

What to Do When a Tenant Requests a Mail Delivery Accommodation

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If you have ever attended one of our Fair Housing workshops, you've probably heard the story about the time a tenant made a reasonable accommodation request for a maintenance tech to help them to get their mail every day. That anecdote is then followed up with the question, "Do you have to approve this request?"

In the class, we apply the 3-prong test used to evaluate every Reasonable Accommodation or Modification Request to this scenario and ask:

1. Is the person disabled under the Fair Housing Act?
2. Is there a disability-related need?
3. Is the request reasonable.

Let's add some facts to the case. The resident who is requesting assistance to get mail meets the first two requirements. It is a woman who uses a cane to walk. So, she is disabled and the need is obvious. She will have trouble carrying a package if she uses one hand for her cane. Now, here comes the final question, "Is the request reasonable?" Ultimately, the answer is no.

This request is considered unreasonable because it fundamentally alters the nature of your business operations. You are in the rental housing business, not the mail delivery business. Therefore, it is not reasonable for someone to expect you to provide mail delivery services. This is where your legal responsibilities end but your customer service opportunities begin.

You can, but you probably don't want to promise that someone from your staff will assist the resident with their mail because as the children's book says, "if you give a mouse a cookie, he'll ask you for a glass of milk." If you start eroding the definition of reasonableness, you will have a more difficult time denying similarly "unreasonable" requests in the future. Additionally, once you provide the accommodation for one resident, you're likely going to get asked by other residents and now that you've set a precedent, you have opened yourself up to a Fair Housing complaint if you don't keep providing that same level of service to everyone who meets the Disability and Need prongs of the accommodation request test.

After you deny this request, you can still provide an alternative solution for your resident that will help them meet their needs and not burden your staff with a significant amount of extra work. The reason you denied the request is because it fundamentally alters your business operations. So, let's look at the organization whose fundamental purpose is to deliver the mail; the United States Postal Service (USPS).

Difficulty retrieving the mail is not an uncommon issue for a lot of people and fortunately, the USPS has created an accommodation request process of their own. If a resident has trouble getting their mail, they can request that the USPS deliver mail to their door. Instructions on how to request Door Delivery can be found at tinyurl.com/USPSDoorDelivery but we will walk through the process as well.

First, according to the USPS website, the requester must have a “Hardship” or “Medical Problems” that are defined as “an illness or handicap which would present a physical challenge for an individual to retrieve mail.” The woman from our example should meet this requirement.

Second, the requester needs to write a letter requesting that the Post Office change the delivery of mail from their mailbox to their door. As well as attach a statement from a Doctor that indicates the requester is unable to collect mail from a curb or centralized mailbox.

Third, both the letter and doctor’s statement must be sent to the Post Office that delivers your mail. The request should be addressed as such:

**POSTMASTER
UNITED STATES POSTAL SERVICE
<YOUR CITY, YOUR STATE YOUR ZIPCODE>**

The Post Office will determine the validity of the request and either approve or deny your resident’s request. According to the USPS website, “any approval is temporary” and the resident will need to contact their local Post Office to find out additional information regarding their request.

If their request is approved by the USPS, the resident may return to you with a follow-up Reasonable Modification Request to install a mailbox outside their unit. You would need to go through the same 3-prong test as before but you would probably approve their request. If the USPS approved the request, the Disability and Need questions are answered and installing a mailbox outside the unit is not unreasonable. Especially, since this would be a modification, you can require the resident to cover the cost of the mailbox as long as you are not a federally subsidized property.

Using this information, you can keep residents happy by helping to accommodate them without burdening your property and its staff with the liability and requirements of approving mail-related requests.