



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

### Section 811 Project Rental Assistance Program How to Make a Reasonable Modification Request for Texas Section 811 PRA Properties

## Reasonable Modification

A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom.

## When/How to Submit

Requests can be made at any time and should be directed to the owner or property management. A tenant, or a Referral Agent on behalf of the tenant, can request that the property make a modification as soon as it appears that such a request is needed. Requests should make it clear to the housing provider that the tenant is requesting a modification because of the tenant's disability. The request should explain what type of modification is requested and explain the relationship between the request and his or her disability. Requests can be made orally or in writing and are not required to be entered on specific forms, though management may provide a form for this purpose. Find a link to sample reasonable modification request form under Additional Resources, below.

## Paying for a Modification

The Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if the modifications may be necessary to afford such person full enjoyment of the premises. [§ PRA.212](#) of the HUD 811 Program Guidelines requires that owners participating in the 811 Program comply with Section 504 (as codified in [42 USC § 794](#) and promulgated through [24 CFR §§ 8.20-8.33](#)), which states that reasonable accommodations and reasonable modifications must be provided and paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program.



## What to Expect After Making A Request

The property has an obligation to provide prompt responses to a reasonable modification request. An undue delay in responding to a reasonable modification request may be deemed a failure to permit a reasonable modification. The response must either be to grant the request, deny the request, offer alternatives to the request, or request additional information to clarify the request.

## Refusal of Reasonable Modification

Owners/property managers may deny a reasonable modification if there is no disability-related need for the request. In addition, a request may be denied if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors such as the cost of the requested modification, the financial resources of the provider, the benefits that the modification would provide to the requester, and the availability of alternatives that would effectively meet the requester's disability-related needs.

## Additional Resources

- Reasonable Modification Request Form can be found on the TDHCA webpage at: <https://www.tdhca.state.tx.us/section-811-pra/referral-agents.htm>
  - An optional form that can be submitted to property management at property application, entering into a lease, or any time during tenancy
- HUD Handbook [4350.3](#): Examples of Requests for Auxiliary Aids and Reasonable Accommodations by Persons with Disabilities

