



JAMES G. DIBBINI
& ASSOCIATES, P.C.

Attorneys At Law

TRUST. COMMITMENT. INTEGRITY.

570 Yonkers Avenue - Yonkers, NY 10704 - P: (914) 965-1011 - F: (914) 965-0019

- NEWSLETTER -

[The Firm](#) - [Practice Areas](#) - [Client Reviews](#) - [Newsletters](#)

What landlords and tenants should know about disabilities and "reasonable accommodations."

You are a landlord and a disabled tenant has requested modifications/renovations to the apartment and/or building to accommodate their disability. What is your duty to the disabled tenant? You are a tenant and are or have recently become disabled. What can you ask your landlord to do to accommodate you?

Applicable Human Rights Laws

Tenants with disabilities are protected against housing discrimination on the basis of mental or physical disability by various federal, state and local laws. At the federal level, there is the Fair Housing Act and the American with Disabilities Act. New York State has its own Human Rights Law and within New York State, there are local laws, such as the New York City Administrative Code and the Westchester County Human Rights Law.

The laws mentioned above specifically address a landlord's responsibility to a disabled tenant who has requested an accommodation. The general rule is that landlords have a duty to do all they can to reasonably accommodate a disabled tenant, but are not required to make changes that would create an undue financial and administrative burden.

What is a reasonable accommodation?

Reasonable accommodations are changes in rules, policies, practices, or services, or structural modifications, made to allow disabled tenants the equal opportunity to fully enjoy and use the dwelling or common space. Reasonable accommodations fall into two categories: (1) structural modifications; and (2) policy/rule modifications.

As a landlord, you must allow a disabled tenant to make structural modifications to the residence as a reasonable accommodation. Structural modifications to the interior of the residence are completed at the expense of the tenant. Landlords may also request, as conditions to the modification, all work be completed in a workmanlike manner by a licensed, fully insured, contractor and the tenant restore the residence to the condition it was in prior to the modification, reasonable wear and tear excepted. In fact, in some circumstances, landlords may even require an escrow be posted by the tenant



James G. Dibbini & Associates,
P.C.



[Click here to Join our 5K Fun Run this Summer!](#)

JGD Runs for Charity

James G. Dibbini & Associates and friends are AGAIN running in the Westchester 5K Corporate FunRun at SUNY Purchase on Thursday, July 14, 2016 to benefit Tackle Kids Cancer and The Max Cure Foundation.

Please join our team, come out for a great cause and help us raise money

to ensure the residence will be restored when the tenant moves. Some examples of structural modifications are: installing grab bars in the bath/shower area to allow easier and safer access; and widening doorways inside the apartment to accommodate a wheelchair.

Rights and duties to requests for structural modifications to common areas are more of a gray area. Who pays for it and whether it is reasonable depends on the applicable law and the type of housing. For example, in New York City, a landlord may be required to install and pay for a ramp at an entrance with steps or modify an entryway to allow for ease of access for all residents. However, to determine whether the landlord is required to install at landlord's expenses, considerations include whether: there would be undue burden on the landlord; the modification would require extensive reconfiguration and/or renovation; or the modification is architecturally impracticable.

Disabled tenants also have the right to reasonable modification of the landlord's policies and/or rules so long as the change in policies/rules do not create an undue financial and administrative burden. Examples of rule/policy modifications are: waiving a "no pet" policy where a tenant requests to keep an emotional support animal, guide dog, or hearing dog; accepting a reference from an employer or social worker during the application process if a tenant does not have a recent rent history because of a psychiatric hospitalization; and permitting a tenant's health service provider to reside with the tenant.

Landlords must be extremely cautious when addressing a disabled tenant's request for reasonable accommodation as failing to adequately respond or responding with improper questions or conduct could be a violation of applicable human rights laws resulting in liability such as investigations, filings, and/or suits for disability discrimination. Tenants with disabilities who need accommodations should notify their landlord in writing and, likewise, the landlord should formally respond in writing. It is important that landlords and tenants keep good records.

The laws related to reasonable accommodations have become increasingly complex and are litigated frequently and extensively in the courts. Practicing landlord-tenant law for over 20 years, James G. Dibbini & Associates, P.C. has the experience and knowledge to navigate you through the complicated and overwhelming wealth of laws, cases and information on reasonable accommodations and other landlord-tenant related matters. If you have any questions about reasonable accommodations, you recently received a request for reasonable accommodation, or you are being sued for disability discrimination, let us help you. Give us a call at (914) 965-1011 or email us at jdibbini@dibbinilaw.com to schedule a consultation.

Our office also provides legal services in the areas of:

- Cooperative Apartment & Condo Representation
- Property Management Company Support and Representation
- Commercial & Residential Real Estate Closings
- Civil Litigation
- Landlord & Tenant Law
- General Business Law
- DHCR Representation
- Zoning Issues and Variances
- Housing and Building Code Violation Matters

for these charities!

Click below to learn more about the race and to donate.

[More Information](#)



Helpful Tip:

A desktop computer running 24/7 can burn through \$150 worth of electricity over five years, which is three times more than if it is put to sleep when unused. Make sure to turn off all lights and devices, from computers to game consoles and TVs.

Media



[Check out our video on Non-Payments](#)

[Check out our other informative videos here](#)

WARNING: Legal Nightmares

Landlord Owes Tenant Thousands for Rent Overcharges



Recently, one landlord had to pay his tenant \$112,000.00 in rent overcharges. All property owners subject to rent stabilization laws need to register their units and make sure they are charging the legal rent or they could end up like this landlord. To read the entire article, [click here](#).

To learn more about rent stabilization laws and to determine if you need to register, [click here](#).



Thank you..

Referrals from current/former clients and friends are the greatest compliment our firm receives. We are grateful for every referral, thank you!

This James G. Dibbini & Associates, P.C. Newsletter is a publication of James G. Dibbini & Associates, P.C. All Rights Reserved. Quotation with attribution is permitted. This newsletter offers general information and should not be taken or used as legal advice for specific situations, which depend on the evaluation of precise factual circumstances. Please note that James G. Dibbini & Associates, P.C. does not undertake to update its publications after their publication date to reflect subsequent developments. Prior results do not guarantee a similar outcome. This publication may contain attorney advertising.

570 Yonkers Avenue
Yonkers, NY 10704

P: (914) 965-1011 * F: (914) 965- 0019

Stay In Touch

