

**U.S. DEPARTMENT OF JUSTICE  
CIVIL RIGHTS DIVISION  
U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
OFFICE OF FAIR HOUSING AND  
EQUAL OPPORTUNITY**

*Washington, D.C.*

*May 17, 2004*

**JOINT STATEMENT OF  
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
AND THE DEPARTMENT OF JUSTICE  
*REASONABLE ACCOMMODATIONS UNDER THE  
FAIR HOUSING ACT***

**Introduction**

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the federal Fair Housing Act (the "Act"), which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability.<sup>2</sup> One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.<sup>3</sup> HUD and DOJ frequently respond to complaints alleging that housing providers have violated the Act by refusing reasonable accommodations to persons with disabilities. This Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to <sup>4</sup>Housing providers that receive federal financial assistance are also subject to the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. Section 504, and its implementing regulations at 24 C.F.R. Part 8, prohibit discrimination based on disability and require recipients of federal financial assistance to provide reasonable accommodations to applicants and residents with disabilities. Although Section 504 imposes greater obligations than the Fair Housing Act, (e.g., providing and paying for reasonable accommodations that involve structural modifications to units or public and common areas), the principles discussed in this Statement regarding reasonable accommodation under the Fair Housing Act generally apply to requests for reasonable accommodations to rules, policies, practices, and services under Section 504. *See* U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Notice PIH 2002-01(HA) ([www.hud.gov/offices/ftheo/disabilities/PIH02-01.pdf](http://www.hud.gov/offices/ftheo/disabilities/PIH02-01.pdf)) and "Section 504: Frequently Asked Questions," ([www.hud.gov/offices/ftheo/disabilities/sect504faq.cfm#anchor272118](http://www.hud.gov/offices/ftheo/disabilities/sect504faq.cfm#anchor272118)).<sup>5</sup> The Fair Housing Act's protection against disability discrimination covers not only home seekers with disabilities but also buyers and renters.