

# Disability

## Requesting Accommodations and Modifications



State and federal laws protect people with disabilities from discrimination. These laws say that people with disabilities may ask for reasonable accommodations or modifications to their housing regardless of whether they live in private or public housing. Under these laws, the landlord, must grant the request unless doing so would pose an undue financial burden to the landlord or a fundamental change to the nature of the landlord's rental program.

### What is a Reasonable Accommodation?

A reasonable accommodation is a change in the rules, policies, procedures or services of a landlord, or the management of an apartment complex. It is an accommodation that is necessary for a tenant with a disability to fully use and enjoy their housing unit and the common areas of an apartment complex.

#### **Example A**

The landlord has a policy of not providing assigned parking. There is ample parking but it is on a first come first served basis. Following a stroke or other illness, an elderly

tenant requires a walker or a cane to get around and needs to park near the entrance to their apartment. The landlord could make a reasonable accommodation for a tenant by fulfilling the request for a reserved parking space in front of the entrance. If this tenant requested that the landlord do their shopping for them because they can only walk short distances, the landlord could deny the request, as it would fundamentally change the nature of the landlord's rental program to provide such personal services.

#### **Example B**

An elderly tenant in the very early stages of Alzheimer's sometimes forgets the date. As a result, the tenant is often late paying the rent and the landlord wants to start an eviction action to remove the tenant from the apartment. The tenant might ask the landlord for another chance as a reasonable accommodation, letting the landlord know that a friend or relative is going to assist the tenant in paying the rent on its due date.

## **May I have my service dog in an apartment that has a no pets policy?**

Your landlord should make a reasonable accommodation for you to have your physical or psychiatric service animal in your apartment even if there is a “no pets” policy in force. Service animals are working animals, not pets. They are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, protecting a person who is having a seizure, and other special tasks. The Maine Human Rights Act applies to companion or emotional support service animals prescribed by a physician or mental health professional, as well as trained service animals such as guide dogs. A service animal may only be removed from the apartment if it directly threatens the health and safety of others, if it fundamentally alters the nature of the housing, or if it interferes with the experiences of other tenants. It is not considered interference with other tenants if another tenant is merely fearful of animals or has allergies to the animal.

## **May the landlord charge me a higher security deposit or extra fees as a condition of using a wheelchair or having a service animal?**

No. People who use wheelchairs are no more likely than anyone else to cause damage beyond the typical wear and tear. If a person who uses a wheelchair causes damage to a housing unit that is beyond normal wear and tear, they may be required to cover the damage out of a standard security deposit,

whether it is related to the wheelchair or not. Likewise, if a tenant’s service animal causes damage, the housing provider may charge the tenant for the cost of repairing the damage.

## **I require the assistance of a live-in aide. Must I pay for an additional bedroom?**

If you live in federally funded housing, you cannot be charged extra for the additional room. If you qualify for a Section 8 voucher, you are eligible for a larger subsidy to help pay for the additional room. If you are living in private housing without a Section 8 voucher, you will be required to pay for the additional room.

## **What is a reasonable modification?**

A reasonable modification is a structural alteration of the premises that is made to allow a person with disabilities the full use and enjoyment of their housing and the related facilities.

### **Example A**

A tenant has osteoporosis and has been advised that a fall would likely result in broken bones. The tenant requests as a reasonable accommodation that grab bars be installed in the bathroom to help prevent such a fall.

### **Example B**

Following a fall, an elderly tenant needs a wheelchair to get around. There are a few stairs leading up to the person’s apartment and the tenant asks as a reasonable modification that a ramp be built leading to the entrance of the tenant’s apartment.



### Example C

A tenant wants to rebuild the plumbing in their apartment so they can hook up a portable dialysis unit there and the rules forbid tenants from altering their units in any way. The landlord may require that the modifications be done in a professional manner and be in compliance with all applicable building codes.

### How do I request a reasonable accommodation or modification?

Some apartment managers have forms for requesting reasonable accommodations or modifications. If your landlord does not, you should make your request in writing so that you have a record of the request. The written request should clearly describe the accommodation that you are asking for, the reason that it is being requested, and include a discussion of how the accommodation is related to your disability. You should request a letter from your doctor, therapist or other professional that confirms that you have a disability. Your health care provider or other professional should explain how the accommodation/modification would assist with your disability and allow you to continue living in your current apartment.

See the attached sample form letters reprinted with the permission of the Disability Rights Center of Maine. The Disability Rights Center of Maine can be contacted at 1-800-452-1948.



