

Rent Watch Article 3: Reasonable Accommodation

Question: All residents must register for the apartment's mandatory meal program in an assisted living facility. A tenant with clinically diagnosed paranoia and anxiety wishes to opt out of the meal program because the process of food preparation by others exacerbates her mental disabilities affecting her ability to eat food. The tenant has a note from her doctor explaining that he has cared for the tenant and is familiar with her medical condition. The doctor's note states that her mandatory participation in the meal program would exacerbate her patient's mental disability, affecting her eating ability.

Does the housing provider have to grant the tenant's reasonable accommodation request allowing the tenant to opt-out of the mandatory meal program due to a disability?

Answer: Fair housing law allows tenants with disabilities to request a reasonable accommodation to change apartment rules, regulations, services, and practices. First, it is essential to note that a reasonable accommodation request is not automatic. The tenant must inform the housing provider of their reasonable accommodation request. The housing provider does not have a duty to find out if a tenant needs a reasonable accommodation.

Assuming that the tenant in this example has requested a reasonable accommodation, a housing provider must grant a reasonable accommodation request if the following can be shown: (1) the tenant is disabled; (2) the exception to a rule or service will help the tenant fully enjoy the property; and (3) the request is reasonable.

Tenants with disabilities are entitled to an accommodation whether the disability is mental or physical. Here, the tenant is disabled. The tenant's disability is paranoia and anxiety. This condition affects her ability to care for herself and her eating ability. The tenant is also receiving care from a doctor who is familiar with the tenant's medical condition, how it affects the tenant, and how approving the reasonable accommodation request will benefit the tenant.

Allowing the tenant to opt out of the mandatory meal program is reasonable and necessary to enjoy the property fully. Opting out of the program will positively impact her mental health, allowing her to better take care of herself and eat. Also, there will be little to no cost to the housing provider if the request were granted.

Therefore, the housing provider should approve this tenant's reasonable accommodation request.

For more information about how fair housing law protects persons with disabilities, call Project Sentinel at 1-888-324-7468 or email us at info@housing.org.