

ARE THERE OTHER RESTRICTIONS ON ACCOMMODATIONS?

There are no specific guidelines for accommodations or restrictions on the types of accommodations that can be requested. People requesting accommodations should be as creative as possible in trying to resolve problems. The following are some examples:

- Waiving a “No Pets” rule because the tenant has an emotional support animal.
- Changing the tenant’s apartment because the noise of a particular location (near the lobby) causes the tenant anxiety.
- Getting the tenant headphones, carpeting or another adjustment because a disability-related sleep pattern causes him or her to get up and pace, or listen to music during the night.
- Waiving a history of minor criminal offenses, such as disturbing the peace, which are related to the disability.
- Getting additional search time or a payment adjustment under Section 8 and Rental Assistance Vouchers.
- Providing additional time to clean the apartment.

WHAT SHOULD YOU DO IF YOU THINK THERE HAS BEEN ILLEGAL DISCRIMINATION?

**For more assistance contact
Connecticut Legal Rights
Project, Inc.
Toll Free 1-877-402-2299
TTY 860-262-5066
860-262-5030
www.clrp.org**

Connecticut Legal Rights Project, Inc., is a statewide non-profit agency which provides legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

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*The information in this pamphlet is based on laws in CT as of October, 2019. We hope that the information is helpful. **It is not intended as legal advice for an individual situation.** If you need further help and have not done so already, please call Connecticut Legal Rights Project or contact an attorney.*



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

HOUSING RIGHTS FOR PERSONS WITH MENTAL HEALTH CONDITIONS



#3

REASONABLE ACCOMMODATIONS

**LEGAL REPRESENTATION FOR PEOPLE
WITH MENTAL HEALTH CONDITIONS**



Federal and state laws protect the rights of persons with mental health conditions and other disabilities to live in the housing of their choice without discrimination. This is not a preference. Fair housing laws give persons with disabilities the same opportunity to obtain or retain housing as persons who do not have a disability.

WHICH HOUSING IS COVERED BY FAIR HOUSING LAWS?

State law protecting persons with disabilities apply to all housing, except an owner-occupied building with no more than two rental units; and rental of a room or rooms in a unit where the owner lives.

WHAT IS A REASONABLE ACCOMMODATION?

A reasonable accommodation is a change in policies or rules, or a structural modification, that enables a person with a disability to live on the premises and enjoy equal access to its benefits.

Everyone is accustomed to seeing ramps that provide access for persons with physical disabilities. However, sometimes a person with a disability needs a waiver or modification of one the policies or rules that the landlord applies to everyone because the rule prevents the person with a disability from being able to rent or live in the building. For example, a person with a disability who had a poor credit history that was caused by the disability (not just being poor) can request an accommodation that the landlord disregards that history.

IS THE LANDLORD REQUIRED TO GRANT AN ACCOMMODATION?

The landlord is not required to grant an accommodation, but must provide a good faith response to the request. Refusing a reasonable accommodation can be discrimination; in addition, failure to respond to a request for a reasonable accommodation is discrimination.

UNDUE BURDEN ON THE LANDLORD

A reasonable accommodation cannot impose an undue burden on the landlord. Usually, the undue burden is related to the cost of the accommodation. The person with the disability may be required to pay the cost of an accommodation. Undue burden is determined on a case by case basis which will take into account the cost of the change and the resources of the landlord. A large public housing authority will usually be expected to make more changes than the private owner of a three family building.

FUNDAMENTAL ALTERATIONS

Landlords are not required to make changes that would alter the fundamental nature of services that he or she provides. For example, a large apartment complex with an exercise room for tenants is not required to provide a trainer for the tenant with the disability to enable the tenant to use the equipment. However, the landlord could be required to make the room available only to the tenant with the disability at a particular time if that were necessary for the tenant to use the equipment (i.e., at a time when s/he can obtain necessary assistance).

REQUESTING A REASONABLE ACCOMMODATION

A request for a reasonable accommodation can be made orally and need not use the words "reasonable accommodation." However, CLRP suggests that requests be in writing to make a record. A landlord or housing authority cannot require that a request be made only on a specific form.

The landlord/property manager cannot require a medical release, or that the tenant provide medical records documenting the disability, but the tenant must document a disability. Often that can be done by documenting receipt of Social Security Disability or Supplemental Security Income. A specific diagnosis or detailed information is not required.

THE ACCOMMODATION MUST BE RELATED TO THE DISABILITY

A reasonable accommodation is not required simply because a person has a disability. A person whose poor credit history is not related to the disability cannot get an accommodation regarding the credit history. The request must show the connection between the disability and the requested accommodation. Sometimes this means some information about the disability must be disclosed.

WHEN CAN AN ACCOMMODATION BE REQUESTED?

A reasonable accommodation can be requested at any time, including the time of eviction or a housing court trial. It's never too late!!! However, usually it is better to ask as soon as possible.