

# Ask your landlord for a disability accommodation

## **Author**

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If you live in Washington State, and you have a disability or are the relative of someone with a disability, find out how your housing provider might be able to work with you to accommodate the disability. You can also use this to request accommodation from your condo or homeowners association.

Form attached:

**Letter to landlord re: Pro se reasonable accommodation request** (NJP Rights 854)

## **Do I have a disability?**

Under federal and state civil rights laws, you have a disability if one of these is true:

- You have an impairment that greatly limits at least one major life activity.
- You have a record of having such an impairment.
- Other people believe you have such an impairment, even if you don't have one.

Your physical or mental impairment can be temporary. It doesn't need to be permanent for the laws to apply to you.

## **This definition of disability is also different from Social Security's definition.**

Your impairment doesn't have to keep you from working for you to be able to ask to have it accommodated. You can have a disability that requires accommodation even if it doesn't qualify you to get SSI or SSDI.

## **Who is a housing provider?**

The law defines a housing provider as a landlord, property manager, condominium board member, homeowner association board member, or other person or organization that controls access to or use of the place where you live.

### **What is a reasonable accommodation?**

It's a change or exception to a rule, policy, practice, or service that may be needed so a person with a disability has the equal opportunity to use and enjoy housing. You can ask for this change to your housing, including public and common use areas.

Depending on what your disabilities are, here are some examples of reasonable accommodations a landlord could make for you. This isn't a complete list:

- Giving you rental forms in large print
- Giving you a reserved accessible parking space near the building where you live
- Letting you have a service animal in a "no pets" building
- Letting you move to the ground floor when you can no longer climb stairs
- Changing the date your rent is due because your disability check arrives later in the month

### **How do I try to get a reasonable accommodation?**

You must make a written request to your housing provider. You can do this yourself, or someone else (parent, medical provider, or other representative) can do it for you.

Your housing provider may require you to use their specific forms, but the law doesn't require this. You can always write your own letter without using their forms. You can use our sample letter to help you write yours if you want.

Written requests help avoid misunderstandings about what you're asking for. You should also put a date in your request that the housing provider must respond by (). Then you'll know when to follow up with them.

### **What should my written request say?**

The accommodation you ask for must be needed (necessary), directly related to your disability, and reasonable. You must generally identify the nature of your disability. You should give a full description of the accommodation you need. You should also list any resources that will make it easier for your housing provider to

agree to the request.

If you're asking for permission to make a change (a modification) to the premises to accommodate your disability, in your written request you should:

- Give a full description of the modifications needed.
- Put that you'll get building permits, if needed.
- Put that you'll make sure the modifications are done professionally.

### Who pays for the accommodation?

Most reasonable accommodations are no- or low-cost. Where there's a cost, the housing provider must cover costs that aren't an undue burden. Your housing provider may not charge you extra fees or deposits to give you a reasonable accommodation.

If your request is for a physical modification to the place where you live, then, generally, you'll cover the expense. You might have to return the premises to its original state, at your expense.

- **Example 1:** You got your landlord's permission to put in bathtub grab bars with reinforcement installed in the wall. The landlord can ask you to remove the grab bars at move-out but to leave the wall reinforcement.
- **Example 2:** You gave your landlord a doctor's note and got the landlord's permission to have a service animal live with you. The landlord can't make you pay a pet deposit because your service animal isn't a "pet." But if your service animal damages the property, for example by peeing on the carpet, you must pay for any repairs. You may have to pay for professional carpet cleaning when you move out.

**If the property receives federal funds**, the housing provider must pay for accommodations, unless it would be a hardship for them to do so. You and the landlord can also contact the state Landlord Damage Relief Program (<https://www.commerce.wa.gov/serving-communities/homelessness/landlord-fund-programs/landlord-mitigation-program/>) to see if the landlord can get reimbursed for making accommodations.

### How many accommodations can I have?

If you have a disability, you can make as many of these requests as needed, whenever you need them. The housing provider should respond to each request promptly. You can also make separate accommodation requests for different disabilities if you have more than one disability.

### **Can the landlord ask for proof that I have a disability?**

It depends.

**If both your disability and the need for accommodation are obvious**, you won't need to provide proof of either.

- **Examples:** You use a wheelchair, or you're hunched over with limited mobility and ask for a reserved parking space near your front door. Or you have a hearing impairment and wear a hearing aid, so you can't take phone calls and need things in writing.

