



Reasonable Accommodations in Housing

Q.) What is a reasonable accommodation or modification?

A.) Under federal fair housing and anti-discrimination laws, a “reasonable accommodation” is a change in rules, policies or practices that allows a person with a disability an equal opportunity to use and enjoy their housing. A common example of a reasonable accommodation would be to allow a disabled person to have a service animal in a building that does not allow pets. You can also request a “reasonable modification,” which is a structural or other physical change in a unit or building. An example of a reasonable modification would be to install a ramp over the stairs at a building’s entrance. A reasonable accommodation or modification request might be used to allow someone to have full use of their housing during their tenancy, to prevent an eviction or to end a lease early.

Q.) Can anyone request a reasonable accommodation?

A.) No, you must have a disability and the change you are requesting must be related to your disability. A landlord would not have to release you from your lease just because you are disabled and decide you would like to move early. However, if you are suddenly confined to a wheelchair and you cannot get to your upper level apartment because the building does not have an elevator, your landlord would have to allow you to end your lease early or move you to a lower floor. In the case of a threatened eviction, requesting a modification of a rule does not allow you to continue to violate your lease. It means you can have help in following the lease terms, or that you can follow it in a different way. As an example, someone with a mental illness who exhibits unusual behavior that disturbs other tenants could ask for a reasonable accommodation to allow them to seek treatment or medication that would allow them to control their behavior and prevent an eviction.

Q.) What is reasonable?

A.) Under the law, “reasonable” means that the action requested by the person with a disability:

- does not cause an undue financial burden to the landlord;
- does not cause a basic change in the nature of the housing available;
- will not cause harm to others; and
- is technologically possible.

Q.) When can my request be denied?

A.) Your request can only be denied if:

- it infringes on the rights of other tenants; or
- it alters the building’s basic programs or services.

Q.) Who has to pay for accommodations or modifications?

A.) As most accommodations involve a request to change a policy or rule, no cost is usually involved. If there is a cost, the landlord is responsible. For modifications, the landlord must pay if they are assisted by the government. An example of a landlord who is assisted by the government would be a subsidized housing facility. Private landlords do not have to pay for modifications, but they do have to allow the tenant to make the modification at their own expense. A private landlord can also ask that the unit be restored when the tenant moves and can ask the tenant to establish an escrow account to hold the money to pay for the restoration.

Q.) How do I get a reasonable accommodation or modification?

A.) You must request it. Your request must disclose the fact that you have a disability and must describe the accommodation or modification that you want. Your request should be in writing and you should keep a copy for your records. You may have to provide proof that you have a disability, and explain why an accommodation or modification is necessary. However, the landlord does not have the right to have the specifics of your disability and cannot request a full copy of your medical history.

Q.) What are some examples of reasonable accommodation or modification requests?

- a landlord with a first-come, first-served parking policy makes an exception and reserves a parking space near the building for a physically disabled tenant who cannot walk long distances;
- a landlord helps a developmentally disabled person fill out a housing application;
- a landlord waives a guest parking fee for a disabled tenant's home health care aide;
- a landlord makes an exception to a "no pets" policy to allow a disabled person to have a service or emotional support animal;
- a landlord accepts a reference from a rental applicant's social worker because the applicant has no rental history as they were in a psychiatric hospital for two years;
- a landlord allows a disabled tenant to install grab bars in their bathroom; or
- a tenant with a mental disability is allowed to seek mental health treatment and/or medication to change their behavior so they can follow their lease and prevent an eviction.

Q.) How do I enforce my rights?

A.) If you cannot work it out with your landlord, you can file a lawsuit. You may be able to get a court order to require the landlord to grant the accommodation or modification. You may also be able to get money damages. You can also file a complaint with the Minnesota Department of Human Rights at (651) 296-5663 or the US Department of Housing and Urban Development (HUD) at (800) 669-9777. For legal help in Hennepin county call the Housing Discrimination Project at 612-334-5970. In Ramsey county call the Housing Equality Law Project at 651-222-4731. Updated: November 2018

*This article is funded in part by
the Metropolitan Area Agency on Aging under the Older Americans Act.*

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