

DISABILITY JUSTICE

Housing Discrimination: Reasonable Accommodations & Modifications

Housing providers are not allowed to discriminate against people with disabilities. This FAQ explains what housing discrimination is, what reasonable accommodations and modifications mean, and what you can do if your landlord is discriminating against you.

Frequently Asked Questions

■ What is housing discrimination?

Housing discrimination is treating people differently because of a disability. People who rent or sell houses must treat people with disabilities like those without them. Some things they are not allowed to do are:

- Make a person who uses a wheelchair pay a higher security deposit because they think the wheelchair will damage the carpet.
- Refuse to rent to a person who has a service animal.
- Deny a reasonable accommodation without a valid reason.

Under Colorado law, it is discrimination for a landlord to refuse to rent to someone based on their income source. For example, if a person with a disability gets their income from Social Security Income (SSI), a landlord cannot refuse to rent to that person based on their SSI income source.

■ What is a reasonable accommodation?

In housing, a reasonable accommodation is a change in rules or policies so people with disabilities can enjoy their home the same way people without a disability can. Examples of reasonable accommodations include:

- Waiving a pet fee for an emotional support animal.
- Allowing a live-in caregiver to stay with a person with a disability without the caregiver needing to pass a credit check or sign the lease.
- Changing the day rent is due to the day after a person gets their Social Security check.

■ What is a reasonable modification?

A reasonable modification is a physical change to the property, such as adding ramps or grab bars. Examples of reasonable modifications are:

- Lowering kitchen counters to be wheelchair accessible.
- Installing a ramp so a person in a wheelchair can get into the building door.
- Putting grab bars in the bathroom.

■ Does a housing provider have to make reasonable accommodations?

Yes. Housing providers must make and pay for reasonable accommodations for people with disabilities. Landlords usually do not have to give accommodations unless a person asks first. When submitting reasonable accommodation requests, submit the request in a letter or email and keep a copy. Ask the landlord to respond in writing.

Download a sample Reasonable Accommodation letter.

■ Does a landlord have to make a reasonable modification to an apartment?

Your landlord must allow a tenant with disabilities to make reasonable modifications. Most of the time, the tenant will probably have to pay for modifications. But if the tenant lives in federally assisted housing, the landlord must pay for the modification.

The tenant must ask for a reasonable modification or permission to make the reasonable modification. It is best to do this in writing and to ask the landlord to respond in writing. Download a sample Reasonable Modification letter.

The landlord does not have to allow you to make a reasonable modification if it will be too expensive or make a major change to the rest of the building. But your landlord should not just say no. The landlord should work with the tenant to find another solution.

Also, the tenant may be required to remove or pay for removal of any modifications the tenant made when they move out.

■ What proof can a landlord ask for when a tenant asks for a reasonable accommodation or modification?

If the disability is obvious, meaning that the landlord can tell the individual has a disability by looking at them or by hearing them, the landlord cannot ask the tenant for proof of the disability. If the landlord can tell the reason the tenant needs the accommodation or a modification, they cannot ask the tenant to provide proof of the reason the tenant needs the accommodation or modification.

For example, if the tenant uses a wheelchair and the landlord has seen the tenant using a wheelchair, the landlord cannot ask for proof of the disability or why the tenant needs a ramp to get into the building.

If the disability is not obvious, the landlord can ask for proof of the disability. If the reason a

tenant needs an accommodation or modification is not obvious, they can ask the tenant to provide a letter showing the reason. The tenant can prove they have a disability and the reason they need the accommodation and modification by providing a letter from a doctor, nurse, therapist or other medical provider.

The tenant does not have to provide the specific name of your disability, but the tenant does have to show they have a disability and the disability related reason they need the accommodation or modification.

For example, the tenant's doctor may say, "My patient has a disability under the Fair Housing Act. My patient's disability causes her to have serious anxiety. Holding her purring cat in her lap helps her anxiety and can keep her from having a panic attack."

In summary:

- If the disability is obvious and the reason for an accommodation or modification is obvious — the tenant does not have to provide any proof.
- If the disability is obvious but the reason for an accommodation or modification is not obvious — the tenant needs to provide a letter showing why they need the accommodation or modification.
- If neither the disability nor the reason for an accommodation or modification is obvious — the tenant needs to provide a letter to show both.

■ **What can a tenant do if their landlord is discriminating against me?**

If the landlord denies your reasonable accommodations or modifications requests, make sure the tenant has made the request in writing and asked for the response in writing. Download sample letters requesting Reasonable Accommodation and Reasonable Modification. If the landlord still denies your reasonable accommodation, contact us at 303-722-0300 or fill out our online intake form.

Tenants can also file a complaint with the U.S. Department of Housing and Urban Development (HUD) or Colorado Civil Rights Division (CCRD). They both investigate housing discrimination complaints. You do not need an attorney to file a complaint.

You can call HUD's Housing Discrimination Hotline, (800) 669-9777, or file a complaint online. HUD currently has an agreement with Colorado for Colorado Civil Rights Division to investigate most complaints. If you file with HUD, your case would likely be transferred to Colorado Civil Rights Division.

You may also file a complaint with the Colorado Civil Rights Division directly.

Please see the Housing Rights Toolkit for more information.

www.DisabilityJustice.co

Disability Justice distributes this material for informational purposes only. It does not constitute legal advice or establish a lawyer-client relationship. For further assistance, contact the phone numbers or internet sites referred to in this publication or seek the counsel of an attorney.