

*Please read the following information on accessible parking in housing and requesting a reasonable accommodation. For Disability Justice to consider your case for direct representation, you must FIRST follow the reasonable accommodation steps set out below.*

## **Federal and State Housing Law**

In 1988 Congress amended the Fair Housing Act with the Fair Housing Amendments Act (“FHAA”) of 1988. The FHAA specifically includes protection for people with disabilities and defines a disability or “handicap” as: (1) a physical or mental impairment which substantially limits one or more of [a] person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.<sup>1</sup>

As part of the protections for people with disabilities, the FHAA mandates that landlords make “reasonable accommodations” in “rules, policies, practices, or services, when such accommodations may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.” Courts have generally agreed that landlords will often have to shoulder certain costs relating to requests for reasonable accommodations as long as they are not unduly burdensome. Under the FHAA, there is a statutory right to a reasonable accommodation upon proof of a disability and an appropriate request. Similarly, the Colorado Anti-Discrimination Act (“CADA”) prohibits discriminatory housing practices.

## **Parking as A Reasonable Accommodation**

The United States Department of Housing and Urban Development (“HUD”) has enacted regulations implementing the FHAA. One such regulation is particularly relevant to parking:

*(a) It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a [disabled] person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.*

*(b) The application of this section may be illustrated by the following example[...]:*

*Progress Gardens is a 300 unit apartment complex with 450 parking spaces which are available to tenants and guests of Progress Gardens on a first come first served basis. [...] John is mobility impaired and is unable to walk more than a short distance and therefore requests that a parking space near his unit be reserved for him so he will not have to walk very far to get his apartment. It is a violation of §100.204 for the owner or manager of Progress Gardens to refuse to make this accommodation. Without a reserved space, John might be unable to live in Progress Gardens at all or, when he has to park in a space far from his unit, might have great difficulty getting from his car to his apartment unit. The accommodation therefore is necessary to afford John an equal opportunity to use and enjoy a dwelling. The accommodation is reasonable because it is feasible and practical under the circumstances. 24 C.F.R. §100.204 (emphasis added).*

Therefore, ***HUD has specifically recognized that accessible or assigned parking is an accommodation that is reasonable.***

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<sup>1</sup> 42 U.S.C.A. §3602(h).

## **Requesting a Reasonable Accommodation**

*Please complete these steps as soon as possible*

The FHAA does not require a request for a reasonable accommodation to be made in any particular manner or at a particular time. A resident or applicant for housing makes a reasonable accommodation request whenever they make it clear to the housing provider that they are requesting an exception, change, or adjustment to a rule, policy, practice, or service because of their disability. This request can be made by a family member or someone else who is acting on their behalf.

1. Although not required by law, a request for a reasonable accommodation should be in writing.
  - a. The housing provider may ask for disability-related information that:
    - i. is necessary to verify that the person has a physical or mental impairment that substantially limits one or more major life activities or a record thereof,
      1. 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 may provide verification of a disability. Typically, an individual's medical records or detailed information about the resident's disability is not necessary.
    - ii. describes the needed accommodation, **and**
    - iii. shows the relationship between the person's disability and the need or the requested accommodation (called a "nexus").
2. Include in your letter that you are requesting a written response to the reasonable accommodation request within 10 business days.
3. Make sure to sign and date your letter. Keep a copy of the letter for your records.
4. If your request is denied, provide this "guide" to your landlord or property manager to help explain their obligation to provide you with your requested accommodation.
5. If the accommodation is not granted after ALL of the above steps are followed, please call Disability Justice to discuss direct representation.

\*\*\* If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also obvious or known, then the housing provider may not request any additional information. (i.e. – A blind resident who uses a guide dog)

\*\*\* If the disability is known or obvious but the need for the accommodation is not, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

***\*This resource sheet is for informational purposes only. Nothing herein shall be understood to be legal advice. For specific legal advice an attorney should be consulted.\****

## Sample Letter to Housing Manager/ Landlord Requesting a Reasonable Accommodation for Parking

Mr. / Ms. **[Name of Building Manager]** **[Housing Provider Name]**  
**[Street Address]**  
**[City], CO [Zip Code]**

Dear Mr. / Ms. **[Name of Building Manager]**:

I live at **[address]** in **[unit number]** and have lived there since **[date]**. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988 because I have a substantial limitation in one or more major a major life activity. **[Briefly describe the reason covering a long distance is difficult, or the reason you need an accessible parking space.]**

Because of my disability, I request the following parking related accommodations: **[briefly describe the appropriate accommodation for parking i.e. "An assigned or an assigned accessible parking spot close to my unit" If necessary, give description such as "with 48 inch clearance"]**. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Please let me know what, if any, additional information you need in order to better understand my disability and the limitations it imposes.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of accessible or assigned parking if such accommodation may be necessary to afford such person full enjoyment of the premises.

