

All About: Reasonable Accommodations and Modifications in Housing

State and federal law provide certain protections to individuals with disabilities in housing. If you have a disability, you may have the right to ask for certain changes that are necessary to make your home accessible, known as "reasonable accommodations" and "reasonable modifications."

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What are reasonable accommodations?

An accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. Housing providers are generally required to make reasonable accommodations when such changes may be necessary to allow a person with a disability an equal opportunity to use and enjoy a dwelling and public and common use areas. (Although there are certain exceptions to this general rule—see section below "When can reasonable accommodations/modifications be denied?") It is important to note that the reasonableness of an accommodation is very fact-specific, and whether or not a particular accommodation is required by law will depend on the specific needs of the parties.

Examples of reasonable accommodations:

- Changing a rent payment schedule to accommodate when an individual receives income assistance for a disability.
- Providing written materials in larger print for people who have trouble seeing.

Because rules, practices, and services can affect people with disabilities differently than others, treating everyone exactly the same may sometimes prevent people with disabilities from having an equal chance to enjoy their home or take part in a housing program. In such cases, making an exception to the rules is the reasonable accommodation for the person with a disability.

Examples:

- Allowing an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability.
- Allowing a tenant with mobility limitations to have an assigned parking space close to their unit even though there are otherwise no assigned parking spaces.

What are reasonable modifications?

Reasonable modifications are physical changes made to the home or surrounding areas in order for a person with a disability to be able to fully use and enjoy the home and all common areas. Housing providers generally must allow a disabled person to make reasonable physical changes to the dwelling if such changes may be necessary in order for the person with disabilities to be able to fully use and enjoy the unit. (Although there are certain exceptions to this general rule—see section below “When can reasonable accommodations/modifications be denied?”)

Examples:

- Adding a grab bar to a tenant’s bathroom.
- Widening a doorway to make a room wheelchair-accessible.

Who can ask for a reasonable accommodation or modification?

Reasonable accommodations and modifications are intended for individuals with a disability. An individual with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities.

A person with a disability need not personally make the reasonable accommodation or modification request; the request can be made by a family member or someone else who is acting on her behalf. Also, fair housing laws prohibit discrimination and retaliation against the disabled individual as well as any person associated with the disabled individual.

Who is required to pay for reasonable modifications?

The person requesting the reasonable modification is usually responsible for the cost of the modification. Additionally, a landlord can ask the tenant to pay for removal of the modifications at the end of the tenancy. However, housing providers generally cannot make persons with disabilities pay extra fees or deposits, or impose other special conditions, to get a reasonable accommodation or modification.

*Exception: Federally-subsidized housing

There are special rules that apply to housing that receives federal financial assistance. For such housing, structural changes needed by an individual with a disability must generally be paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program or unless the housing provider can accommodate the individual's needs through other means.

When can accommodation/modification requests be denied?

A housing provider can deny an accommodation or modification request if:

- The requesting individual doesn't meet the legal definition of "person with disabilities."
- There isn't a connection between the requested accommodation/modification and the disability-related need.
- The accommodation/modification is unreasonable. What is considered a "reasonable" request must be decided based on the specific circumstances of each situation. A request would likely be considered unreasonable if it would be 1) a huge financial or administrative burden on the housing provider, or 2) would be a fundamental alteration to the housing provider's operations or

programs.

Example of undue hardship: As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service.

Example of fundamental alteration to provider's operations: A tenant has a severe mobility impairment that substantially limits his ability to walk. He asks his housing provider to transport him to the grocery store and assist him with his grocery shopping as a reasonable accommodation to his disability. The provider does not provide any transportation or shopping services for its tenants, so granting this request would require a fundamental alteration in the nature of the provider's operations.

If a housing provider denies your request because it is either an undue administrative and financial burden or a fundamental alteration, the housing provider is required to work with you to try to find an alternative modification/accommodation that would effectively meet your disability-related need.

- The accommodation/modification would create a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

If a housing provider has doubts about the validity of a tenant's reasonable accommodation/modification request, it is best practice for the housing provider to begin a conversation with the tenant regarding the request, rather than simply denying it.

Do I have to ask for a reasonable accommodation or modification in order to get one?

You are generally required to make a request for a reasonable accommodation or modification in order to be entitled to receive one, and it is best practice to do so.

How do I ask my housing provider for a reasonable accommodation or modification?

You should explain two things to your housing provider when asking for a reasonable accommodation:

1. The type of accommodation/modification you are requesting
2. The relationship between the requested accommodation/modification you are requesting and your disability.

