

FAIR HOUSING: ACCOMMODATIONS & MODIFICATIONS in PRIVATE RENTAL HOUSING

Disability Rights Louisiana (DRLA) is a statewide non-profit agency providing free legal services to people with disabilities.

WHAT IS AN ACCOMMODATION?

An accommodation is a change or an exception to a rule so that a person with a disability has the same opportunity to use and enjoy a dwelling as anyone else.

It is unlawful for a landlord to refuse to make reasonable accommodations to any rules, policies, practices, or services, when such changes are necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling. “Reasonable” means practical and feasible. For example:

1. You use a walker and need a reserved parking space to ensure access to your apartment building, but the policy of the apartment complex is that all parking spaces are available on a first-come, first-served basis. You must be given a reserved parking space.
2. You are blind and have a seeing-eye dog, but the lease states that no pets are allowed. The landlord must make an exception and allow you to have your dog.
3. The laundry room is in the basement of your apartment building and you have trouble getting there. You have a friend who does not live in the building, but has volunteered to do your laundry. However, there is a rule stating that only residents may use the laundry in the building. An accommodation must be made by the landlord to allow your friend to do your laundry.

IN REGARDS TO AN ACCOMMODATION:

1. The landlord must make a reasonable accommodation that is necessary in order for a person with a disability to use and enjoy an apartment.
2. The landlord cannot require a larger deposit from a person with a disability than is customarily required from a non-disabled person in order to pay for an accommodation.

WHAT IS A MODIFICATION?

A modification is any type of physical change made to a dwelling so that a person with a disability can use the dwelling.

A landlord must allow a person with a disability to make reasonable modifications to rented or leased property at his/her own expense if these changes are necessary for the person with a disability to fully enjoy the property.

These are some examples of modifications that are typically reasonable: the installation of a grab bar in the bathroom, the lowering of a light switch, the widening of doors, or the building of a ramp. If the proposed modification is reasonable and is necessary for the tenant to enjoy living in that dwelling unit, then the tenant has the right to make those changes at his or her own expense.

IN REGARD TO A MODIFICATION:

1. The landlord cannot refuse to allow a renter to make a reasonable modification at his or her own expense.
2. The landlord cannot require a larger deposit for a dwelling from a person with a disability than is customarily required from a non-disabled person. A landlord may be able to require that money is set aside to restore a modification when the tenant leaves the dwelling.

IN REGARD TO A MODIFICATION, THE LANDLORD MAY REQUIRE THAT:

1. The renter provides the landlord with a description of the proposed modifications;
2. The modifications are performed in a professional manner, and that all necessary building permits are obtained;
3. Where it is reasonable, the interior of the altered property be restored to its original condition upon the departure of the premises, except for reasonable wear and tear, e.g., re-hang door, reinstall cabinets, raise kitchen countertops to original height;
4. In some circumstances, money is placed in an interest-bearing escrow account to ensure that there will be sufficient funds to restore the property to its original condition. This amount cannot exceed the cost of restoring the modifications. All interest from the account should be paid to the renter. The amount of money to be placed in the account should be negotiable and match the type of modification.

WHAT ABOUT MODIFICATIONS TO A COMMON USE AREA OR ON THE OUTSIDE OF THE DWELLING?

Common use areas include hallways, lobbies, recreation areas, and passageways between buildings. A landlord has the obligation to permit reasonable modifications to common use areas. In some circumstances, a landlord may have the obligation to make and pay for modifications to common areas to make them accessible to persons with disabilities. An example of a common use area modification would be the installation of a ramp into the mailroom so that it is wheelchair accessible. Generally, even if a modification to a common area must be made by the tenant, it does not have to be restored at the end of the tenancy.

SHOULD I SIGN AN AGREEMENT REGARDING A MODIFICATION OR AN ACCOMMODATION?

Carefully review any document which your landlord wants you to sign. You should not have to give up your legal rights in order to be able to rent a dwelling. If there is something you don't understand, ask the landlord to let you take the document and have someone else look it over before you sign.

REQUIREMENTS FOR NEW BUILDINGS

New multi-family housing with four or more units, built for the first occupancy after March 13, 1991, must be accessible. In buildings without elevators, only ground-floor units must be accessible. "Accessible" means:

1. There is an accessible building entrance on an accessible route.
2. Public and common use areas must be accessible to persons with disabilities.
3. Doors and hallways must be wide enough for wheelchairs.
4. Dwelling units must have an accessible route into and throughout the unit, accessible light switches, electrical outlets, thermostats and other environmental controls, reinforced bathroom walls to allow later installation of grab bars, and kitchens and bathrooms that can be used by people in wheelchairs.

For Assistance:

Call: TOLL-FREE 1-800-960-7705 (Voice or Relay)

8325 Oak Street, New Orleans, LA 70118

Visit our website: <http://www.disabilityrightsla.org/>

Find Us on Facebook: <http://www.facebook.com/disabilityrightsla>

Serving Louisianians, Statewide

To request services in Vietnamese, call 1-800-960-7705, extension 4. Để đòi hỏi những công tác (dịch vụ) bằng tiếng Việt, xin gọi 1-800-960-7705, mở rộng 4.

For information in Spanish, please call 1-800-960-7705, ext. 3. Para información en español por favor llame 1-800-960-7705, ext.3.