

Your landlord may ask you to prove that you have a disability to ensure that the reasonable accommodation is necessary. In most cases, providing proof that you receive social security or SSI disability benefits may be sufficient, but a letter from a doctor or other medical professional or other reliable social services agency or third party may also provide sufficient verification of a disability. Information concerning your disability must normally be kept confidential by your landlord.

If you reside in public housing, you should ask at the office if they have a request form for you to use in requesting a reasonable accommodation. The form will assist you in highlighting your disability and providing any medical verification that may be required. A landlord is allowed to ask for information about your disability, but it may be illegal for the landlord to deny or terminate your housing after acquiring information about your disability.

WHERE CAN I GET HELP IF MY LANDLORD DISCRIMINATING AGAINST ME BECAUSE OF MY DISABILITY

If you think that your housing status has been threatened because of a disability, you can contact MidPenn Legal Services, the Pennsylvania Human Relations Commission, HUD, or your local fair housing agency.

TO APPLY FOR LEGAL HELP:

1-800-326-9177

or

apply.midpenn.org

For more information about MidPenn Legal Services go to:

www.midpenn.org



This pamphlet contains general legal information and not specific legal advice. Although the information is believed to accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. June 2011

Pennsylvania Legal Aid Network, Inc.

LSC
America's Partner for Equal Justice
LEGAL SERVICES CORPORATION



MidPenn
LEGAL SERVICES



A Disabled Tenant's Rights



to Reasonable Accommodation

ABOUT US

MidPenn Legal Services is a non-profit, public interest law firm that provides high quality free civil legal services to low-income residents and survivors of domestic violence and sexual assault in 18 counties in Central Pennsylvania: Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill & York counties.

REASONABLE ACCOMMODATION IN HOUSING

The Fair Housing Act ("FHA") provides protection for disabled persons from discriminatory practices in all federally subsidized housing and most private housing. The FHA defines a person with a disability as an individual with a physical or mental impairment that substantially limits one or more major life activities, individuals regarded as having an impairment, and individuals with a record of an impairment. This means that any person with an actual disability, or one suffering from severe physical or mental limitations, may qualify for a reasonable accommodation.

However, a reasonable accommodation does not protect an individual who creates a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

WHAT IS REASONABLE ACCOMMODATION

A reasonable accommodation is any change in the rules or policies of a private landlord, apartment or subsidized housing complex that will assist a disabled individual. A reasonable accommodation is a special change in the rules to allow a person with a disability to have equal access and opportunity to use and enjoy their housing. A reasonable accommodation must be related to the tenant's disability. A reasonable accommodation may be requested prior to beginning a tenancy, or during the tenancy. Examples of reasonable accommodations include, but are not limited to, the following:

- A private landlord changes the guest policy to allow for home health aides to assist a person suffering from prolonged illness or chronic condition;
- A public housing authority allows a tenant with difficulty walking or climbing stairs to relocate from an upstairs apartment to a first floor apartment;
- A rental company agrees to provide a tenant with 24-hour verbal notice to pay rent because forgetfulness is a side effect of medication the tenant needs for a mental health condition;

- A landlord allows a blind tenant to keep a trained guide dog in the home when the general policy restricts pets; and,
- A Section-8 landlord allows a ramp to be constructed on a home to assist a tenant who requires a wheelchair.

Any landlord who receives a federal subsidy on behalf of a tenant must comply with a reasonable accommodation request. A reasonable accommodation is not required in owner-occupied apartments with four or fewer units, or single-family homes when the landlord owns three or fewer homes. A reasonable accommodation may not be necessary when it imposes an undue financial burden on the landlord.

HOW DO I REQUEST A REASONABLE ACCOMMODATION

While a request for a reasonable accommodation can be made verbally, it is better to put it in writing. You should write a letter to your landlord requesting a reasonable accommodation. In your letter, be sure to include the accommodation you would like to have made and explain the relationship between the accommodation you are requesting and your disability. You should describe the nature of your disability and the limitations your disability places on your everyday activities. Before giving the letter to your landlord, you should make a copy for yourself.