

Accessible Parking Guidance for Residents of Multi Family Housing

The purpose of this resource is to provide guidance to landlords and tenants on applicable accessible parking laws and the interactive process for reasonable accommodations for parking. This document will also clarify the difference between accessible parking available to the public with a disabled placard or license plate versus a reserved accessible parking space for a specific resident. Disclaimer - The technical assistance provided in this document is intended solely as informal guidance, is based on GCPD's understanding of the information provided, and does not constitute a legal interpretation.

The federal Fair Housing Act and the Texas Fair Housing Act may require the owner of a multi-family residential property to provide accessible parking for a tenant. A tenant with a disability may ask the owner to create an accessible parking space so that they can access their apartment.

Although the [Texas Transportation Code](#) uses the term "disabled parking," in this document we use "accessible parking," which is used by the US Department of Housing and Urban Development and US Department of Justice in their [Joint Statement of Reasonable Accommodation under the Fair Housing Act](#).



1. How do I get my landlord to designate an accessible parking space for my use?

Answer: A tenant with a disability who requires an accessible parking space may ask the landlord or management either verbally or in writing for a reserved accessible parking space as a reasonable accommodation. If the mobility impairment is not obvious, or readily observable, the tenant may be asked to provide reasonable documentation from an appropriate licensed professional to justify the need for the accommodation. An accessible parking space is - designated by - requirements in the

[Texas Accessibility Standards, Chapter 5 Section 502](#) General Site and Building Elements.

The reserved parking space assigned by the property management as a housing accommodation must not be designated with the international symbol of access painted on the space or have a designated "disabled parking sign" as required under the [Texas Transportation Code](#) since this would allow any other resident, guest, or member of the public with an accessible parking placard to park in this space. The space should be created with the accessibility requirements of the resident in mind including any need for adjacent space to deploy a wheelchair lift or an accessible path of travel. This "reserved" space does not count towards the number of publicly available "disabled parking" spaces required under the Texas Accessibility Standards.

2. What should I give my landlord to show I need the accessible space if documentation is requested?

Answer: You must have a physical impairment that substantially limits one or more major life activities to justify your need for an accessible parking space; e.g., impaired walking, seeing, lifting, bending, standing, breathing, heart condition, etc. If your disability is not obvious you should obtain reasonable documentation from a licensed professional showing how you are substantially limited by your disability. Medical documentation need not give a diagnosis but must state clearly how you are limited in mobility, or ability to walk, and how an assigned parking space will afford equal access to your apartment; e.g., accessible path of travel - shorter distance to and from apartment, use of ramp, or avoiding steps, stairs, curbs, or traffic. A licensed professional includes, but is not limited to, a primary care doctor, any doctor dealing with mobility issues, neurologist, medical nurse practitioner, vocational rehabilitation counselor, chiropractor, etc.

3. What laws help me get an accessible parking space?

Answer: The Federal Fair Housing Act (FHA) prohibits discrimination by landlords against applicants and tenants with disabilities. In Texas, the Texas Property Code Ch. 301, also known as the Texas Fair Housing Act (TFHA), protects individuals from housing discrimination based on their protected class—including disability. Both laws require landlords to facilitate, at their expense, reasonable accommodations—including a reserved accessible parking space.

Other federal nondiscrimination laws that require accessible parking include the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The ADA applies to the leasing office only, while Section 504 applies to any apartment complex operated with Federal funding.

4. What should I do if the landlord denies or ignores my request for an accessible parking space or I believe I've been discriminated against based upon my disability?

Answer: If you feel you were discriminated against due to your disability, you may file a complaint with the Texas Workforce Commission (TWC) Civil Rights Division at:
<https://www.twc.texas.gov/partners/how-submit-housing-discrimination-complaint>

A manager or landlord has an obligation to provide a prompt response to a reasonable accommodation request. An unjustified delay may be deemed a failure to provide a reasonable accommodation in violation of the FHA. Document your request in writing; e.g., e-mail or printed letter. This will help prevent misunderstandings regarding the nature of the request or whether the request was made. Moreover, many apartment rental companies may require applicants or tenants to use a fillable form to request disability-related accommodations or modifications. However, failure by a tenant to use a form is not an excuse to deny an FHA accommodation. Housing providers must duly consider accommodation requests, even if the tenant makes the request orally and does not use a required form. Forms may not be overly intrusive but may ask a tenant and/or doctor to describe the needed accommodation or modification in relation to a disability-related need.



