

## REASONABLE ACCOMMODATION OR MODIFICATION REQUEST – SAMPLE LETTER 3

**Instructions on Use** – Use this letter when a resident’s disability is known but the need for the accommodation or modification is not obvious. This letter should be used to document the request and the handling of the request when the resident will not cooperate and complete “Reasonable Accommodation or Modification Request Form-3.” *Be sure to substitute Modification for Accommodation when and where it is appropriate for your scenario.*

**Scenario for Sample Letter 3** – You have a resident in a wheelchair. The resident does not drive. The resident wants a close-up reserved parking space so that family members who visit him can park close to his unit.

**Evaluation** –

Is resident or somebody associated with the resident disabled? Yes.

Is the need for the accommodation apparent? No.

### KEY Points Regarding Reasonable Accommodation/Modification Documentation Letters

Documentation should always include both

- a) [if disability at issue] what facts are known to you regarding the resident’s or prospect’s disability based both on what you have been told and on your own observations;  
and
- b) [if need at issue] what facts are known to you regarding the resident’s or prospect’s need for the accommodation or modification based both on what you have been told and on your own observations.

[TEXT OF SAMPLE LETTER FOLLOWS]

DATE:

TO: RESIDENT [*insert name*]

RE: YOUR REQUEST FOR A REASONABLE ACCOMMODATION or MODIFICATION

Dear Resident [*insert name*]:

This letter documents your recent request for a reasonable accommodation. Specifically, the community *does not have assigned or reserved parking spaces*. On or about \_\_\_\_\_, you approached our resident manager, \_\_\_\_\_, and asked for an exception to this rule. Specifically, you asked for *a close-up reserved parking space so that your family members can park close to your unit when they visit*. If this was not your specific request, we would appreciate it if you would advise us of your exact request, preferably in writing, at your earliest convenience.

Because you asked for an exception to the community’s [*Insert applicable language from lease or rules*] *parking rules*, we have interpreted your request as a request for a reasonable accommodation under the fair housing laws. Since [INSERT COMMUNITY OR MANAGEMENT COMPANY] is fair housing provider, we consider all requests for

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reasonable accommodations. Accordingly, we now respond to your request for a reasonable accommodation.

In order to grant [DESCRIBE OR INSERT REQUEST] *a close-up reserved parking space* as a reasonable accommodation under fair housing laws, you must be disabled within the meaning of fair housing laws, and the request must be necessary in general. Specifically there must be a relationship (a nexus) between the request and the requestor's disability, and the request must be reasonable. To preliminarily establish necessity, you must demonstrate that if the requested accommodation were to be granted, it would ameliorate the claimed limitation that you endure in the use or enjoyment of your rental. In simple terms, the accommodation must serve a disability-related need, i.e. lessen the impact of your disability.

Based on the totality of information available to us at this time, we must unfortunately deny your request for [INSERT REQUEST] *a close-up reserved parking space*. We want to make it clear that this is not our final position on the matter. We are committed to and always open to a dialog on this issue. Upon providing the information requested, or if you would like to advise us of further information regarding your request for [INSERT REQUEST] *a close-up reserved parking space*, addressing the specific legal requirements set forth in this letter, we will promptly consider and evaluate any information that you provide.

If you wish to discuss this matter further, please do not hesitate to contact me.