

A STUDENT'S GUIDE TO REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT



*This guidebook will specifically address fair housing rights
of students living on campus or
in housing run by a college or university*

Produced 2017 by the Fair Housing Center of West Michigan



What is a reasonable accommodation?

Under the Fair Housing Act, a **reasonable accommodation** is a change or exception to any rule, policy, procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a “no pet” or “no animal” policy or allowing a room change to a single room for medical equipment. Reasonable accommodations enable independent living and equal access to housing* for students with disabilities.

If you feel you need a **reasonable accommodation** to your student housing based on a disability, there is a process you will need to go through to work with your school administrators. These requests should be evaluated on a case-by-case basis, and can be made during any part of a student housing transaction. It’s a good idea to start the process earlier rather than later if possible.

Students with disabilities may also request a **reasonable modification or structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to have full enjoyment of the premises, such as the installation of a ramp, grab bar, or handrail. Please contact the FHCWM for guidance regarding modifications.*

What is fair housing?

Federal and Michigan fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, **disability**, marital status, and age. Illegal housing discrimination includes a refusal to make a reasonable accommodation or a refusal to permit a reasonable modification if either would be necessary to afford a student with a disability equal access to and full enjoyment of the housing and campus facilities.



What rights do students have under fair housing laws?

Any student in the process of seeking housing, whether on or off campus, is protected by fair housing laws and has the right to inquire about, apply for, and obtain housing free from discrimination because of their race, age, disability, etc. Fair housing laws cover most housing, including dormitories, apartment complexes, single-family homes, condominiums, manufactured homes, and others. Students with disabilities also have the right to request reasonable accommodations under fair housing laws.

Examples of Reasonable Accommodation Requests for Students with a Disability:

- Requesting an assigned, accessible parking space near your residence hall entrance or room
- Requesting to waive a “no pet” or pet fee policy to allow for an assistance animal
- Requesting a move to the ground floor due to limits or changes in your ability to use stairs

It is important to note that in university-sponsored housing, certain exemptions may allow for limitations on the basis of marital status (i.e. “married housing”). This guidebook will specifically address fair housing rights for students with disabilities regarding on campus living or in housing offered by a college or university.

Colleges and universities that offer student housing must comply with the Fair Housing Act (FHAct), the Michigan Elliott-Larsen Civil Rights Act, and any applicable fair housing ordinances at the local level. Further, public and private colleges and universities supported by federal grants and funding programs must comply with Section 504 of the Rehabilitation Act of 1973. Common areas in student housing may further be covered by the Americans with Disabilities Act (ADA).

Fair Housing for Students with Disabilities

The Fair Housing Act defines a person with a **disability** to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Major life activities include:

- Walking
- Breathing
- Communicating
- Seeing
- Hearing
- Caring for oneself
- Thinking
- Learning
- And beyond...

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities, cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease, diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.

How do I make a request?



If you are a student with a disability as defined by the FHAct and are seeking a reasonable accommodation to your student housing, you will need to submit a request to the student housing administrators (see sample request letter on P. 7) who oversee the housing offered by your college or university. Caregivers, relatives,



or an advocacy organization may also make a request on behalf of a student with a disability. It's a good idea to make the request in advance (a month or more) of the start of the semester to ensure your accommodation is met as needed.

A request can be made verbally, but it is usually helpful for both you and the school administrator if the request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether the request was ever made.

Many disabilities are not obvious to an outside observer. If your disability is not apparent or otherwise known, the student housing administrator may request verification of your disability and information establishing a disability-related need for the request. You can obtain supporting

documentation from your doctor or other qualified medical professional, psychiatrist, social worker, mental health professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about your disability. The supporting documentation only needs to verify:

NOTE: You can make a reasonable accommodation request at any time; it should not be a factor in your eligibility to obtain campus housing.

- (1) **that you have a disability as defined by the Fair Housing Act AND**
- (2) **your disability-related need for the requested accommodation or modification.**

Student housing staff does not need to know the details related to your disability, diagnosis, or health history; only that a disability is present and that the request is needed because of that disability. When obtaining supporting documentation, words such as “necessary”, “essential”, and “prescribed” should be used to describe the need for a reasonable accommodation. You may want to provide your doctor or other qualified medical professional with the sample support letter on P. 8 to help them understand what you are requesting and what type of documentation should be provided.

