FAIR HOUSING COUNCIL OF OREGON

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Dear Medical or Mental Health Provider:

You have been asked to write a letter verifying a request for a reasonable accommodation in housing or to fill out a reasonable accommodation request form on behalf of a patient/client with a disability.

The right to reasonable accommodation in housing exists under federal and Oregon civil rights laws for individuals with disabilities who meet certain legal requirements. A tenant or home owner in a community governed by a homeowners' association may request an exception to a standard rule, policy or procedure in order to use the housing to the same extent as other tenants/HOA members without disabilities. Housing providers are legally required to consider such requests, and may turn to the individual's medical or mental health provider to verify the disability meets the definition of the federal Fair Housing Act and verify that the accommodation being requested is necessary.

Under the federal Fair Housing Act, a disability is defined as an ongoing physical or mental impairment, not a temporary incapacitation such as a broken leg, the flu or a pregnancy. The impairment must have a substantial impact on one or more major life activities. This includes, but is not limited to:

Walking	**Thinking**
Seeing	**Communicating**
Hearing	**Learning**
Speaking	**Performing manual tasks**
Breathing	**Caring for oneself**

Impairments include medical conditions that would have a major impact on major life activities such as:

- Autism
- Seizure Disorder
- Multiple Sclerosis
- Cancer
- Diabetes
- HIV
- Mental Retardation
- Mental and Emotional Illness
- Alcoholism
- Being in Recovery from Drug Addiction
- Orthopedic, visual, speech and hearing impairments

The definition does not cover an individual who is addicted to drugs and currently uses an illegal drug or an alcoholic who poses a direct threat to property or safety of others.

Please be aware that to verify a reasonable accommodation request, you must be the practitioner providing treatment for the patient's/client's disability.

Here are some examples of common reasonable accommodations:

- A reserved parking spot near the unit of an individual with a mobility impairment;
- A visual smoke alarm or doorbell for an individual who is hearing impaired;
- A live-in caregiver;
- An assistance animal–this could be a trained certified service animal or a companion animal that provides emotional support;
- A move to another apartment for a tenant with a respiratory disability who is living near smokers;
- Notifying an individual with chemical sensitivities prior to painting or fumigating on a property;
- Making an exception to standard criteria for rental history for an applicant who was evicted for lease-violating behavior connected with a mental disability when that behavior has since been corrected through medications;
- Calling a tenant monthly to remind her to pay the rent when the tenant has memory impairment.

An individual with a disability cannot be charged for the cost of a reasonable accommodation: a pet deposit for an assistance animal; move in costs for a move to a different unit because of the disability; striping a reserved parking place, etc.

Please make sure when you write a letter verifying the need for an accommodation or fill out a verification form that your writing is legible. If it is a letter, make sure you use your office letterhead.

A housing provider may contact you to confirm you wrote the letter or filled out the form or to ask a clarification question. You may need to explain that you are not permitted to disclose information about the nature/ extent of your patient's/client's disability, only that the disability meets the federal standard.

The right to reasonable accommodation is an important component of civil rights law. Housing providers look to medical and mental health providers to verify that requests are necessary. It is very important not to verify the need for an accommodation if, in fact, the accommodation is not necessary and/or the condition does not meet the federal standard of disability. As fair housing advocates, we want to protect the right to reasonable accommodation and make sure the courts don't restrict this right in the future because of verifications that do not meet these standards.

Do not verify a request for a reasonable accommodation if:

- **You are not treating the patient/client for the disability in question;**
- **The patient/client does not have a disability as defined by the Fair Housing Act or you do not consider the accommodation being requested as necessary (for example, a patient/client tells you they don't want to pay a pet deposit and ask you to verify an accommodation for a pet which you have not prescribed for a disability).**

If you have any questions about the right to reasonable accommodation or other aspects of fair housing law, please don't hesitate to contact our office.

Pegge McGuire, Executive Director

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