

When and How Should an Individual Request an Accommodation?

- ❖ If a housing resident/applicant makes a reasonable accommodation request to the housing provider that (s)he is requesting an exception or adjustment to a rule, policy or service because of his/her disability. (S)he should explain what type of accommodation (s)he is requesting. If the need for the accommodation is not readily apparent or is unknown to the provider, (S)he should further explain the relationship between the requested accommodation and his/her disability.
- ❖ An applicant/resident is not entitled to receive a reasonable accommodation unless (s)he requests one. However, the Fair Housing Act does not require that a request be made in a particular manner or time. A family member of the disabled individual or someone else who is acting on his/her behalf can make the accommodation request.
- ❖ An individual making a reasonable accommodation request does not need to mention the Act or use the words "reasonable accommodation." However, the requester must make the request in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy or service because of a disability.
- ❖ An accommodation request can be made orally or in writing, however it is usually in favor of the resident and the housing provider if the request is in writing to avoid a misunderstanding.
- ❖ Residents or prospective residents should inquire upon whether the housing provider has a preference regarding the manner in which the request is made. However, housing providers must give consideration to reasonable accommodation requests regardless of the provider's preferred procedures for making such requests.
- ❖ A housing provider has an obligation to provide prompt responses to reasonable accommodation requests or may be deemed to be a failure to provide a reasonable accommodation.
- ❖ If the requester's disability is readily apparent to the provider, but the need for the accommodation is not, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

If a person believes she has been unlawfully denied a reasonable accommodation, what should that person do if she wishes to challenge that denial under the Act?

When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for a reasonable accommodation, (s)he may file a complaint with the Massachusetts Commission Against Discrimination (MCAD) within 300 days after the alleged denial or may file a lawsuit in federal district court within two years of the alleged denial. If a complaint is filed, the MCAD will investigate the complaint at no cost to the person with a disability. You can file a complaint in person in any of the Boston, Springfield, Worcester or the New Bedford offices. No appointment is necessary. For information about each office's hours and directions to each office, please see the Hours and Directions page.

There are several ways that a person may file a complaint with the MCAD. You can stop in any of the offices below, send the complaint via mail or call the offices toll-free:

<u>Boston (8:45 AM- 4 PM)</u>	<u>Springfield (9 AM- 4 PM)</u>
One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196	436 Dwight Street Second Floor, Room 220 Springfield, MA 01103 (413) 739-2145
<u>New Bedford (9 AM- 4 PM)</u>	<u>Worcester (9 AM- 4 PM)</u>
800 Purchase St., Rm 501 New Bedford, MA 02740 (508) 990-2390 (508) 990-4260 – FAX	484 Main Street, Room 320 Worcester, MA 01608 (508) 453-9630

You can ask questions or give feedback by e-mailing:

AssistantToChairman@MassMail.State.MA.US

The Civil Rights Division of the Justice Department brings lawsuits in federal courts across the country to end discriminatory practices and to seek monetary and other relief for individuals whose rights under the Fair Housing Act have been violated.

To alert the Justice Department to matters involving a pattern or practice of discrimination, matters involving the denial of rights to groups of persons, or lawsuits raising issues that may be appropriate for amicus participation, contact:

U.S. Department of Justice
 Civil Rights Division
 Housing and Civil Enforcement Section – G St.950
 Pennsylvania Avenue, N.W
 Washington, DC 20530

For more information on the types of housing discrimination cases handled by the Civil Rights Division, please refer to the Housing and Civil Enforcement Section's website at <http://www.usdoj.gov/crt/housing/hcehome.html>