

# How to make a request for accommodation of your disability to your landlord

## Who should use this?

You should use this if you live in Washington State, and you have a disability or are the relative of a person with a disability.

## What will I learn?

You will learn:

- if you have a disability under the law,
- ways your housing provider might be able to work with you to accommodate your disability,
- how to ask your housing provider for an accommodation,
- what information the housing provider can ask you for,
- who might have to pay any costs of an accommodation, and
- what to do if your housing provider doesn't accommodate your disability.

## How do I know if I have a disability?

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 do not.

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- ❖ This physical or mental impairment can be temporary. It does not need to be permanent for the laws to apply to you.
  
  - ❖ **The definition of disability here is different than Social Security's definition.** Your impairment doesn't have to keep you from working. You can have a disability that requires accommodation even if it doesn't qualify you to get SSI or SSDI.
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## Who is a housing provider?

The law defines a housing provider as a landlord, property manager, condominium board member, homeowner association board member, or other person or organization that controls access and/or use to the place where you live.

## What is a reasonable accommodation?

It is a change or exception to a rule, policy, practice, or service that may be needed so a person with a disability has the equal opportunity to use and enjoy housing. You can ask for this change to your housing, including public and common use areas.

Here are some examples of reasonable accommodations. This is not a complete list:

- Giving you rental forms in large print
- Giving you a reserved accessible parking space near the building where you live
- Letting you have a service animal in a "no pets" building
- Letting you move to the ground floor when you can no longer climb stairs

## How do I try to get a reasonable accommodation?

You must make a written request to your housing provider. You can do this yourself or another person or entity (parent, medical provider, or other representative) can do it for you.

Your housing provider may require you to use their specific forms, but the law does not require this. You can always write your own letter without using their forms. We have included a sample letter below for reference. You do not have to use it either.

Written requests help avoid misunderstandings about what you are asking for. You should also ask in your request that the housing provider respond by a certain date. Then you will know when to follow up.

## What should my written request say?

The accommodation you ask for must be necessary, directly related to your disability, and reasonable. You must generally identify the nature of your disability. (See “Do I need to tell my housing provider exactly what my disability is,” below.) You should give a full description of the accommodation. You should also list any resources that will make it easier for your housing provider to agree to the request.

If you are asking for permission to make a change (a *modification*) to the premises as an accommodation of your disability, you should:

- Give a full description of the modifications needed.
- Put in your request that you will get building permits, if needed.
- Put that you will make sure the modifications are made in a professional manner.

## Who pays for the accommodation?

Most reasonable accommodations are no- or low-cost. Where there is a cost, the housing provider must cover costs that are not an "undue financial and administrative burden." Your housing provider may not charge you extra fees or deposits as a condition of giving you a reasonable accommodation.

If your request is for a modification to the place where you live, then generally, you will cover the expense. You might have to return the premises to its original state, at your expense.

- **Example 1:** You got your landlord’s permission to put in bathtub grab bars with reinforcement installed in the wall. The landlord can ask you to remove the grab bars at move-out but leave the wall reinforcement.
- **Example 2:** You got your landlord’s permission for an emotional support animal (ESA) by giving the landlord a doctor’s note. The landlord cannot make you pay a pet deposit because your ESA is not a “pet.” But if your ESA damages the property, for example by peeing on the carpet, you are

responsible for the cost of repairs. You may be responsible for the cost of professional carpet cleaning when you move out.

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- ❖ **If the property receives federal funds**, the housing provider pays, unless it would be a hardship for them to do so. You and the landlord can also contact the state [Landlord Damage Relief Program](#) at <https://bit.ly/3PpSpIX> to see if the landlord can get reimbursed for making accommodations.
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## How many requests for accommodation can I make?

If you have a disability, you can make as many of these requests as necessary, whenever you need them. The housing provider should respond to each request promptly.

## Can the landlord ask for proof that I have a disability?

It depends.

**If both your disability and the need for the accommodation are obvious**, you won't need to provide verification of either.

- **Examples:** Someone who uses a wheelchair or is hunched over with limited mobility asks for a reserved parking space near their front door. Or someone who is deaf, who wears hearing aids, can't take phone calls, and needs things in writing.

