

Modifications for owners or residents of single family homes or apartments.

Under the Fair Housing Act, a resident in a property is entitled to have a [necessary modification](#) for his or her disability if the resident pays for the modification. To the extent that a request is made under the Fair Housing Act, the requested modification is required by law. However, when a property, or part of a property is destroyed, insurance should pay for the regular costs to replace the property, and the tenant is only required to pay the additional costs associated with the structural changes that would be over and above the cost of the original design.

Example 1: The entry to a home was destroyed, and the home had steps, which were covered by a plywood ramp that the tenant used to enter or leave his home. If the entry to the home was required to be replaced, the insurance company would be required to pay for a permanent ramp if it was the same amount to replace the existing steps and the plywood ramp.

Example 2: A bathroom suffered extreme damages and needed to be repaired. A lavatory with a removable base could be installed to provide increased maneuverability, instead of a fixed base cabinet. If it is done at the same price, then there would no additional charge above the insurance. However, if the bathtub needed to be replaced, and the tenant wanted a roll-in shower, the tenant would be responsible for the difference in the cost between a bathtub and a roll in shower.

It is important to note that the modifications are not limited to the residents, but also to family members, guests, or visitors who may need a modification for their needs as well. The only caveat, is that for modifications to the interior of the premises, a renter may be required to pay to restore the element in the *interior* of the unit to its original condition, where it is reasonable to do so. (It would be reasonable to remove grab bars, or a cabinet, while it would not be reasonable to narrow doors that are widened, or exchange a bath for a shower.)

The failure to allow for reasonable modifications by insurers may also subject an insurer to liability under 42 U.S.C. § 3605 and 24 CFR 100.70 for providing such insurance differently because of one's disability-related needs.