

# Equal Enjoyment of Housing for Tenants with Disabilities

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Landlords can't treat people with disabilities differently. That means it is illegal to refuse to rent to someone with a disability or ask someone with a disability to do more than someone without a disability.

Fair housing laws say who qualifies as someone with a disability. Someone has a disability if they have a physical or mental impairment that limits their ability to do a major life activity. A major life activity includes walking, seeing, hearing, breathing, learning or taking care of yourself. You can qualify as someone with a disability even if you do not get disability benefits from the Social Security Administration.

The goal of fair housing laws is to let people with disabilities live independently in the community. Persons with disabilities have extra protections under fair housing laws to allow them to live independently. There are two types of extra protections, one is called a reasonable modification and one is called a reasonable accommodation.

## What if I need to modify something in my rental unit?

A reasonable modification is a change to the structure of an apartment or house. An example would be installing a ramp to the front door for someone who cannot climb stairs. Other examples are installing grab bars, an accessible shower or a fire alarm with flashing lights.

Usually tenants must pay for the reasonable modification. A landlord must pay if the landlord receives money from the federal government. Also, a landlord must pay if the building was built after March 13, 1991 and the building does not meet fair housing accessibility rules.

You should ask your landlord's permission before you make any modifications. Your landlord should give you permission to make the modifications. The modifications should be done in a workmanlike manner. Your landlord cannot ask you for an extra security deposit. You may have to pay to take out the modifications before you move out. You may have to put money in an escrow account to show your landlord you can afford to take out the modifications.

## What is a reasonable accommodation?

A reasonable accommodation is a change or exception to a rule. The rule can be a lease term, a landlord's policy or a landlord's practice. An example would be the landlord assigning a parking space to a tenant with a disability when the other spaces are "first come, first served." Another example would be a landlord allowing you to have an assistance animal even though the building does not allow pets.

You can ask for a reasonable modification or reasonable accommodation at any time. You can ask when you apply for the apartment. You can ask when you move in. You can also ask while you are living there. You can ask if your landlord is evicting you for something related to your disability.

You do not have to ask for a reasonable modification or reasonable accommodation in writing. It is best if you ask in writing so you have proof. Write the date on the letter. Keep a copy of the letter, email or text. There is a sample reasonable accommodation request letter at the end of this handbook.

Your landlord can ask for proof that you have a disability and that your request is related to your disability. But your landlord cannot ask for proof if your disability is obvious. Your landlord cannot ask for your diagnosis or for your medical records.

Your landlord should give you an answer about your request. Your landlord may be violating the law if your landlord does not give you an answer within a reasonable time.

Your landlord can deny your request if it would cause your landlord an undue financial and administrative burden. Your landlord can also deny your request if it would be a fundamental alteration of your landlord's services. Fair housing laws do not protect tenants who are a direct threat to the health or safety of other people.

## What is the requirement for accessibility?

Newer multi-family housing must be accessible to people with disabilities. Requirements for buildings with four or more units built after March 13, 1991 are:

- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs
- All units must have an accessible route into and through the unit; accessible light switches, electrical outlets, thermostats and other environmental controls; reinforced bathroom walls to allow later installation of grab bars; and kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units does not have an elevator, the requirements listed above apply to units on the ground floor. These requirements for new buildings do not replace any stricter standards in state or local law.

*This handout contains a general statement of the law and should be used only as a guide.  
It should not be considered legal advice because everyone's case is different.  
The complete Self-Help Handbook for Tenants is available in electronic format  
at <http://www.northpennlegal.org> in our Resources Section.  
NPLS videos on rental housing are available on our website and at many area libraries.*