

# Housing Series: Reasonable Accommodations in Housing

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The [Fair Housing Act of 1988](#) and the other disability rights laws, like the [Americans with Disabilities Act \(ADA\)](#), require more than other civil rights laws. If a landlord refuses to rent to an applicant with a disability who has an emotional support animal because the housing is “pet free,” the law requires the landlord to rent to the disabled applicant *and* to waive the “no pet rule.” In other words, the disability rights law both prohibits discrimination and requires changes in housing policies and practices. In many cases, the law also requires structural modifications with hammers, nails, and paint to remedy an individual’s inability to rent an apartment.

Reasonable accommodations are changes in policies and practices that are necessary to afford a person with a disability an equal housing opportunity. For example, permitting a relative to have a key to the tenant’s apartment where the rule limits each tenant to a single key would serve as a reasonable accommodation. Mental health service providers who include housing in their services must offer reasonable accommodations. Reasonable accommodations must meet the requirements of the DANCE acronym (Disability, Accommodation request, Necessary, Cost, Exceptional).

## DANCE

### **Disability:**

The individual requesting the accommodation must have a disability that meets the legal definition. Providers may, but are not required to, accommodate individuals with temporary disabilities. For example, a tenant with a history of alcohol abuse, who is not currently abusing alcohol, may request that the Public Housing Authority permit him to rent an apartment in a liquor store-free neighborhood, but there is no official obligation for the Public Housing Authority to fulfill this request.

### **Accommodation request:**

If the disability and the need of a tenant are not obvious, the tenant must ask for an accommodation. Many mental health disabilities are not obvious so the tenant must be willing to disclose the disability. The landlord may ask for a health professional’s written confirmation of the disability, but not about the nature or severity of the disability.

### **Necessary:**

The request must be necessary for the person to be able to participate in and enjoy the housing benefits. For example, a tenant whose anxiety disorder prevents him from bringing the rent to the office may ask for an accommodation to pay the rent another way; without such accommodation, the tenant might face eviction.

**Cost:**

A housing provider may deny an accommodation request if the cost poses “an undue financial and administrative burden.” For example, asking a landlord to install an elevator in an existing building is likely to be an “undue” burden if the building has no elevator shaft.

**Exceptional:**

A housing provider may deny a request for a reasonable accommodation if the accommodation would require the housing provider to alter “the fundamental nature of the program.” For instance, asking the landlord to buy a van to take tenants/program participants shopping is not reasonable if the landlord does not provide transportation services to any tenant.

The Fair Housing Act of 1988 protects people with mental and physical disabilities. This law, like all civil rights laws, makes it illegal to treat people with disabilities differently if the treatment results in a poor housing situation or denial of housing. Through the application of “reasonable accommodations,” many housing challenges can be resolved quickly, relatively easily, and at little cost.

About the Housing Series: Access to affordable housing is essential to prevent and end homelessness. Locating housing resources is a daunting task, even without the stereotypes and generalizations that result in discrimination against people experiencing homelessness and mental illness. PATH providers know firsthand the scarcity of housing for individuals with limited incomes. To assist PATH providers in finding affordable housing, the PATH Technical Assistance Center created the Housing Series. The Housing Series consists of information, resources, and tools to help providers obtain housing for the people with whom they work. The Housing Series is available on the [PATH website](#) under “Topics.” Additional resources and tools will be added periodically. Please send comments on the Housing Series and suggestions for additional resources to [path@samhsa.hhs.gov](mailto:path@samhsa.hhs.gov).