

Know Your Rights

Housing Tenants and Parking

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As a renter with a disability, know your rights regarding accessible parking spaces.

Is my landlord required to provide an “ADA accessible parking space” on the premises?

No, a landlord technically is not required to provide what is known as an “ADA accessible parking space.” An Americans with Disabilities Act (ADA) accessible parking space is required within parking facilities associated with a place of public accommodation. Title III of the ADA requires it in those places. Most housing complexes are not places of public accommodation. However, affordable housing providers that receive federal financial assistance may have to provide ADA accessible parking space(s) under Section 504 of the Rehabilitation Act of 1973 (Rehab Act). Also, the landlord must provide ADA accessible parking space(s) in front of rental offices on the premises. Rental offices are considered places of public accommodation. Similarly, other buildings open to the public on the premises may require ADA accessible parking space(s).

What laws protect the rights of tenants with disabilities if they are in need of an accessible parking space?

The Fair Housing Act provides tenants with disabilities a right to request a reasonable accommodation for parking. It applies to most kinds of rental housing. Section 504 of the Rehab Act requires ADA accessible parking space(s) for federally subsidized housing.

My landlord has a “first come, first served” parking policy. I need an accessible parking space, what can I do?

Under most circumstances, you may request a reasonable accommodation under the Fair Housing Act to make an exception to a landlord’s “first come, first served” parking policy. For example, physical disabilities may mean a tenant needs a designated parking space close to their dwelling unit. You may request a reasonable accommodation that requires your landlord to provide the designated accessible parking space close to your unit.

What is a reasonable accommodation?

A reasonable accommodation is a change to a rule, policy, practice, or service that may be necessary for a person with a disability. It provides the person an equal opportunity to use and enjoy a home.

How do I make a reasonable accommodation request?

To request a reasonable accommodation a tenant or applicant must contact their housing provider. The individual can make the request orally or in writing. The request should explain what the accommodation is and why it is needed. It is better to put it in writing.

You may need to:

- » explain the connection between the requested accommodation and your disability
- » provide a medical verification letter from a social worker, medical provider, or other professional

Reasonable accommodation requests are considered on a case-by-case basis. They are often best worked out through an interactive process between the landlord and the tenant.

When you make a reasonable accommodation request, you may want to request a written response from the housing provider within 10-14 days.

Other tenants or visitors are parking in the only available shared accessible parking space(s). What can I do?

If other tenants or visitors routinely occupy accessible parking space(s) that are commonly shared, you may request a reserved, designated parking space for your exclusive use. Sometimes a landlord will respond to a reasonable accommodation request by telling a tenant with a disability that they can park in an accessible parking space that is commonly shared among persons with disabilities. The problem with a shared accessible parking space is that, for most tenants who need an accessible parking space, it must be readily available to the tenant with a disability at all times. If you are one of those tenants, the landlord needs to provide an accessible parking space exclusively reserved for you.

My landlord is not enforcing the parking policy, so others routinely park in my reserved space. Can I ask the landlord to enforce the policy?

Yes, the landlord must take necessary measures to ensure access to your designated parking space. In order for a reasonable accommodation for a designated accessible parking space to be effective, the landlord must help to facilitate it. A landlord may be able to facilitate it simply with signage that warns that the parking space is reserved. To ensure that signage is effective, there is guidance regarding the technical requirement for signage under the ADA that may be useful. For example, signs should be posted 60 inches (at a minimum) from above ground measured to the bottom of the sign.

However, other tenants or visitors frequently do not follow those warnings. They ignore the signage and park in the reserved spot anyways. Under those circumstances, a tenant may request that the landlord reengage in an interactive process to solve the problem. That process should identify additional steps that ensure access to your reserved parking space. Additional steps may include a number of actions. Occasionally, better signage helps to resolve the problem. Other times, the landlord may need to notify tenants directly that vehicles parking in the reserved parking space will be towed. The law permits landlords to tow a vehicle that blocks or is unlawfully parked in a space reserved for persons with disabilities. The police generally do not enforce parking laws on private property. The landlord should guarantee that

someone is available within a reasonable amount of time to help request that the unauthorized vehicle be towed. If staff is not immediately available, the landlord may also need to modify its towing policy to permit the tenant with a disability to contact the towing company themselves.

I have a mobility device that makes it difficult to access a regular parking spot. Can I request space for an “access aisle” next to a designated parking space?

Yes, if you need extra space to maneuver a mobility device in order to access your vehicle, you can make a reasonable accommodation request for it. “Access aisles” provide a designated area for people who use wheelchairs or other mobility devices to get in and out of their car or van. Unlike Title III of the ADA, there is not a specific requirement under the Fair Housing Act for “access aisles.” However, if you are a person who uses a wheelchair or mobility device, you can still make a reasonable accommodation request for one under the Fair Housing Act. Typically, an access aisle is a striped area next to an accessible parking space. To ensure that a reasonable accommodation request for an access aisle under the Fair Housing Act is effective, there is guidance regarding the technical requirements under the ADA that may be useful. For example, an access aisle under the ADA must be at least 5 feet wide next to the parking space for a car or van.

My landlord states that they won’t grant my request because then, “they would have to do it for everyone.” Is that a valid reason to deny my request?

No, a landlord may not deny a reasonable accommodation for a designated parking space, because it would encourage other tenants to request one too. A landlord must consider each request for reasonable accommodation on an individual basis. A landlord cannot refuse a reasonable accommodation request, in order to discourage other tenants from making similar requests.