If you have any questions about my request, you can contact me in writing or by phone. Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. For this purpose, I believe ten (10) business days is sufficient. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

## Sample Letter to Doctor Requesting a Medical Necessity for Accommodation for Parking

Dr. **[Name]**  
**[Street Address]**  
**[City], CO [Zip Code]**

Dear Doctor **[Name]**:

As you know, you have been treating me for my medical conditions, including my **[condition/disability]**. I am requesting a parking related accommodation from the landlord of my housing complex located at **[Address of Housing]** because I am entitled to such an accommodation pursuant to the Americans with Disabilities Act and Fair Housing Act. The accommodation I am requesting is **[briefly describe the appropriate accommodation for parking i.e. "An assigned or accessible parking spot close to my unit"]**.

My landlord has requested verification of my disability and who the accommodation relates to it. As such, I need you to write a letter on my behalf in which you state the following information:

- How long you have been treating me;
- The type of disability I have;
- What the symptoms of my disability are; and,
- How the accommodation/modification I am seeking will assist my continued access to live at my current housing complex by assisting to mitigate complications due to my disability.

Thank you for assisting me with this effort. Attached to this letter is a sample letter to assist you in your response. If you have any questions, please call me at **[phone number here]**.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

**Sample Letter for Doctor Requesting a Medical Necessity for Accommodation for  
Parking**

**[Date]**

**[Landlord/ Community Manager Name]**  
**[Landlord/ Community Manager Address]**

Re: **[Patient Name]**/ Request for Reasonable Parking Accommodation

Dear Mr./ Ms. **[Landlord/ Community Manager Name]**

I have been treating **[Patient Name]** as a patient for **[Time Period]**.

My patient has the following disability: **[List Conditions Relevant to  
Accommodation/Modification Here]**

My patient's medical conditions have the following symptoms: **[List Symptoms Relevant to  
Accommodation/Modification Here]**.

A reasonable accommodation in my patient's housing complex parking would assist my patient with his/her conditions and symptoms by **[Explain How  
Accommodation/Modification Would Help]**.

Thus, it is my recommendation, based on my medical judgment, that **[Patient Name]** be granted the accommodation requested.

Please call me if you have questions related to this medical judgment.

Sincerely,

**[Doctor's Name] M.D. [or Psychotherapist]**

**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable  
Accommodation for Parking after No Response**

Mr. / Ms. **[Name of Building Manager]** **[Housing Provider Name]**  
**[Street Address]**  
**[City], CO [Zip Code]**

Dear Mr. / Ms. **[Name of Building Manager]**:

I live at **[address]** in **[unit number]** and have lived there since **[Date]**. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988.

Because of my disability, on **[Date of First Request]** I requested the following parking related accommodations: **[briefly describe the appropriate accommodation for parking i.e. "An assigned or accessible parking spot close to my unit"]**. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of accessible or assigned parking if such accommodation may be necessary to afford such person full enjoyment of the premises.

Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. It has now been **[Number]** days since my first letter. You have failed to provide me with a response to my request for a reasonable accommodation. As such, this letter serves to put you on notice that you are in violation of the Americans with Disabilities Act and the Fair Housing Amendments Act. Please provide me a response to my request for a reasonable accommodation within three (3) business days.

Failure to respond may result in legal action initiated against you. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

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**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable  
Accommodation for Parking after Request to Pay Extra**

Mr. / Ms. [*Name of Building Manager*] [*Housing Provider Name*]  
[*Street Address*]  
[*City*], CO [*Zip Code*]

Re: [**your name**]/ Request for Reasonable Parking Accommodation

Dear Mr. / Ms. [*Name of Building Manager*]:

Thank you for your response to my letter requesting a reasonable parking accommodation to allow me to continue to realize full enjoyment of my housing. I appreciate your willingness to provide such accommodation.

However, I am concerned about your request for me to pay extra for such accommodations. State and Federal Law instruct that these accommodations must be made available at no additional charge to an individual with a disability. I hope we can resolve this amicably and without undue time or burden. Please provide me with the reasonable accommodation I requested at no additional charge.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of accessible or assigned parking if such accommodation may be necessary to afford such person full enjoyment of the premises.

If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

[*Your name*]  
[*Your full address*]  
[*Your phone number*]