

Specific Parking Stall as a Reasonable Accommodation: Q & A

- Q: I am a resident manager for an apartment complex. There are no reserved parking stalls for tenants. A tenant has requested a reserved parking stall that is closer to his unit because he is mobility-impaired. Do I have to provide him with a reserved parking space?**
- A:** Probably. If the tenant is disabled as defined under the Fair Housing Act and can show a nexus between his disability and his need for a reserved parking stall closer to his unit, this is considered a reasonable accommodation that must be granted under the Fair Housing Act.
- Q: Can I request that the tenant provide me with verification that he is disabled?**
- A:** It depends. If the tenant's disability is obvious, or otherwise known, and if the need for the parking stall is also readily apparent or known, then you cannot request additional information about the disability or the disability-related need for the accommodation. If the disability is not obvious or otherwise known, you can request information that verifies that the person has a disability that substantially limits a major life activity. You may not inquire as to the diagnosis, nature or severity of the person's disability.
- Q: Is a handicap placard sufficient information to verify that a person has a disability?**
- A:** The threshold of "disabled" to acquire a handicap placard is different from the definition of disability under the Fair Housing Act. Just because an individual has a handicap placard does not necessarily mean that he is disabled as defined by the Fair Housing Act. However, it is not a requirement for an individual to have a handicap placard to make a reasonable accommodation request for a specific parking stall.
- Q: Are there any requirements as to the number of accessible parking stalls that must be available within a housing development?**
- A:** The Fair Housing Act requires all "covered multifamily dwellings" designed and constructed for first occupancy after March 13, 1991, to be readily accessible and usable by persons with disabilities. At least 2% of parking stalls serving covered dwelling units must comply with the accessibility requirements. These requirements include minimum width and length requirements and adjacent access aisles. If parking for tenants is provided at common areas such as laundry areas, fitness areas, and near dumpsters, a housing provider must also provide an accessible stall near each of these common areas. If the property has guest stalls, there must also be accessible ADA-compliant guest stalls.
- Q: We live in a condominium complex where each stall is reserved for a particular unit. A unit owner recently requested to change his parking stall to one that is assigned to someone else. What can we do?**
- A:** The first step you can take is to enter into the interactive process. For example, you can check with the person who uses the other stall to see if he is willing to switch parking stalls. It will also be useful to review the Declaration of Condominium Property Regime and House Rules. These documents may give you more direction on whether or not a Board may reassign parking stalls.
- Q: I recently underwent extensive leg surgery and am using crutches. My assigned parking stall is very far from my unit and I want to ask for a closer stall. The doctor anticipates that I will have trouble walking for approximately 6-8 months. Can I ask for a closer stall even though I am not permanently disabled?**
- A:** Because you are likely to be disabled for more than 6 months, your disability is considered permanent for purposes of making a reasonable accommodation request for a closer parking stall during the time you are disabled. Fair housing law closely tracks Section 504 of the federal law, which sets the 6 month timeframe.