

Fair Housing Tip of the Month

Tip #2 – Reasonable Modifications

“My unit is located next to the elevator and the noise increases my anxiety. There are no other units available in my building so I cannot move to a unit further from the elevator. I want to install soundproofing in my bedroom next to the elevator. Does the landlord have to do this for me?”

The law says: Fair housing laws recognize that a tenant with a disability may need to make changes to his or her unit to allow full use and enjoyment. A structural change to the unit or common areas of the premises that ensures equal access to housing for a person with a disability is called a “reasonable modification.” There must be a connection between the tenant’s disability and the requested modification. Generally, tenants are responsible for the costs of making modifications both in their unit and in common areas. Tenants are also responsible for restoring modifications in their units to the previous condition where it is reasonable to do so, but do not have to restore those that do not affect subsequent use or enjoyment of the premises or those in common areas. In some cases, a landlord can require a tenant to make payments into an escrow account up to the amount needed for restoration.

A tenant is responsible for the maintenance of any modification that he or she alone uses. If the modification is made to a common area normally maintained by the landlord, then the landlord is responsible for the maintenance of that modification. If the modification is made to a common area not normally maintained by the landlord, then the landlord has no responsibility to maintain it and the tenant would generally be responsible for its maintenance.

If, however, the housing complex receives federal financial assistance, structural changes needed by a tenant with a disability must be paid for by the landlord, unless providing them would be an undue financial or administrative burden, a fundamental alteration to the building or program, or unless the landlord can accommodate the tenant’s needs through other means.

What to do: Your landlord must allow you to make reasonable modifications. Ask your landlord in writing for permission to install soundproofing in your bedroom as a reasonable modification. Make sure you explain the connection between your disability and your need for the soundproofing. If requested by the landlord, get a letter from your treating professional supporting your request.

If your landlord refuses to consider your request for reasonable accommodation or refuses to engage in an interactive process, you can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call [800-669-9777](tel:800-669-9777), or visit https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call [800-884-1684](tel:800-884-1684), or visit <http://www.dfeh.ca.gov/complaint-process/complaint-forms/>

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: *The Fair Housing Tip of the Month program is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.*

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