

HELP OPEN DOORS...



...FOR PEOPLE WITH DISABILITIES

Guidance for Health Care and Social Service Providers
Assisting with Reasonable Accommodation and Modification
Requests Under the Federal Fair Housing Act

Fair housing laws are intended to ensure equity in access to housing opportunities. This publication is intended to provide basic fair housing information and guidance for health care professionals and other qualified third parties assisting people with disabilities who are requesting reasonable accommodations and modifications under the provisions of the federal Fair Housing Act.

The federal Fair Housing Act (FHA), as amended in 1998, prohibits discrimination in the provision of housing and housing-related services based on race, color, religion, sex, national origin, family status (the presence of children under the age of 18 in the household), and/or disability. Nevada State Law includes additional protections prohibiting discrimination because of ancestry, sexual orientation and/or gender identity or expression. The FHA provides that people with disabilities may request reasonable modifications or accommodations, related to their disability, that will allow them to have full use and enjoyment of a dwelling or a common area. ***The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such impairment; and (3) individuals with a record of such impairment.***

Reasonable Modifications are structural changes to existing premises, occupied or to be occupied by a person with a disability. Reasonable modifications can include structural changes to interiors or exteriors of dwellings and to common and public use areas. The FHA provides that while the housing provider must permit the modification, the resident is responsible for paying the cost of the modification. The housing provider may require that work be performed in a *workmanlike manner* and that necessary building permits be obtained. Examples of *reasonable modifications* include installing a ramp into the house/apartment, installing grab bars in bathrooms, widening doorways, removing base cabinets, or replacing the existing carpet.



Reasonable Accommodations are changes, exceptions, or adjustments to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy their dwelling, including public and common use areas. Examples of *reasonable accommodations* include waiving pet fees/deposits for service or emotional support animals, assigning a reserved parking space, allowing a transfer to a ground floor unit, or early release from a housing contract. **Note:** Under the Fair Housing Act, persons with disabilities may request a reasonable accommodation for *any* assistance animal, including an emotional support animal.



Housing providers, including landlords, homeowner associations, public housing authorities, and others dealing in housing transactions can ask that the resident or applicant provide verification that a requested accommodation/modification is necessary if the need for the accommodation is not obvious. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. The verification can be provided by a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability. In most cases, an individual's medical records, or detailed information about the nature of a person's disability, is *not* necessary for this inquiry.

Because you may be asked to assist persons with disabilities in verifying the need for a request, Silver State Fair Housing Council (SSFHC) is providing a sample letter that you may use to verify that (1) the person meets the definition of disability under the Fair Housing Act, (2) the need for the accommodation or modification is necessary, and (3) there is a relationship between the disability and the requested accommodation or modification.

DATE

HOUSING PROVIDER
TITLE/PROPERTY NAME/COMPANY NAME
ADDRESS
CITY, STATE, ZIP

Dear (Insert Housing Provider Name):

BEST PRACTICES

Put your letter on your organization's letterhead

Include information on how long you have had a relationship with the individual

Date of last consultation

Describe the accommodation or modification and the relationship to the disability

(Name of community member/client/patient) has contacted me regarding his/her/their need for a reasonable accommodation/modification. (Name) has informed me that s/he/they has requested (describe request). In my professional capacity, I verify that (Name) meets the definition of disability under the federal Fair Housing Act and that the requested accommodation/modification is disability-related and necessary to afford (Name) the full use and enjoyment of his/her/their housing and/or the housing service(s) for which s/he/they is applying.

Sample language for animals:

(Name of community member/client/patient) has contacted me regarding his/her/their need for a reasonable accommodation. (Name) has informed me that s/he/they has requested a waiver of the no pets policy and any related pet fees or policies to accommodate her/his/their need for a service animal to assist with the outcomes of his/her/their disability. In my professional capacity, I verify that (Name) meets the definition of disability under the federal Fair Housing Act and that (animal name/type) provides (describe the service, task, or therapeutic/emotional support) necessary to afford (NAME) full use and enjoyment of his/her/their housing and/or a housing related service. NOTE THAT IF THE PERSON HAS MORE THAN ONE ANIMAL, OR HAS AN ANIMAL NOT CONSIDERED A TRADITIONAL HOUSEHOLD PET, IT HELPS TO ADDRESS THAT IN YOUR LETTER.

