



If you are a renter who has or might have Coronavirus (COVID-19)

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- ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
 - ❖ Eviction law continues to change. Read about the latest changes to the law at WashingtonLawHelp.org/resource/eviction
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Is infection with COVID-19 a disability?

Yes. Under federal or state civil rights laws, you have a disability if one of these is true:

- You have an impairment that greatly limits at least one major life activity.
- You have a record of having such an impairment.
- Other people believe you have such an impairment, even if you actually do not.

The symptoms of COVID-19 include respiratory distress, having a hard time breathing, fatigue, and digestive issues. They affect your ability to care for yourself.

Even without the worst symptoms, the contagious nature of COVID-19 affects major life activities, such as working and communicating with others.

What is a record of impairment?

This could be if you have recovered from COVID-19, or you have been exposed to the virus and are quarantined.

I don't understand how the law could cover me if other people believe I have COVID-19.

An example of this is you seem to be sick and your landlord tries to evict you because the landlord assumes you have COVID-19. You do not have a disability, but the landlord believes you do.

What is a reasonable accommodation?

It is a change in a rule, policy, practice, or service that may be necessary to allow a person with a disability the equal opportunity to use and enjoy living in a rental.

If you have a disability, you can ask your landlord for an accommodation of your disability, if the accommodation would help you to be able to stay in the rental.

I have COVID-19, someone in my household has it, or I have been exposed to it. How could a reasonable accommodation help me?

You could ask for a reasonable accommodation of any symptom of your COVID-19 condition, or your household member's, that threatens your tenancy.

For example, you lost work due to COVID-19 infection. You could ask for an accommodation if you cannot pay rent or other housing-related charges. **This would not excuse you from ever paying the rent.** You could ask to pay rent late without having to pay late fees or face eviction. You could ask for a payment plan.

Here are some other examples of COVID-19-related accommodations:

- Getting more time to do yard work or other household maintenance.
- Getting more time to hand in recertification paperwork.
- Appointing someone to handle your affairs during your illness.
- Changing the way you are told to pay your rent, including paying by mail.

Use the **sample letter** attached to this fact sheet.

I cannot get medical proof of my disability right now. Do I need to give this proof with my reasonable accommodation request?

Doctors are spending much of their time right now on urgent cases. It may be very hard to get proof of your disability from them.

You can get proof of your disability from anyone in a position to know. This could be a support group, social worker, or other person who knows about you.

If you get disability or SSI benefits, you could show your landlord a statement from Social Security proving this. Talk to a lawyer right away for other ideas about how to prove disability.

Can a landlord refuse my reasonable accommodation request?

The landlord must give you what you have asked for if it is necessary to accommodate your disability and does not burden the landlord too much.

A landlord who does not give you a reasonable accommodation may be discriminating against you because of your disability. Talk to a lawyer right away.

I have COVID-19, or the landlord thinks I have COVID-19. Can I be evicted?

No. A landlord cannot ask you to move out or otherwise treat you differently because you have or may have a disability. This includes COVID-19.

- **Example 1:** You have diabetes. The landlord cannot segregate you and other people with chronic health conditions to a particular part of a building to protect you from COVID-19 exposure.
- **Example 2:** A landlord cannot evict you because you called an ambulance for a disability, such as COVID-19.
- **Example 3:** Another tenant overhears you coughing in your unit. The landlord cannot evict you just for showing symptoms of COVID-19.

Can a landlord ask for proof that I do not have COVID-19?

No. The federal Fair Housing Act prohibits a landlord from asking about your actual disability, or the disability the landlord thinks you may have. This includes infection with or exposure to COVID-19.

Get Legal Help

- **Facing Eviction?** Call 1-855-657-8387
- **Facing Foreclosure?** Call 1-800-606-4819
- **Facing a legal issue in King County (other than Eviction or Foreclosure)?** Call **2-1-1** (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County (other than Eviction or Foreclosure)?** Call the [CLEAR Hotline](#) at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.
- **Seniors (age 60 and over) with a legal issue outside of King County** can also call CLEAR*Sr at 1-888-387-7111
- **Deaf, hard of hearing or speech impaired** callers can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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COVID-19 Related Reasonable Accommodation Request

_____ [Date]
_____ [Landlord Name]
_____ [Landlord Address]

Sent via email: _____ [email address]

Re: Reasonable Accommodation Request

Dear _____:

I am your tenant at _____ [address]. I am writing to request that you make the following accommodation:

[choose one]

let me pay my rent by mailing it without charging me late fees. I cannot leave my home to pay rent as I usually do.

