



### Please note

The Tenant Advocacy Project is a student practice organization at Harvard Law School that provides legal advice to current and prospective public housing tenants and mobile voucher holders in the greater Boston area.

This guide provides general advice and is **not** an offer to represent you in any legal matter. If you need legal advice that is specific to your situation, you should retain a lawyer.

To discuss your options for finding legal representation, you can call our office at 617-495-4394. In some situations, even if we cannot represent you, we may be able to provide advice and referrals.

# A Tenant's Guide to Requesting Reasonable Accommodations from Public Housing Authorities during the COVID-19 Pandemic

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## Who should read this guide?

- Are you living in public housing, or do you hold a Section 8 mobile housing voucher?
- Do you have a disability or live with a person who has a disability?
- Do you need to request a change to a rule, policy, or service because of that disability?
- Is the change you need related to COVID-19?

**If you answered “yes” to these questions, this guide is for you!**

# About Reasonable Accommodations

## What is a reasonable accommodation?

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to enjoy housing opportunities or to meet program requirements.

## What can a qualifying person request as part of a reasonable accommodation?

A wide range of things can be reasonable accommodations, as long as there is a “nexus” (an identifiable relationship) between the accommodation and the disability of the person for whom it is requested.

Adding a grab bar to a tenant’s bathroom, allowing an applicant to live in an apartment with an extra bedroom for a live-in aide, and adjusting a rent payment schedule to match when an individual receives disability benefits are all examples of possible reasonable accommodations.

## Who is a “person with a disability” for purposes of a reasonable accommodation request?

Federal law defines a person with a disability to include any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.

## Who might qualify for a reasonable accommodation related to COVID-19?

A person with a disability that places them at increased risk of severe COVID-19 illness may qualify for a reasonable accommodation in order to reduce their risk of exposure to COVID-19 infection or to alleviate consequences arising from past health concerns related to COVID-19.

As of April 2021, the Centers for Disease Control and Prevention (CDC) reports these conditions place a person at increased risk of severe COVID-19 illness:

- Cancer
- Chronic kidney disease
- Chronic lung disease, including COPD (chronic obstructive pulmonary disease)
- Diabetes (type 1 or 2)
- Down syndrome
- Heart conditions
- HIV infection
- Immunocompromised state
- Liver disease
- Overweight and obesity (Body Mass Index above 25)
- Pregnancy
- Sickle cell disease
- Smoking (current or former)
- Stroke
- Substance use disorders

## Will my housing authority grant a reasonable accommodation if I request one?

Housing authorities are legally required to grant certain reasonable accommodations for individuals with disabilities and people who live with or are associated with individuals with disabilities.

A housing authority can deny a request if there is not a sufficient “nexus” between the requested accommodation and the disability of the individual for whom it is requested. To show a sufficient nexus, the requestor should indicate how the requested accommodation is related to the disability of the person for whom the accommodation is requested.

A housing authority can also deny a request if the accommodation would create an “undue financial and administrative burden” or would “fundamentally alter the nature of the housing provider’s program.” If an undue burden or fundamental alteration exists, the housing authority must provide an accommodation up to the point that would not result in undue burden or fundamental alteration.

## Does my housing authority have to respond if I request a reasonable accommodation?

Yes. A housing authority must provide prompt responses to reasonable accommodation requests. This response might include asking to meet with you to learn more about the disability and required accommodations. If a housing authority cannot provide the requested accommodation, it must propose alternative reasonable accommodations that meet the needs of the individual with a disability, if possible.

## When can I request a reasonable accommodation?

You can request a reasonable accommodation at any time.

## Where can I find more information about reasonable accommodations?

For more information, you can read [this summary from the Department of Housing and Urban Development \(HUD\)](#).

If you would like to refer to the legal definition of a person with a disability, see [42 U.S.C. 3604\(h\)](#). (Note that the statute uses the word “handicap” instead of the word “disability”).

If you would like to refer to the legal requirement for housing authorities to grant reasonable accommodations for individuals with disabilities and people who live with individuals with disabilities, see [42 U.S.C. 3604\(f\)\(3\)](#).

# How to Request a Reasonable Accommodation

Each housing authority has its own process for requesting reasonable accommodations. For instructions specific to your situation, find your housing authority on the pages that follow.