Sample language for a reserved parking space:

(Name of community member/client/patient) has contacted me regarding his/her/their need for a reasonable accommodation. (Name) has informed me that s/he/they has requested a reserved parking space and a waiver of the monthly reserved parking fees because of the physical limitations related to his/her/their disability (describe). In my professional capacity, I verify that (Name) meets the definition of disability under the federal Fair Housing Act and that the requested accommodation is disability-related and necessary to afford her/him/them full use and enjoyment of his/her/their housing and/or housing related service.

Sample language for installation of grab bars:

(Name of community member/client/patient) has contacted me regarding his/her/their need for a reasonable modification. (Name) has informed me that s/he/they has requested permission to have grab bars installed in the bathroom, due to the outcomes of his/her/their disability (describe). In my professional capacity, I verify that (Name) meets the definition of disability under the federal Fair Housing Act and that the requested modification is disability-related and necessary to afford her/him/them full use and enjoyment of his/her/their housing and/or housing related service.

Sincerely,

SIGNATURE OF PROFESSIONAL
PRINTED NAME
TITLE/POSITION
ORGANIZATION, IF NOT ON LETTERHEAD
CONTACT INFORMATION, IF NOT ON LETTERHEAD

RESOURCES

Visit our website at <http://www.ssfhc.org/Resources/> for copies of these and other documents.

Joint statement of the Department of Housing and Urban Development and the Department of Justice - Reasonable Modifications Under the Fair Housing Act (March 5, 2008)

Definitions and examples of Reasonable Modifications

Joint statement of the Department of Housing and Urban Development and the Department of Justice - Reasonable Accommodations Under the Fair Housing Act (May 17, 2004)

Definitions and examples of Reasonable Accommodations

Assistance Animal Notice FHEO-2020-01: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act (January 28, 2020)

Best practices for complying with the FHA when assessing reasonable accommodation requests for animals

New ADA Regulations and Assistance Animals as Reasonable Accommodations under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 - Sara K. Pratt, Deputy Assistant Secretary for Enforcement and Programs (February 17, 2011)

Clarification on service animals under FHA, ADA, and Section 504

Reasonable accommodations and modifications allow people with disabilities to have equitable access to housing. Silver State Fair Housing Council works closely with community members in making these requests, many of which may depend on the need for verification. Thank you for your interest in supporting these bona-fide requests. Please feel free to contact our office for additional information. Working together, we can ensure equal access to housing for all!

NORTHERN NEVADA

110 WEST ARROYO STREET, SUITE A

RENO, NV 89509

P.O. Box 3935, Reno, NV 89505

775-324-0990 • 775-324-7507 (fax)

SOUTHERN NEVADA

2820 SOUTH JONES BLVD, UNIT 4

LAS VEGAS, NV 89146

P.O. Box 30936, Las Vegas, NV 89173

702-749-3288 • 702-749-3299 (fax)



1-888-585-8634 toll free • Relay Nevada 711
FairHousing@ssfhc.org • www.ssfhc.org



SSFHC's offices and training facilities are wheelchair accessible. SSFHC is pleased to make reasonable accommodations for people with disabilities upon request.



Silver State Fair Housing Council (SSFHC) is a non-profit agency advocating for equal access to housing in Nevada since 1989. SSFHC has office locations in Reno and Las Vegas to address inquiries about housing discrimination from consumers, housing providers, and local jurisdictions. SSFHC also provides services in rural communities through personal interactions, meeting utilizing remote technologies, and community partnerships. SSFHC strives to break down barriers to equal housing opportunity and build opportunities for community members to relate to each other as neighbors by addressing the needs of all members of the community. SSFHC provides education and outreach about fair housing rights; processes discrimination complaints, investigations, and referrals; and assesses barriers to fair housing in Nevada. SSFHC works to guarantee the right of all people to freely choose where they want and can afford to live.

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