Waive the following policy that I cannot comply with because of the COVID-19 pandemic:
_____.

Let me enter into a payment plan to pay [month]’s rent and waive (excuse) any late fees.

Stop nonemergency inspections of my dwelling unit because it is a risk to my health.

Extend this deadline that I cannot meet because of the pandemic to _____ [later date]:

Communicate with _____ [name], who will be handling my affairs during my illness.

I have recently become ill with COVID-19 or I must self-quarantine. I am unable to work. I am hurting financially.

I have a diagnosable medical condition that puts me at greater risk of COVID-19 infection. I have to limit my activities accordingly.

My request is supported by the federal Fair Housing Amendments Act of 1988 (FHAA) because it is related to a disability. The FHAA prohibits discrimination based on disability. It defines discrimination to include “a refusal to make reasonable accommodations in rules, policies, or practices or services when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B).

To receive a reasonable accommodation: (1) I must show that I have a disability; (2) I must show the accommodation may be necessary to afford me an equal opportunity to use and enjoy a dwelling; and (3) the accommodation must seem reasonable on its face. *Giebeler v. M&B Associates*, 343 F.3d 1143, 1147-56 (9th Cir. 2003). **My request meets these requirements.**

1. COVID-19 is a Disability Pursuant to Federal Law

Under the FHAA, someone has a disability if she has “a physical or mental impairment which substantially limits one or more of [her] major life activities” 42 U.S.C. § 3602(h)(1). The FHAA defines major life activities as “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” 24 CFR 100.201(b).

My condition does not permit me to work. It limits a major life activity. It is a disability pursuant to federal law.

2. My Request for a Payment Plan is Necessary and Reasonable

To prove an accommodation is necessary, I must show that it is “necessary to afford [me] equal opportunity to use and enjoy a dwelling.” Giebeler, 343 F.3d at 1157. Allowing me to pay rent on a payment plan and waiving all late fees will let me remain in my home. This will let me manage the symptoms of COVID-19 in a safe environment. I will be much less likely to infect others.

Accommodation requests are reasonable if they do not cause fundamental alterations to programs or policies or undue financial burdens on housing providers. Giebeler, 343 F.3d at 1157. Reasonable accommodations may impose some cost to a housing provider and consideration of a person’s financial circumstances when determining whether an accommodation is warranted is appropriate. Giebeler, 343 F.3d at 1157.

An accommodation to pay rent late and waive late fees may be reasonable under the FHAA. Fair Housing Rights Center in Southeastern Pennsylvania v. Morgan Properties Management Company, LLC, 2017 WL 1326240 (E.D. Pa. April 11, 2017).

Here, I am asking to enter into a payment plan. You will receive rent in full. This request does not constitute an undue financial burden.

3. You Must Work With Me in Good Faith to Reach A Solution to this Reasonable Accommodation Request.

Under the FHAA, the affected parties must work together in good faith to develop solutions to reasonable accommodation requests. Essex Mgmt. Corp. v. McAlister, No. CIV 245572, 2007 EXTRA LEXIS 4, 26 (Ventura Sup. Ct.). I may request a reasonable accommodation at any time before a judgment is entered in an eviction case. Douglas v. Krigsfeld, 884 A.2d 1109, 1121 (D.C. App. 2005). A refusal to accommodate a disability is an affirmative defense to an unlawful detainer. McAlister v. Essex Prop. Trust, 504 F Supp. 2d 903 (C.D. Cal. 2007). For an eviction to go forward, the landlord must show that no accommodation is possible. Roe v. Sugar River Mills Assocs. et al., 820 F. Supp. 636 (D. N.H. 1993). Because I am asking that you reasonably accommodate my disability, you must work with me in good faith to develop a solution to this request.

Once you have time to consider this reasonable accommodation request, please contact me directly at [phone number] _____. I look forward to finding an amicable solution to this matter.

Sincerely,

[Your Name]