A student housing administrator or provider may not ordinarily inquire as to the nature and severity of your disability unless you are requesting accommodations in your housing or the classroom. However, once a request for a reasonable accommodation is made, the housing provider may want to contact whoever made the request (whether made independently or through an advocacy group) to discuss the request further and the disability-related need(s). This may also represent an opportunity for the student housing provider to discuss optional information about similar/other college or university services that may benefit you, such as disability support services.



NOTE: To show that a requested accommodation may be necessary, there must be an identifiable relationship, or **nexus**, between the requested accommodation and the student's disability.

Please note that the FHCWM also offers a guidebook like this one for the use of college/university housing administrators (visit fhcwm.org/publications). Working from the same information can help both the parties work together effectively and efficiently.

Online Verification: When is it appropriate?

As stated earlier, a student may have a disability that may not be apparent or the disability-related need is not something that can be observed or is not obvious. In these circumstances only, the housing provider may ask the student with a disability to provide information verifying the presence of a disability and information establishing a disability-related need for the request. There are a variety of ways that this can be provided. It is important to note that there are only two questions that need to be addressed: (1) that you have a disability as defined by the Fair Housing Act AND (2) what your disability-related need is for the requested accommodation. This verification does need to come from a reliable third party who is in a position to know about your disability.

Please note that there are many types of documentation that may substantiate your disability and disability-related need. In the case of assistance animals that provide emotional support, there are a growing number of sources offering different types of documentation, especially online. Some of these sources provide documentation that does not meet the standards outlined above and it would be appropriate for your housing provider to ask for more reliable documentation. Some of these sources do provide adequate information, and in some circumstances, may be the only source for you to successfully secure documentation. For example, if you are relocating to a new area and therefore don't have a local health care provider yet or have not been seen by your new provider yet. You may also be from a rural area with limited health care options or are a current patient of a medical professional who won't provide documentation unless you are seen in person first. This is why each request should be evaluated on a case-by-case basis by the housing provider, in order to consider the unique facts of each situation.

What if there are costs involved?

A reasonable accommodation is usually processed and completed without cost to you. Because reasonable accommodations are policy or procedural changes, they often incur little to no cost. A request could be denied **if** the cost of the reasonable accommodation is an undue financial **and** administrative burden for the college or university. In such a case the housing provider must contact you in order to evaluate and explore alternative reasonable accommodation methods. The last resort alternative to an accommodation request may

be a discussion about releasing the student from their housing contract or lease without penalty because the housing no longer meets their needs. Ideally, requests for reasonable accommodations are part of an *interactive process* between both parties.

Why can my request be denied?

A request for a reasonable accommodation can be denied for the following reasons:

- (1) The request for a reasonable accommodation was not made by or on behalf of a student with a disability OR if there is no disability-related need for the request, and/or**
- (2) If it would impose undue financial and administrative burden on the student housing provider OR would fundamentally alter the nature of their operations.**

In a reasonable accommodation request for an assistance animal, the student housing provider may deny the request if: (1) the *specific* assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the *specific* assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. Determination that any assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be *based on an individualized assessment* that relies on objective evidence about the specific animal's actual conduct — not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused.

Whether your request is approved, denied, or you are asked for more documentation, it is important to maintain communication with the student housing administrator. If your initial request is denied, alternative methods to accommodate or modify **MUST** be discussed. It is important that the student housing administrator continue to communicate with you as you both explore different options.

NOTE: The approval or denial of requests depends on the circumstances presented and needs to be determined on a case-by-case basis.

NOTE: You are not obligated to accept an alternative accommodation suggested by the student housing provider if you believe it will not meet your needs.