Boston Housing Authority (BHA) – Page 3

Cambridge Housing Authority (CHA) – Page 4

Metro Housing Boston (MHB) – Page 4

## Boston Housing Authority (BHA)

1. Give [this form](#) to a medical, rehabilitation, or service agency professional who provides services to individuals with disabilities. For example, you can give this form to your doctor or nurse practitioner.
2. If applicable, ask your medical provider to explain on the form that you are at high risk of serious complications from COVID-19.
3. Ask your medical provider to mail the completed, original form to:

Boston Housing Authority  
Attn: Fair Housing & Employment Unit  
52 Chauncy Street  
Boston, MA 02111

4. Complete a reasonable accommodation request form using the resources below.
  - If you are (or are completing the request on behalf of) an applicant or public housing resident, fill out [this form](#).
  - If you are (or are completing the request on behalf of) a Section 8 voucher holder / participant in the leased housing program, fill out [this form](#).
5. Give your completed reasonable accommodation request form to your leasing officer or property manager, or send it to:

Boston Housing Authority  
Attn: Fair Housing & Employment Unit  
52 Chauncy Street  
Boston, MA 02111

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## Cambridge Housing Authority (CHA)

1. Complete a [reasonable accommodation request form](#) using the resources below.
2. Give your completed reasonable accommodation request form to your leasing officer or property manager, or send it to:

Cambridge Housing Authority  
Attn: Reasonable Accommodation Coordinator  
362 Green Street - 3rd floor  
Cambridge, MA 02139

## Metro Housing Boston (MHB)

1. Complete a reasonable accommodation request using the form at the end of this document and the resources below.
2. Give your completed reasonable accommodation request form to your leasing officer or property manager, or send it to:

Metro Housing Boston  
Attn: Reasonable Accommodation Coordinator  
1411 Tremont Street  
Boston, MA 02120-3401

# What should I write on my reasonable accommodation request form?

Every person’s situation is different. You should request an accommodation that meets your needs and allows you to participate fully in your housing program.

This section includes examples of accommodations you can request and sample wording you can include in your request form.

## Examples of accommodations you can request

Here are some examples of requests you can make of your housing authority. Remember that your request needs to be related to a disability of a person in your household.

If your housing authority provides space for additional information about your request, you could include information from public health authorities about why you are at particular risk from COVID-19.

For example, if you have any condition (e.g., Type 2 diabetes, advanced age) that places you at high risk for COVID-19, you could include this statement: *“I have an underlying health condition that, according to the Centers for Disease Control and Prevention (CDC), places me at increased risk of severe COVID-19 illness.”*

As a reasonable accommodation, I need the housing authority to make this change:	This reasonable accommodation is necessary because...
<p>“Extend the time allowed for my housing search.”</p>	<p>“I have a disability that places me at high risk of serious complications from COVID-19. This delayed my housing search because searching for housing in person prior to receiving a vaccine would have increased my risk of contracting COVID-19.”</p> <p>If applicable, you could add: “I have now been fully vaccinated for COVID-19 and am ready to resume my search.”</p>
<p>“Allow me to move to a new unit as soon as possible.”</p>	<p>“I have a disability that places me at high risk of serious complications from COVID-19 and my current living situation increases my risk of contracting COVID-19.”</p> <p>Consider including examples, such as: “I live in a building with a large number of people, some of whom are not following public safety guidelines to slow the spread of COVID-19.”</p>
<p>“Excuse my household for not following program rules by declining to allow non-family members to enter my home during the COVID-19 pandemic.”</p>	<p>“I have a disability that places me at high risk of serious complications from COVID-19. Allowing non-family members such as inspectors or prospective tenants into my home would have increased my risk of contracting COVID-19.”</p>
<p>If you have had COVID-19 and experience ongoing symptoms, such as fatigue:</p> <p>“Extend the time allowed to meet program requirements, such as submitting recertification paperwork.”</p>	<p>“I contracted COVID-19 and have been experiencing ongoing symptoms including chronic fatigue that make it harder for me to complete program requirements and other activities in a timely manner.”</p>
<p>As another example, unrelated to COVID-19, that could be relevant to any tenant with a disability that affects in-person communication:</p> <p>“Communicate with me only in writing.”</p>	<p>“I have a disability that can affect my ability to understand or remember spoken communication, so I need a written record of our communication for reference and to get help from others to understand how to respond.”</p>

# REASONABLE ACCOMMODATION REQUEST

**Note to user:** You can use either this form or a form provided by your housing authority to request a reasonable accommodation. Give this form to your leasing officer or property manager once completed. If you submit it in person, ask for a date-stamped copy or receipt. Other good ways to submit the form would be by email or fax. Contact your housing authority to find out the best way to submit this request.

\_\_\_\_\_  
Name of person for whom this reasonable accommodation is requested

\_\_\_\_\_  
Name of head of household

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip code

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Email address (if applicable)

(NAME): \_\_\_\_\_ has the following disability:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is how this disability affects their housing case:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Related to this disability, I request the following as a reasonable accommodation:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Please let me know what, if any, additional information you need from this person's health care provider in order to better understand their disability and the limitations it imposes.***

**Under the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of an existing rule or policy if such accommodation may be necessary to afford such person full enjoyment of the premises or housing program.**

**Please keep this request for accommodation confidential, as required by federal law.**

**I look forward to your response and appreciate your attention to this matter.**

\_\_\_\_\_  
Name of Person Requesting the RA

\_\_\_\_\_  
Signature of requestor

\_\_\_\_\_  
Today's date