



THE FAIR HOUSING ACT: REASONABLE ACCOMMODATIONS FOR RENTERS WITH PEST PROBLEMS

A FACTSHEET FROM MIDWEST PESTICIDE ACTION CENTER

This handout is designed to give advice to renters who are having a difficult time complying with a landlord's pest control actions due to a disability.

- Do you have a chemical sensitivity to the chemicals that your landlord plans to use to get rid of bed bugs or other pests?
- Do you need more time or extra help to prepare your apartment for bed bug or other pest treatment because of a physical or psychological impairment?

You may be able to work with your landlord to receive a reasonable accommodation under the Fair Housing Act (FHA).

THE FAIR HOUSING ACT

- The Fair Housing Act (FHA) is a federal civil rights statute that outlaws discrimination in housing. It is Title VIII of the Civil Rights Act of 1968.¹
- The FHA makes it illegal for a landlord to discriminate against a tenant on the basis of disability (as well as other protected categories).²
- The FHA applies to virtually all landlords, real estate brokers, and property managers.³
 - The exceptions include (a) buildings with four or fewer units where the landlord lives in one of the units, and (b) private owners who do not own more than three single family houses, do not use real estate brokers or agents, and do not use discriminatory advertisements.⁴



WHAT IS A REASONABLE ACCOMMODATION?

- A “**reasonable accommodation**” (RA) is a change in rules or policies that gives a person with a disability an equal opportunity to live in the housing.⁵ It is illegal for a landlord to deny a RA to a person with a disability.
 - It must be related to a disability.
 - It must not fundamentally alter the services a landlord provides.
 - It must not impose an undue financial or administrative burden on the landlord.
- Examples of RAs include a tenant agreeing to modify his or her own behavior or requesting more time for cleaning assistance; or a landlord altering neutral policies or rules and/or being responsible for some cost.⁶

WHAT IS CONSIDERED AN UNDUPLICATE BURDEN?

A landlord is not required to make a change that is an undue burden. Sometimes a tenant may ask for an accommodation that is more than what a landlord could be expected to reasonably do, based on that landlord's resources. The table below gives examples of what may be an undue burden versus a RA when providing for pest control activities, depending on your landlord's resources:

Undue Burden	Reasonable Accommodation
Hiring a cleaning crew for tenant's apartment before pest control treatment.	Using existing staff to help tenant with preparation before pest control treatment. ⁷
Exempting a tenant from pest control activities.	Allowing extra time for tenant to prepare apartment before pest control activities are to take place.
Tenant requiring a certain provider of pest control be used.	Tenant requesting non-chemical treatment due to allergy or other health reasons.

THE FAIR HOUSING ACT: REASONABLE ACCOMMODATIONS FOR RENTERS WITH PEST PROBLEMS (cont.)

HOW TO REQUEST A REASONABLE ACCOMMODATION:

- In order to get an accommodation, the tenant must **ask for one!** Make your request in writing, and keep a copy for yourself.
- Ask your doctor or other knowledgeable professional for help with requesting an accommodation (see side bar for example).

IF YOUR REQUEST IS DENIED...

- Talk to your landlord and see what other information he or she needs and what you need. See if you can come to a resolution that allows the pests to be controlled quickly, without disadvantaging you because of your disability.⁸
- Seek legal advice for your particular situation.
 - Cook County residents may call CARPLS at 312.738.9200 or the LAF at 312.341.1070.
 - Illinois residents may visit ILAO at www.illinoislegalaonline.org for information and referrals in other areas.

- You may also wish to file a complaint with the Attorney General Disability Rights Bureau (AG), Illinois Department of Human Rights (IDHR), or the US Dep't of Housing and Urban Development (HUD):

AG: 312.814.5684
 IDHR: 312.814.6229
 HUD: 800.669.9777



¹⁾ 42 U.S.C. § 3601, et seq. ²⁾ 42 U.S.C. § 3604. ³⁾ 42 U.S.C. § 3603. ⁴⁾ 42 U.S.C. § 3603(b). ⁵⁾ 42 U.S.C. § 3604(f)(3)(B).
⁶⁾ See, e.g., Shapiro v. Cadman Towers, 51 F.3d 328 (2d Cir. 1995); see also Rutland Court Owners, Inc. v. Taylor, 997 A.2d 706 (D.C. 2010).
⁷⁾ See U.S. Dep't of Housing and Urban Development Region V Memorandum from Edward J. Hinsberger, March 15, 2011, available at http://www.networkforphl.org/_asset/nj4w7r/Bed-Bug-Memo-HUD-Chicago-Region.pdf.
⁸⁾ Under the FHA, "[i]f a landlord is skeptical of a tenant's alleged disability or the landlord's ability to provide an accommodation, it is incumbent upon the landlord to request documentation or open a dialogue." Jankowski Lee & Assocs. v. Cisneros, 91 F.3d 891, 895 (7th Cir. 1996).

SAMPLE REQUEST FROM MEDICAL PROFESSIONAL FOR REASONABLE ACCOMMODATION:

1. Alternative chemicals
2. More time
3. Preparation assistance from landlord

[Tenant Name] is my patient, and has been under my care since [date]. I am familiar with his/her history and with the functional limitations imposed by his/her disability. He/She meets the definition of disability under the Fair Housing Act.

Due to disability, [Tenant Name] has certain limitations regarding [(1) chemicals used in extermination/ (2-3) preparing his/her apartment for exterminations.] (Note: Your doctor should explain more about what chemicals you are sensitive to, and/or why you need more time or preparation assistance – e.g., you cannot physically move your furniture due to back pain; you cannot comply with a preparation sheet due to cognitive limitations.)

In order to help alleviate these difficulties, and to enhance his/her ability to live independently and to fully use and enjoy the dwelling unit you own and/or administer, [Tenant Name] requests: [(1) alternative treatment such as heat rather than chemicals/ (2-3) more time to prepare his or her apartment, and any assistance from maintenance staff that you are able to offer.]

Should you have additional questions, please do not hesitate to contact me. (Note: Make sure to have the letter signed and dated by your physician or other qualified personnel.)

This fact sheet is for informational purposes only. Please note that Midwest Safer Pesticide Action Center does not dispense legal advice. This fact sheet lists existing rights and laws applying to Illinois. For legal advice, please consult a lawyer or the legal services referenced.

Help with content and legal reference provided by



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