Although a reasonable accommodation/modification request does not have to be made in a particular manner, below are some best practices for making a such a request:

- Check with your housing provider to see if they have a preference regarding the manner in which the request is made. (However, housing providers must still consider requests even if the requester does not use the provider's preferred forms or procedures for making such requests.)
- It is a good idea to make your request in writing, to prevent misunderstandings regarding what is being requested, or whether the request was made.
 - Make a note of the date and way (oral, email, letter, etc.) in which you placed your request.
- It can be helpful to attach documentation that explains how your disability relates to your request, such as a letter from a health professional. You don't need to include detailed medical information about your disability, but you should provide enough information to show how the accommodation or modification is connected to your disability.
- Ask your housing provider to respond to your request within a specific time frame.

You can find a sample request letter [here](#).

When can or should a request for reasonable accommodation or modification be made?

Reasonable accommodation/modification requests can be made at any time. This includes:

- During the housing application process, before you have moved into the property.

Example: If the landlord requires applicants to apply by physically coming to their rental office, which you cannot do due to your disability, the landlord may need to provide an exception to that application policy for you.

- After you have moved into the property.
- During an eviction process, even if your request relates to the underlying reason for the eviction.

Example: You are recovering from back surgery. The landlord tells you to move some items you have stored in a common area within 5 days. You can't move the items due to the back surgery. When you don't move the items, the landlord serves an eviction notice, and files an eviction in court. Even after the eviction is filed, you may request a reasonable accommodation, such as extra time to move the items and/or a stay of the eviction proceedings.

What proof can my housing provider ask me for?

Housing providers can ask you to provide:

1. Reliable proof to verify that you meet the legal definition of disability
2. Reliable proof of the relationship between your disability and the need for the requested accommodation/modification.

Who can provide this proof?

- In many instances you may be able to verify your disability yourself. For instance, if you are under 65-years of age and you receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, you will meet the federal definition of an individual with a disability.
- In many instances, proof can be provided by a reliable third party who knows about your disability. This may include a doctor or other medical professional, a peer support group, a non-medical service agency, or another reliable third

party.

- Housing providers should not ask for medical records. The person verifying your disability and/or need related to your disability can just write a letter with the necessary information.
 - Some good practices for a verification letter include: explaining how the person writing the letter knows the person asking for an accommodation/modification, stating if the person has a physical or mental impairment, saying if the impairment limits one or more major activities or bodily functions, and explaining what the accommodation/modification is needed for.

Under Wisconsin law, documentation of your disability and need for an emotional support animal must come from a licensed health professional, which can be a physician, psychologist, social worker, or other health professional. (For more information regarding assistance animals in housing, see [All About - Support, Service, and Assistance Animals](#))

What should I do if I never get a response from my housing provider?

A housing provider is required to provide a prompt response to a reasonable accommodation/modification request. However, some housing providers may receive a lot of requests and need more time to process yours. So your first step should be to follow up with your landlord, in writing. If you've done this, and they still don't get back to you in a reasonable amount of time, this may be considered a denial of the request. See "What should I do if my housing provider denies my reasonable accommodation/modification request?" below.

What should I do if my housing provider denies my reasonable accommodation/modification request?

If your request for a reasonable accommodation/modification was denied, you have a few options:

- Follow-up with your housing provider. Try to contact them using multiple methods (e.g. a phone call, text, email). Document each time you contact them.

- Review your request to make sure you provided enough information to your housing provider. Add to your request if appropriate.
- Talk to other tenants in your building to see if they are experiencing similar issues. If your building or region has a tenants' union (e.g. the [Milwaukee Autonomous Tenants Union](#)), you can contact them regarding your concerns.
- Contact a local fair housing organization that is funded by HUD through the Fair Housing Initiatives Program (FHIP). Wisconsin's FHIP is the Metropolitan Milwaukee Fair Housing Council. MMFHC's Statewide toll-free complaint intake line: 1-877-647-3247. FHIPs may be able to assist you by:
 - Writing to or speaking with your housing provider about their legal obligations to provide reasonable accommodations
 - Reviewing your request to make sure you have provided enough information for your housing provider to be able to grant the request
 - Assisting you with the verification process
 - Filing a fair housing discrimination complaint with HUD or a State or local fair housing agency
 - Filing a housing discrimination lawsuit in Federal or State court.
- Contact a local legal aid or attorney.
 - Use our [guided interview](#) to find free or low-cost housing legal help.
- File a complaint with the Department of Housing and Urban Development or with Wisconsin's Equal Rights Division.
 - See article [Filing a complaint](#) for further instructions.
- File a lawsuit in court.

Service animals and emotional support animals

In some cases, you may ask your housing provider for reasonable accommodations to certain rules or policies for service animals or emotional support animals. To find out more information about Service Animals and Assistance/Support Animals, see the Wisconsin Law Help article titled [“All About: Service and Support Animals”](#)

[Discrimination & Fair Housing Renting Housing](#)

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