### Who must pay for a reasonable modification?

If you live in housing that was built or rehabilitated with federal funds (HUD or Rural Housing) or in a subsidized apartment where the landlord receives government funding to maintain accessible housing, that housing provider will be required to bear the costs for a reasonable modification, unless the landlord can prove that providing the modification would amount to an undue financial and administrative burden.

Private landlords, including those that are participating in the Section 8 Program, must allow disabled tenants to modify their apartments at their own expense. However, tenants may be required, again at their own expense, to return the apartment to its original condition when they move.



## **What do I do if the landlord refuses my request for a reasonable accommodation or modification?**

You may file a complaint with, the Maine Human Rights Commission (MHRC) or the Department of Housing and Urban Development (HUD), or you may file a lawsuit in state or federal court.

### **Maine Human Rights Commission**

You should file a complaint as soon as possible after the denial, but the complaint must be filed within six months of the incident. The Maine Human Rights Commission will appoint an investigator to your case. The investigator will not represent you or your landlord, but you may have an attorney represent you during the Commission's investigation. You may file a complaint with the Maine Human Rights Commission by calling, writing, or visiting their office. The Maine Human Rights Commission is located at:

Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333-0051  
(207) 624-6050

### **U.S. Department of Housing and Urban Development**

You should file a complaint as soon as possible after the denial, but the complaint must be filed within one year of the incident. HUD will investigate the complaint at no cost to you. You may file a complaint online if you have access to a computer, or you may call or write the regional office.

If you decide to write, you should include the following information:

- Your name and address;
- The name and address of the person your complaint is against;
- The address or other identification of the housing involved;
- A short description of the alleged violation; and
- The date of the alleged violation.

### **HUD's regional office is located at:**

U.S. Department of Housing  
and Urban Development  
10 Causeway St., Room 321  
Boston, MA 02222-1092  
(617) 994-8300 or 1-800-827-5005  
TTY (617) 565-5453

If you decide to bring an action in state or federal court, you must do so within two years of the incident. You should have an attorney represent you.

For more information, call the Legal Services for the Elderly Helpline for free legal advice.

**LSE Helpline**  
**1-800-750-5353**



**Legal Services for the Elderly**  
*Free legal help for Maine's seniors*



**REASONABLE MODIFICATION LETTER**

**SAMPLE SAMPLE SAMPLE SAMPLE**

(date here)

Mr./Mrs. Name of Housing Manager  
Job Title of Housing Manager  
Address

Dear \_\_\_\_\_:

I am a tenant in apartment number \_\_\_\_\_. I am a person with a disability as that term is defined under the “Americans with Disabilities Act,” the “Fair Housing Act,” and the “Maine Human Rights Act.” This means that I have a physical or mental impairment, which substantially limits one or more of my major life activities. My disability leaves me unable to [describe here what it is that you are unable to do].

I am, therefore, requesting the reasonable modification of [describe here what you are asking for].

I need this modification because, without it, I am unable to fully use and enjoy my apartment to the same degree as people without disabilities. I am attaching a certification from my doctor stating that I meet the definition of a person with a disability.

Please respond to me in writing within seven business days.

Sincerely,

Your Name Here



**LETTER TO DOCTOR BY PATIENT**

**SAMPLE SAMPLE SAMPLE SAMPLE**

(Date Here)

(Dr. \_\_\_\_\_)

(Address Here)

Dear Doctor \_\_\_\_\_:

As you know, you have been treating me for my medical conditions, including my (disability here). I am requesting an accommodation/modification from the landlord of my housing complex located at (address here) because I am entitled to such an accommodation pursuant to the Maine Human Rights Act and the Fair Housing Act. The accommodation/modification I am requesting is (accommodation here).

I need you to write a letter on my behalf in which you state the following information:

- How long you have been treating me;
- What the name of my illness is;
- What the symptoms of my illness are; and
- How the accommodation/modification I am seeking will assist my illness so as to allow me to continue to live at my current housing complex.

Thank you for assisting me with this effort. If you have any questions, please call me at (phone number here).

Sincerely,

(client name)



**LETTER BY DOCTOR FOR LANDLORD**

**SAMPLE SAMPLE SAMPLE SAMPLE**

(Date Here)

Mr./Ms. (Landlord Name Here)

(Address Here)

Re: (Patient Name) / Request For Reasonable Accommodation/Modification

Dear Mr./Ms. (Landlord Last Name Here)

I have been treating (Patient Name) as a patient for (Time Period).

My patient has the following medical conditions: (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/modification in my patient's housing complex 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/modification requested.

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

Sincerely,

\_\_\_\_\_, M.D. (or Psychotherapist)

