOR ACCOMMODATIONS EVEN IF THEY DID NOT TELL THE LANDLORD ABOUT THEIR DISABILITY WHEN THEY MOVED IN?

Yes. Tenants can request accommodations at any time during the tenancy. Even if the tenant had the disability when they first moved in, the tenant can later on ask for an accommodation.

DOES A LANDLORD HAVE TO ACCOMMODATE A TENANT WHO HAS BEEN VIOLENT AS A SYMPTOM OF HIS OR HER DISABILITY?

Housing providers must always consider whether a reasonable accommodation would allow the tenant to follow the terms of the lease. However, the landlord may require strong proof that the violent behavior will not happen again or be controllable. If the accommodation does not provide enough security that the tenant is no longer a threat to others, the landlord does not have to grant the request.

WHAT ARE SOME EXAMPLES OF POSSIBLE REASONABLE ACCOMMODATIONS?

- 1. An exception to the rules:** A tenant with a mental health disability has a cat as his emotional support animal and has a doctor's note to verify his medical need for the cat. His landlord has a "no pets" policy. The landlord must make an exception to the "no pets" policy for this tenant as a reasonable accommodation and allow the tenant to have the cat.
- 2. A second chance:** A tenant has schizophrenia, causing her to be loud and disturb her neighbors in the middle of the night for a period of two weeks. Since that time, the tenant's emotional state has improved and she is no longer disturbing her neighbors, but the landlord wants to evict her for the past behavior. Given the improvement of her behavior, the landlord should give the tenant a second chance as an accommodation and not evict her.
- 3. More time to follow a rule:** A tenant with obsessive-compulsive disorder collects stacks of newspapers that fill his apartment. The landlord inspects the apartment, finds that the newspapers are a fire hazard, and tries to evict him. Because of his disability, the tenant is not able to remove the newspapers himself and needs help from his social worker. As a reasonable accommodation, the landlord should give the tenant more time to remove the newspapers since the tenant needs to wait for his social worker and other service people.
- 4. Rescheduling a meeting or inspection:** A Section 8 voucher-holder takes behavioral health medications that make it very difficult for him to wake up early in the morning. The Housing Authority scheduled his inspection for 9 AM. As a reasonable accommodation, the Housing Authority should reschedule the inspection for a time that the resident can be awake to participate.

This information sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, the Law Foundation of Silicon Valley cannot ensure the information in this information sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your situation.