

## REASONABLE MODIFICATIONS UNDER THE FAIR HOUSING ACT GUIDANCE STATEMENT RELEASED

A recent HUD/DOJ joint [statement](#), *Reasonable Modifications Under The Fair Housing Act*, was released March 8, 2008. The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") "... Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to reasonable modifications."

This Statement provides considerable detail and guidance on issues that associations may face, and supplies uniform answers that may not always have been consistent from the various [HUD](#) regional offices.

In a Q&A format, this release covers a number of issues, including who qualifies as someone with a disability, the kinds of information needed to request a reasonable modification, and a definition of reasonable modification:

### **2. What is a reasonable modification under the [Fair Housing Act](#)?**

A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy. The Act makes it unlawful for a housing provider or homeowners' association to refuse to allow a reasonable modification to the premises when such a modification may be necessary to afford persons with disabilities full enjoyment of the premises.

The Statement provides examples of modifications that may typically be deemed reasonable (i.e., widening doorways to make rooms more accessible for persons in wheelchairs; adding a ramp to make a primary entrance accessible for persons in wheelchairs; altering a walkway to provide access to a public or common use area). Additionally, it outlines the difference between a reasonable *accommodation* and a reasonable *modification* under the Fair Housing Act, and covers requests for parking spaces. Insurance for modifications is also addressed:

### **22. May a housing provider or homeowner's association condition approval of the requested modification on the requester obtaining special liability insurance?**

No. Imposition of such a requirement would constitute a violation of the Fair Housing Act.

**Example:** Because of a mobility disability, a tenant wants to install a ramp outside his unit. The housing provider informs the tenant that the ramp may be installed, but only after the tenant obtains separate liability insurance for the ramp out of concern for the housing provider's potential liability. The housing provider may not impose a requirement of liability insurance as a condition of approval of the ramp.