

**This handbook is intended as general legal information. It is not legal advice about your specific case. If you would like advice about your case, you must contact a lawyer. Contact information for legal aid programs is available at the end of this handbook.**

## **RENTER'S HANDBOOK ON REASONABLE ACCOMMODATIONS**

Do you or someone you live with have a disability? Are you unable to get approved for housing because of a rental barrier in your past that was caused by a disability? Is there something about your current housing that is difficult for you to manage because of your disability? Are you being asked to move out because of something that happened because of your disability?

If you answered yes to any of these questions, you may be able to ask your landlord to change their rules, policies, or even the physical features of the housing so that you can get into housing, more fully enjoy your housing, or in some cases, avoid eviction. These changes are called “reasonable accommodations.” Reasonable accommodations help ease the effects of your disability.

### **This packet contains the following information:**

1. Overview of fair housing laws and reasonable accommodations.
2. Sample reasonable accommodations letter.
3. Sample provider verification letter.

### **Overview of fair housing laws and reasonable accommodations**

#### **What are fair housing laws?**

Fair housing laws are laws that make it illegal to discriminate against a person because of their identity. It's illegal for landlords or other housing providers to discriminate based on race, color, religion, sex, national origin, familial status, source of income, sexual orientation, or disability.

This handout focuses on one way that fair housing laws protect individuals with disabilities.

#### **What is housing discrimination?**

Housing discrimination is when a landlord treats someone differently because of their disability. For example, it would be discrimination for a landlord to charge a higher security deposit for someone in a wheelchair.

It's also discrimination for a landlord to refuse to make reasonable changes (or accommodations) that would help a disabled person get into housing, avoid eviction, or help the person to fully enjoy their home.

#### **Who is considered to be a person with a disability according to fair housing laws?**

Disability means a “physical or mental impairment that substantially limits an individual in one or more major life activities.”

A person has a disability if they have problems doing things like seeing, walking, climbing, standing, lifting, hearing, speaking, breathing, thinking, concentrating, interacting with others, learning, or self-care.

Alcoholism or a history of drug use/addiction is a disability, but current use of illegal drugs is **not** a disability.

### **What is a reasonable accommodation?**

Fair housing laws require landlords to make reasonable changes or “accommodations” in rules, policies, practices or services so that a person with a disability will have the same chance to use and enjoy their housing as someone who doesn’t have a disability.

These reasonable changes might be needed so that renters with disabilities can get into housing if a rental barrier is caused by a disability, have equal access to all parts of their housing, enjoy their homes, and potentially avoid eviction if the reason for the eviction is related to a disability.

### **When can a person request a reasonable accommodation?**

Renters with disabilities can request reasonable accommodations at any time, including when they are applying for housing, during the tenancy, and to prevent eviction.

Reasonable accommodations can be requested for the renter, or for people living with the renter or associated with the renter, if those people have disabilities.

### **How can a renter get a reasonable accommodation?**

Renters must ask their landlord for an accommodation. The landlord does not have to provide it if the renter hasn’t asked for it.

It’s best that renters ask for an accommodation in writing, and keep a copy of the request. Renters should also ask that the landlord respond to the request within a specific amount of time.

Although a landlord may have a specific form they want renters to use, the landlord cannot require renters to use their form and they shouldn’t ignore a request if the renter doesn’t use their form.

### **What should renters include in reasonable accommodation requests?**

Renters asking for an accommodation should include the following information:

- Name of the person who needs the accommodation
- Statement that the person who needs the accommodation has a disability. It isn’t required to say what the disability is, or to provide a medical history.
- What the accommodation would be
- Why the accommodation is necessary for the renter to have equal access to their housing

### Can landlords ask for proof of the need for an accommodation?

Yes, a landlord or housing provider can ask for provide documentation from a professional that says:

- The person the request is for has a disability
- The accommodation is necessary because of the person's disabilities

This documentation should be given to the landlord or housing provider in writing. These letters are often called "disability verification letters."

The professional should know about your disability and your needs. The professional doesn't have to be medical provider. Examples of individuals who can provide a disability verification letter include:

- doctors
- counselors
- therapists
- social service providers
- religious leaders
- case managers
- psychologists

### What should be included in the disability verification letter?

The disability verification letter should include the following:

- Describe the professional's qualifications.
- Describe the relationship the professional has with the person requesting the accommodation. (For example, "Tenant is my patient".)
- Explain that the person needing the accommodation has a disability.
- Describe how the requested accommodation is necessary to afford the person an equal opportunity to access housing, maintain housing, or fully use and enjoy the housing.

### Can a landlord deny a request for accommodation?

Under some circumstances, yes. Landlords can deny requested accommodations if the person making the request does not have a disability, or if:

1. The request isn't related to a disability.

Example: A renter's credit score is too low to qualify for an apartment. The renter wants to ask the landlord to change the credit score requirement because of the renter's disability. If the renter's bad credit is because of unpaid credit card bills for spending that's not related to a disability, then the request isn't an accommodation for a disability. But, if the renter's bad credit is from medical bills that are a result of a disability, then asking the landlord to change the credit score requirement would be an accommodation for a disability.

2. The request would cause an undue financial or administrative burden for the landlord or housing provider.

Example: Asking a landlord not to charge rent because a renter's disability payments arrive after rent is due is not reasonable. Not charging rent at all would cause an undue financial burden. But, it could be reasonable for a landlord to accept rent a few days late if a renter's disability payments arrive after rent is due.

