



**LEGAL  
SERVICES**

INCORPORATED

# **Reasonable Accommodations for People with Mental Illness Living in New York City Apartments**

## **WHAT IS A REASONABLE ACCOMMODATION?**

A reasonable accommodation is a change to your lease or to your landlord's usual rules that allows you as a person with a disability to fully use and enjoy your apartment. The accommodation must be tailored specifically to your disability and your situation. Under the federal Fair Housing Act, your landlord may be required to make the change that you request or face charges of discrimination.

## **WHEN CAN I GET A REASONABLE ACCOMMODATION?**

You have the right to live comfortably in your apartment and a right not to be discriminated against because of your disability. If your landlord's normal rules make it impossible for you to live in your apartment, those rules may need to be altered specifically for you in order to accommodate your disability. The best way to get those changes is to request a reasonable accommodation. Don't wait until your landlord sues you. Ask for a reasonable accommodation as soon as you see a problem.

## **WHAT KIND OF REASONABLE ACCOMMODATION CAN I GET?**

The accommodation should be specific to your situation, and therefore you can be creative in coming up with the accommodation that works best for you.

Here are a few examples of reasonable accommodations:

1. A tenant's mental illness makes it difficult for her to handle everyday stress and anxiety. Keeping a cat helps her to stay calm and happy. Even though her lease has a "no pets" clause, her landlord may be required to let her keep her cat as a reasonable accommodation for her disability.
2. Because of her mental illness, a tenant sometimes becomes very loud and confrontational with her neighbors. Her landlord is trying to evict her because of these confrontations. As a reasonable accommodation, the landlord may be required to accept the tenant's promise to start treatment and to stop arguing with her neighbors.
3. A tenant installs a freezer in her apartment even though her landlord says she can not. She installs the freezer because she suffers from a panic disorder that stops her from leaving her house and requires her to store food for long periods of time. The landlord may be required to let her keep the freezer as a reasonable accommodation of her panic disorder.

## HOW DO I GET A REASONABLE ACCOMMODATION?

The best way to request a reasonable accommodation is to write a letter to your landlord. A sample letter follows. The letter should notify your landlord that you have a disability and should give some information about that disability. The letter should state what accommodation you are requesting. Be as detailed as possible in explaining what type of accommodation you need. If possible, you should include a letter from your doctor or some other proof of your disability with the letter. This proof is not required unless your landlord asks for it, but providing it from the beginning may increase your chances of getting the accommodation quickly.

Remember, when you request a reasonable accommodation you have to tell your landlord about your disability. You do not need to go into great detail about your disability, but you need to say what your illness is and which of your symptoms necessitate an accommodation.

### SAMPLE LETTER

(should be sent via both regular mail and certified mail, return receipt requested):

[date]

Landlord name and address:

Dear [Landlord]:

Pursuant to the federal Fair Housing Act, I am writing to request a reasonable accommodation for my disability. I suffer from [your diagnoses and your symptoms].

Because of my disability I am entitled to a reasonable accommodation. Specifically, I am requesting that [explain what accommodation you require and why that accommodation will not be too hard for your landlord to make].

I am enclosing a letter from my [psychiatrist/therapist/physician] explaining my disability and that this accommodation helps me to live in the apartment. If you have any questions or need additional documentation, please call me at [your phone number].

Sincerely,

Your name

Your address

### **WHEN CAN A REQUEST FOR A REASONABLE ACCOMMODATION BE DENIED?**

A requested accommodation will not be considered “reasonable” if it imposes an undue burden on your landlord. If the accommodation you are requesting will be very expensive for the landlord or will cause extreme hardship to other tenants it may not be granted. Also, the accommodation must have a connection with your disability. If the accommodation that you request does not have anything to do with your particular symptoms, it is unlikely that your request will be granted.

### **WHO CAN I CONTACT IF I HAVE QUESTIONS?**

You may call MFY Legal Services, Inc.'s Mental Health Law Project on Mondays, Tuesdays, and Thursdays from 10:00 a.m. to 5:00 p.m. at 212-417-3830.

**DISCLAIMER: This fact sheet gives general information  
for NYC residents; it is NOT legal advice.**