**If the disability is obvious, but the need for the accommodation is not clear**, the housing provider can ask for written verification that you need the accommodation.

- **Example:** Someone who is clearly deaf asks for a reserved parking space near his front door. There's no clear connection between the deafness and a parking space. The person must show that the parking space is needed, maybe for another disability.

**If neither the disability nor the need for the accommodation are obvious**, the housing provider can ask for verification that you have a disability and a disability-related need for the accommodation requested.

- **Example:** A tenant does not have an obvious disability. She wants to have a service animal live with her. She may need to give the landlord a letter

verifying that she has a disability and connecting the need for the service animal to her disability condition.

## Do I need to tell my housing provider exactly what my disability is?

You must at least describe the nature of your disability and how the accommodation will help. If you can give a doctor's note verifying the disability, your housing provider can't then require you to give more medical records.

- **Example:** "I have a physical impairment that limits my ability to walk. My doctor now says that I must use a wheelchair. I need to be moved to the first floor and permission to install a ramp."

## I asked for an accommodation. What if the landlord says no?

The landlord may only turn down (may only *deny*) your accommodation request if the accommodation causes an "undue burden." If the landlord does not say what "undue burden" it causes to accommodate your request, you should ask for a written explanation for the denial.

There may be some cost to the landlord for the accommodation. It may require extra effort by the landlord. But the landlord cannot deny your request just for these reasons. The landlord may only turn down your accommodation if it is not readily achievable and would involve real difficulty or expense.

## Can I try to work this out with the landlord?

You are entitled to an interactive process with your landlord to discuss alternatives. You can ask for a meeting or a phone conversation.

The housing provider must keep information about your disability confidential and not share it, except with management employees who need to make a decision on your accommodation request.

- **Example:** You have a cognitive disability which causes you to have memory issues. You missed a deadline to return your paperwork. You asked for a reasonable accommodation for an extension of one month. The landlord denies your request as unreasonable. You should get to talk to your landlord about any other options, such as an extension of 2 weeks.

## I asked for an accommodation. What if the landlord did not respond, took too long to respond, or turned down my request?

You should contact a fair housing agency in your area. Read [My Landlord is Discriminating Against Me](#) to learn more, including who you can contact.

## Where can I learn more?

If you live in western Washington- visit Fair Housing Center of Washington at [fhc.washington.org](http://fhc.washington.org)

If you live in eastern Washington- visit NW Fair Housing Alliance at [nwfairhouse.org](http://nwfairhouse.org)

## Get Legal Help

- **Apply online:** [nwjustice.org/apply-online](http://nwjustice.org/apply-online)
- **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 211 (or toll-free 1-877-211-9274) weekdays 8:00 am to 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County?** Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm or apply online at [nwjustice.org/apply-online](http://nwjustice.org/apply-online).
- **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.

Interpreters provided.

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\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Landlord Name)

\_\_\_\_\_  
(Landlord's Street address)

\_\_\_\_\_  
(City, state and zip)

Re: Request for Reasonable Accommodation

To: \_\_\_\_\_,

I am your current tenant at (address)

\_\_\_\_\_. Pursuant to the federal Fair Housing Amendments Act (FHAA), 42 U.S.C. § 3604 et seq. and the state Law Against Discrimination (LAD), RCW 49.60.222 et seq., I request a reasonable accommodation based on my disability.

As you may already be aware, I have a disability. I have been diagnosed with (*describe your disabilities/medical condition*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This affects me by (*describe how your disability or medical condition affects your daily living*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The federal Fair Housing Amendments Act and the Washington State Law Against Discrimination (LAD) require landlords to “make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B). **I request the following reasonable accommodation(s).** *(Describe what accommodations in rules, policies, practices, or services would help you have an equal opportunity use and enjoy your dwelling.)*

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So that I have sufficient notice of your decision on this request, please respond to me by \_\_\_\_\_ *(date)*. **Fair Housing laws require a response, and if the initial request is denied, then an interactive process of seeking a solution is required.** My contact information is below.

You should be aware that it is illegal under RCW 59.18.240 for a landlord to take any retaliatory action against a tenant, including eviction, because the tenant has demanded their rights under the law.

Thank you for your time and consideration.

Sincerely,

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*(Signature)*

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*(Print name)*

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*(Phone number / Email )*