**If the disability is obvious, but the need for accommodation isn't clear**, the housing provider can ask for written verification that you need the accommodation.

- **Example:** You have a hearing impairment. You ask for a reserved parking space near your front door. There's no clear connection between your deafness and a parking space. You must show that the parking space is needed, maybe because of another disability you have.

**If neither the disability nor the need for the accommodation are obvious**, the housing provider can ask for proof that you have a disability and a disability-related need for the accommodation requested.

- **Example:** You are a tenant and you don't have any visible disability. You want to have a service animal live with you. You may need to give the landlord a letter confirming that you have a disability and connecting the need for the service animal to your disability condition.

### **Do I have to tell my housing provider exactly what my disability is?**

You must at least describe the nature of your disability and how the accommodation will help. If you can give a doctor's note verifying the disability, your housing provider can't then ask you for more medical records.

- **For example:** "I have a physical impairment that limits my ability to walk. My doctor now says that I must use a wheelchair. I need to be moved to the first floor. I also need permission to install a ramp."

## **What if the landlord says no to my accommodation request?**

The landlord may only turn down (may only deny) your accommodation request if the accommodation causes the landlord an “undue burden.” If the landlord doesn’t say what “undue burden” accommodating your request would cause, you should ask for a written explanation for the denial.

There may be some cost to the landlord for the accommodation. It may require extra effort by the landlord. But the landlord can’t deny your request just for these reasons. The landlord may only turn down your accommodation if it isn’t readily achievable and would involve real difficulty or expense.

## **Can I try to work this out with the landlord?**

You’re entitled to discuss alternatives with the landlord. You can ask for a meeting or a phone conversation.

The housing provider must keep information about your disability confidential and not share it, except with management employees who are responsible for deciding on your accommodation request.

- **For example:** You have a cognitive disability which causes you to have memory issues. You missed a deadline to return your paperwork. As a reasonable accommodation, you asked for an extension of one month. The landlord denies your request as unreasonable. You should get to talk to your landlord about any other options, such as an extension of 2 weeks.

## **I asked for an accommodation. What if the landlord didn’t respond, took too long to respond, or turned down my request?**

You should contact a fair housing agency in your area. Read about [illegal discrimination by landlords](#) to learn more.

## **Where can I learn more?**

**If you live in western Washington** visit [Fair Housing Center of Washington](https://fhc.washington.org/) (<https://fhc.washington.org/>).

**If you live in eastern Washington** visit [NW Fair Housing Alliance](https://nwfairhouse.org/) (<https://nwfairhouse.org/>).

**WashingtonLawHelp.org** gives [general information](#). It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

Date: \_\_\_\_\_

To:

\_\_\_\_\_  
*Landlord's Name*

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

\_\_\_\_\_  
*City, state and zip*

Re: Request for Reasonable Accommodation

I am your current tenant at (*address*) \_\_\_\_\_.  
Pursuant to the federal Fair Housing Amendments Act (FHAA), 42 U.S.C. § 3604 et seq. and the state Law Against Discrimination (LAD), RCW 49.60.222 et seq., I request a reasonable accommodation based on my disability.

As you may already be aware, I have a disability. I have been diagnosed with (*describe your disabilities/medical condition*):

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

This affects me by (*describe how your disability or medical condition affects your daily living*):

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

The federal Fair Housing Amendments Act and the Washington State Law Against Discrimination (LAD) require landlords to “make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B). **I request the**

**following reasonable accommodation(s).** *(Describe what accommodations in rules, policies, practices, or services would help you have an equal opportunity use and enjoy your dwelling.)*

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So that I have sufficient notice of your decision on this request, please respond to me by \_\_\_\_\_ (date). **Fair Housing laws require a response, and if the initial request is denied, then an interactive process of seeking a solution is required.** My contact information is below.

You should be aware that it is illegal under RCW 59.18.240 for a landlord to take any retaliatory action against a tenant, including eviction, because the tenant has demanded their rights under the law.

Thank you for your time and consideration.

Sincerely,



\_\_\_\_\_  
*Sign here*

\_\_\_\_\_  
*Print name*

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

\_\_\_\_\_  
*City, state and zip*

\_\_\_\_\_  
*Phone number / Email - optional*