3. The request would change the nature of the landlord's business.

Example: Asking a landlord to take care of a pet for a renter with a disability is not reasonable. It would change the nature of the landlord's business, because the landlord is not in the business of taking care of pets. But, it could be reasonable for the landlord to allow the tenant to move to another apartment where it was easier for the renter to take care of the pet themselves.

4. The request would create a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

Example: Asking a landlord to approve an assistance animal that has bitten someone on the property. The landlord can require the renter to get a different assistance animal because the current one poses a direct threat to others.

### **If a landlord denies a request, what happens then?**

If a landlord denies a request for accommodation, they need to explain why. The landlord should discuss whether there is a different accommodation that could help solve the renter's problem without causing an undue financial or administrative burden, or posing a direct threat. If an alternative accommodation would solve the renter's problem and is reasonable, the landlord should grant it.

Renters can file a discrimination complaint if a landlord refuses to grant a request for reasonable accommodation.

### **What if an accommodation costs a landlord money?**

An accommodation that costs a landlord some money is okay, as long as it doesn't cause an undue financial burden. How much money an accommodation would cost is something a landlord can consider, but a landlord can't deny an accommodation just because it would cost some amount of money.

### **Can my landlord charge an extra fee or require an additional deposit as a condition of granting my reasonable accommodation?**

No. Landlords may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

### **What if a landlord ignores a request for accommodation?**

If renters don't get a response from their landlord within a reasonable time after submitting a request for accommodation, consider sending the request again along with a letter in writing stating that you have not received a response and expect a response by a set time.

If a landlord ignores a request, a renter may have a claim for discrimination under fair housing laws. Ignoring a request is the same thing as denying a request.

### What can renters do if a landlord denies a reasonable accommodation request?

If a landlord denies a renter's request for reasonable accommodation, the renter might have a legal claim against the landlord. Renters have to start a legal claim for housing discrimination within a certain amount of time. Renters have one year to file an administrative complaint and two years to file a lawsuit in court.

If a landlord has denied a reasonable accommodation request, you should contact an attorney to learn more about your rights. Some options include:

- Oregon State Bar Lawyer Referral Services at 1-800-452-7636.
- Legal Aid Services of Oregon and the Oregon Law Center provide free legal assistance for low-income individuals. Visit: <http://oregonlawhelp.org//resource/oregon-legal-aid-offices>
- Contact the Fair Housing Council of Oregon ("FHCO") at 503-223-8197.
- File a complaint with the state or federal government agency charged with enforcing fair housing laws.
  - Oregon Bureau of Labor and Industries (BOLI).  
800 NE Oregon St., Suite 1045  
Portland, OR 97232  
Phone - For English: 971-673-0764 / For Spanish: 971-673-2818  
<https://www.oregon.gov/boli/civil-rights/Pages/housing-discrimination-complaint.aspx>
  - Federal Department of Housing and Urban Development (HUD)  
909 First Avenue  
Seattle, WA 98104  
Phone: (800) 877-0246  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

## Sample Reasonable Accommodation Request

Date:

To:

From:

RE: Reasonable Accommodation Request

Dear [Housing provider] \_\_\_\_\_,

I, \_\_\_\_\_, am requesting a reasonable accommodation under the Fair Housing Act due to a disability.

The specific accommodation I am requesting is:

I need this accommodation to help me have equal access to my housing because (explain how the accommodation will help with the disability-related problem):

I appreciate your consideration of this requested accommodation and ask for a written response within 10 days from the date of this letter. If I do not receive a reply, I will assume that you have denied my request.

Sincerely,

\_\_\_\_\_ (your name)

## Sample Verification Letter for Reasonable Accommodation

Date: \_\_\_\_\_

Name of Professional:

Address:

Dear \_\_\_\_\_ (Landlord /Housing Provider):

\_\_\_\_\_ ( name of person making the request) is my \_\_\_\_\_ (explain how you know the person making the request). I am familiar with their history and with the limitations imposed by their disability. This person meets the definition of a person with a disability under the Fair Housing Act and ORS 659A.145.

As a reasonable accommodation \_\_\_\_\_ (name) will need:

(examples: 1) a first floor apartment without stairs; 2) an emotional support dog; or 3) additional time to move).

This accommodation is necessary to provide equal access to \_\_\_\_\_ (name's) housing because:

Sincerely,

Name of Professional  
(Contact Information)

## LIST OF ATTORNEYS WHO REPRESENT RENTERS

Jane L. Moisan  
971.258.1292  
[PeoplesLawProject@gmail.com](mailto:PeoplesLawProject@gmail.com)

Megan Van Kent  
503 893-5545  
[vankentlaw@gmail.com](mailto:vankentlaw@gmail.com)

David Lawrence  
503.295.3651  
[dlawrencelegal@gmail.com](mailto:dlawrencelegal@gmail.com)

Troy Pickard  
503.592.0606  
[troy@portlanddefender.com](mailto:troy@portlanddefender.com)

Scott Staab  
503.929.9262  
[skstaab@yahoo.com](mailto:skstaab@yahoo.com)

Ann Witte  
503-477-4690  
[awitteatty@gmail.com](mailto:awitteatty@gmail.com)

Harry Ainsworth  
503-417-0476  
[hainsworth03@yahoo.com](mailto:hainsworth03@yahoo.com)