What is an Assistance Animal?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals *do not need to be trained, certified or licensed* by any entity or program. The Fair Housing Act does not limit the type of animal or the number of animals that a person with a disability may request as a reasonable accommodation. If you are seeking permission to use/live with multiple assistance animals, the student housing administrator can ask for you to provide third-party verification/documentation that each assistance animal will individually address different disability-related symptoms (for example, a student with a seizure disorder may need an assistance animal to alert them of an impending seizure as well as an assistance animal that provide emotional support regarding their anxiety related to their disabilities).

NOTE: There should be no additional charges or fees applied.

Assistance animals perform many disability-related functions, including but not limited to, guiding students who are blind or have Low Vision, alerting students who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting students to impending seizures, or providing emotional support to students with disabilities who have a disability-related need for such support. Assistance animals can significantly enhance a student's ability to live independently.

Assistance animals are not subject to additional charges such as fees or deposits nor any other existing pet-related policies. *Breed, size, and weight limitations may not be applied to assistance animals.* Assistance animals, once approved, should be allowed in all areas of the housing premises where students are normally allowed to go unless there is an undue financial and administrative burden or fundamental alteration of the student housing provider's services. Assistance animals must be under control at all times.

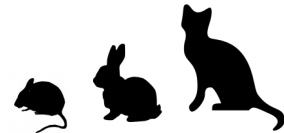
What are my responsibilities with my assistance animal?

If using an assistance animal due to a disability, you are responsible for the cost, care, and supervision of assistance animals, including:

- compliance with any laws pertaining to animal licensing, leashing, vaccination, and owner identification;
- compliance with any student housing policies regarding quiet hours, upkeep of dorm and/or shared living spaces
- keeping the animal clean, healthy and under control, as well as taking effective action when it is out of control;
- feeding and exercising (if applicable) the animal; and
- cleaning up after the animal in the residence and any other areas of the property as well as properly disposing of its waste.



NOTE: Fair Housing laws allow any kind of animal to be an assistance animal as long as it serves a disability-related need.



Students should also make arrangements in advance regarding care for the assistance animal in case of an emergency when they are not available to do so. You should be prepared to provide an emergency contact, and possibly coordinate with the resident manager, living center director or other appropriate housing staff if applicable, to ensure your animal is cared for if you become unable to do so.

What are my responsibilities when I live with roommates?

Students with assistance animals who share living space with other students must be aware that the assistance animal cannot interfere with the other student(s)'s right to full and quiet enjoyment of their housing. Students with approved assistance animals should work with the student housing administrator on a plan to appropriately notify roommates or other affected students about the accommodation. All parties should be aware that some students have medical condition(s) that are affected by the presence of animals (e.g., respiratory diseases, asthma, severe allergies) and may not be able to live in shared spaces with assistance animals. Therefore, student housing administrators will need to consider the conflicting needs and/or accommodations of all persons involved on a case-by-case basis. Once you have moved in together, it's very important to adhere to your responsibilities as outlined above.

Here are some commonly asked questions about requesting reasonable accommodations and as well as some ideas for action:

What do I do if...?

Your verbal request prompted the student housing administrator to ask for a written request.	If possible, a written request is helpful for both parties. If you need assistance or alternative methods to communicate your needs, the housing provider will need to assist you in providing those means (ex: large print, braille, electronic format materials).
You are asked to provide specific details related to your disability, diagnosis, or health history (outside your classroom needs if applicable).	You should tell your student housing administrator that you only need to verify the fact that you have a disability and how your request is related to your disability. <u>You do not need to state your disability or disclose details of your health history when addressing your housing-related needs.</u>
You are asked for written documentation of your disability, even though your disability is apparent.	If you have a visible, obvious, or otherwise known disability, the student housing administrator does not need any documentation. Let them know that you do not need to provide additional documentation.
You are told your verification of your disability is not good enough.	Included in this guide book is a form you can use to provide accurate and clear verification. (See pages 7 and 8 for sample request and support letters).
You made a request more than a week ago and you have heard nothing on your request.	Call the student housing administrator, ask who is taking care of your request, and what the status is. They should keep you updated.

If you experience delays, issues and/or a lack of communication, or if you feel you are being discriminated against, you may want to contact the Fair Housing Center for help.