5. Can my landlord charge a fee for an accessible parking space?

Answer: No, housing providers may not require tenants with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation. The FHA specifically prohibits "surcharges" for any necessary disability-related reasonable accommodation or policy modification – including assignment of an accessible parking space to a specific tenant in first-come first-served tenant parking. However, a landlord may charge a monthly parking fee to a tenant with a disability using an accessible space ONLY if all tenants must pay the same parking fee for a space; e.g., paid covered parking.

6. What if the landlord says all available accessible parking spaces are occupied and that they are not required to create more accessible spaces?

Answer: The landlord is required to create an additional accessible parking space if available accessible spaces are occupied by other tenants. The landlord is required to make an exception to a first-come first-served tenant parking policy and assign the added accessible space to the specific tenant making the request to avoid unauthorized occupancy by other tenants or visitors.

If management indicates that they already comply by providing a minimum number of accessible parking spaces throughout the property, such as the two-percent minimum requirement applicable to new housing constructions, the FHA still requires creation of an additional reserved accessible parking space for a tenant as a reasonable accommodation.

7. Does the FHA apply when working with a condo or a Home Owner's Association (HOA)?

Answer: Yes, condominium boards and home owner associations (HOAs) also must abide by the Fair Housing Act, the Americans with Disabilities Act, and other applicable laws. HOA's and Condo's must still consider and facilitate reasonable accommodation and modification requests by owners or tenants with disabilities.

8. Can a visitor get an accessible space?

Answer: If a visitor comes to assist you in relation to having a disability, you may request a specifically reserved accessible space on their behalf - but only if in connection to your disability; e.g., to provide medical or life support services, drive you to doctor appointments or grocery shopping, etc.

Other visitors with disabilities may be required to park in designated visitor parking or may be allowed to occupy first-come first-served tenant parking. Check with your property management for visitor parking information.

9. What can I do if my landlord retaliates against me?

Answer: Landlord retaliation after asking for a reasonable accommodation, such as accessible parking, is strictly prohibited under the FHA. Retaliation may include, but is not limited to, refusal to rent to an applicant, refusal to renew a lease, eviction, hostile management or maintenance staff, filing a formal complaint with TWC or the US Department of Housing and Urban Development (HUD), etc. The landlord should be informed that retaliation is unlawful and - that - your FHA accommodation request be fairly considered. If the landlord persists with an unjustified denial or retaliation, you may file a complaint. If you file a formal complaint, you should include any incidents of retaliation along with the discrimination claims.



10. Can my landlord deny my request for an accessible parking space?

Answer: The FHA requires a housing provider to grant a reasonable accommodation if it does not pose an undue financial and administrative burden and the accommodation does not fundamentally alter management operations. The financial resources of the housing provider (including parent company), the cost of the reasonable accommodation, the benefit the accommodation will provide to the tenant, and the availability of a less expensive alternative accommodation that could effectively meet the disability-related need of the applicant or resident, must be considered before determining whether a requested accommodation poses an undue financial and administrative burden. Designation of an accessible parking space typically does not impose an undue burden or fundamentally alter operations.

Resources

- [The Fair Housing Amendments Act](#) (FHAA) makes it unlawful to discriminate in the sale or rental, or otherwise make unavailable or deny housing to any prospective owner, buyer, or renter because of a disability of that individual, of a person associated with that individual, or of a resident or potential resident. [42 U.S.C. § 3604\(f\)\(1\) \(1994 & Supp. 2000\)](#).
- [The Fair Housing Act](#)
Discrimination is defined as a refusal to make reasonable accommodations in rules, policies, practices or services, when accommodations may be necessary to afford protected persons equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).
The reasonable accommodation provisions of the FHA apply to any "dwelling," regardless of whether it is state or federally subsidized. 42 U.S.C. §3602(b).
- [Fair Housing Act - Interference, Coercion, or Intimidation](#)
Retaliation against an applicant, tenant, or owner with a disability in connection with a request for reasonable accommodation or policy modification is unlawful under the Fair Housing Amendments Act (FHAA). The relevant section of the Act states:
"It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title." 42 U.S.C. § 3617 (2000)
- [Restriping Parking Spaces](#) US Department of Justice Guidance
- [Reasonable Accommodation under the Fair Housing Act](#) Joint Statement of the Department of Housing and Urban Development and the Department of Justice.

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