



CITY OF IOWA CITY MEMORANDUM

Date: July 20, 2018
To: Iowa City Landlords and Rental Property Managers
From: Kristin Watson, Human Rights Investigator
Re: Parking as a Reasonable Accommodation

Mobility impairments resulting from a disability can make parking a major issue for tenants. Lack of sufficient parking at a manageable distance can operate as a significant barrier to a person's use and enjoyment of their dwelling. This memo is intended to provide guidance regarding parking as a reasonable accommodation.

Who must be accommodated?

A tenant with a disability may need a reasonable accommodation or modification, or both, to have an equal opportunity to use and enjoy their dwelling, including public and common spaces of the property. A disability is a physical or mental impairment that substantially limits one or more of a person's major life activities. Major life activities are things like walking, thinking, breathing—the things people do every day to live their lives. Many disabilities, such as chronic debilitating diseases, are not visible to a casual observer. A person with a disability may not need any accommodation. Therefore, a landlord is only required to provide accommodations and modifications when requested, not to offer or suggest them.

Often, a person who requests an accommodation for parking will have an obvious need for a parking space near the dwelling, such as a tenant who uses a wheelchair. However, it is important to remember that many non-visible impairments also limit a person's mobility, such as COPD or heart disease. Therefore, when a tenant with no obvious need for a parking accommodation requests one, a landlord may inquire further. If the disability is not visible, the landlord may ask for verification that the tenant has a disability (but may not ask for specific details about the nature of the disability). The landlord may also ask enough to establish that the accommodation is necessary and reasonable.

What is a reasonable accommodation?

A reasonable accommodation is a change, exception, or adjustment in a landlord's policies, procedures, practices, rules or services that allows a tenant with a disability equal opportunity to use and enjoy their dwelling, including common and public spaces of the property. A landlord is required to pay for accommodations that are not unduly expensive, such as painting a parking space or installing a "reserved" sign.

Landlords are not required to pay for accommodations that would impose an undue burden financially or administratively, or that would change the fundamental nature of the landlord's services. For example, if a tenant using a wheelchair wanted a van-sized parking place painted outside their townhouse, where the only existing one was on the other end of the parking lot, this would be reasonable. If the same tenant wanted the landlord to serve as the tenant's chauffeur for personal errands, this would be a fundamental alteration of the landlord's business and not reasonable.

What is a reasonable modification?

A reasonable modification is a structural change to the premises (whether the tenant's own living space or common/public areas) that must be allowed by the landlord at the tenant's expense, if the tenant has a disability and the modification is necessary for the tenant to have full use and enjoyment of the dwelling. For instance, if the tenant wanted an additional curb cut and new sidewalk spur installed to reduce the distance the tenant needed to travel to their front door from the parking lot, this would be a modification that the tenant would pay for. A tenant may also ask for a ramp, railings, etc. The tenant must also pay to restore the property to the original condition upon the tenant's departure, if the landlord so chooses. However, the landlord may leave the modification in place; a wheelchair ramp, for example, may be a benefit to the landlord. A modification differs from an accommodation in that it is a structural change instead of a change in policies, procedures, practices, rules or services.

May a landlord have rules regarding parking?

Yes. Landlords may impose any lawful rules they like regarding parking. However, those rules must be modified for a tenant with a disability who needs a reasonable accommodation.

Examples:

- 1) You provide the required number of accessible parking spaces, but parking is "first come, first served." A tenant with a mobility impairment asks for a reserved spot close to their apartment. They want a reserved space to guarantee that they will have a spot next to the sidewalk that leads directly to the door closest to their unit. You should grant this request—it is not unduly burdensome and it is reasonable and necessary to their enjoyment of the apartment.
- 2) A tenant with a disability notifies you that they need a live-in aid to assist with their care. You provide one parking space with every lease, but charge a monthly fee for each additional car per unit. The tenant asks that this fee be waived for the aid's car. Because the aid is necessary to their care, the fee for the aid's car should be waived. Absent unusual circumstances, the loss of one monthly fee will not be considered unduly burdensome, and the additional fee would operate as a cost to the tenant solely because of their disability.

The Office of Equity and Human Rights provides educational memos to landlords on areas of discrimination to assist in providing good outcomes for both landlords and tenants. Please send fair housing topics you would like to receive guidance on i to humanrights@iowa-city.org.