Additional Resources

- Department of Justice & HUD—Joint Statement on Reasonable Accommodations
- HUD Fair Housing and Equal Opportunity Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs
- HUD Memo on Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation

Please visit **www.fhcwm.org/publications** to download these documents and other helpful information

Sample Reasonable Accommodation Request Letter

To aid you in the process of making a request, consider using language similar to this sample:

(Date)

Dear **(Student Housing Administrator)**

(My name is ____) and I am a student living/seeking to live on campus/in campus housing at **(insert building/address)**. I am a person with a disability as defined by the Fair Housing Act. I am writing this letter to request **(an accommodation)**. I am requesting **(insert your need here, examples are found below)**.

Example 1: an assigned, accessible parking space nearest to my residence hall entrance or room.

And/or

Example 2: an assistance animal that will aid with the functional limitations associated with my disability **(be as specific as possible about the kind of animal(s) you need and mention if you have animal(s) already)**.

With the approval of this request I will be able to **(explain how there is a need for your request, examples are found below)**

Example 1: safely travel into the building/unit, as my disability limits my ability to travel distances longer than 100 feet.

Example 2: better manage the stress, anxiety, and health issues associated with my disability. An assistance animal provides me the ability to combat and alleviate the symptoms of my disability.

With the approval of this request the effects of my disability will be assisted or alleviated.

Please provide documentation that you received this request and the status of my request. If further documentation of my disability is needed, let me know so that I can provide documentation about the disability-related need for my request.

Sincerely,

(Your name)

Please visit www.fhcwm.org/disability to download this and other helpful documents.

APPENDIX

Sample Support Letter

This sample support letter can aid your medical professional or other reliable third party in providing verification of your reasonable accommodation request. It should accomplish the following:

1. Verify that the person meets the Fair Housing Act's definition of disability (need not mention specific diagnosis, but must be clear that the person's condition rises to the level of a disability)
2. Show the relationship between the person's disability and the need for the requested accommodation/modification (words such as "necessary", "essential", or "prescribed" should be used to describe the client's need)

The letter may be written by a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party who is in a position to know about the individual's disability.

Date

TIP: Use office logo
or letterhead.

Dear *(Housing Provider)*:

(Name of client) is my client/patient, and has been under my care since *(date)*. I am familiar with his/her history and disability-related functional limitations. She/he meets the definition of disability under the fair housing laws. To enhance his/her ability to live independently on campus/in student housing and to have full use and enjoyment of his/her dwelling, I am prescribing/supporting as essential or necessary *(insert need)*

Example 1: a transfer to a first floor unit.

Example 2: an emotional support dog, cat, bird, etc. (be as specific as possible about the kind of animal(s) needed and mention if the patient has the animal(s) already) that will assist *(name of client)* with the functional limitations associated with his/her disability.

Specifically, *(please provide information demonstrating how the accommodation is needed or necessary to alleviate one or more identified symptoms or effects of an existing disability or how the disability will be exacerbated in the absence of the accommodation)*

Example 1: my client has increasing difficulty climbing stairs due to a disability and needs a first floor unit to ensure health and safety AND/OR reduce stress on mobility limitations AND/OR have safer and increased access to laundry facilities AND/OR have safe egress options in event of emergency, etc.

Example 2: the emotional support animal (dog, cat, bird, etc.) is necessary to ease disability-related stress and anxiety OR decrease heart rate OR ameliorate or reduce likelihood of panic episode OR increase capacity for social interaction OR allow for continued health and stability OR increase focus necessary for positive school or work performance OR improve physical, emotional and psychological functioning, etc.

Provided that there are no confidentiality concerns, I am available to answer questions you may have concerning my verification only of *(name of client)*'s request.

Sincerely,

Signature and Name of Professional

Form developed by the Fair Housing Center of West Michigan • www.fhcwm.org

Please note this is not intended to be used as legal advice.

The Fair Housing Act and other laws seek to end discrimination in housing based on race, color, religion, national origin, sex, familial status, disability, marital status, and age.

If you have questions,
call the Fair Housing Center for help.



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Please note that this guidebook is not intended to be used as legal advice.

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