

Idaho Legal Aid Services, Inc.

Advocacy. Education. Representation.

www.idaholegalaid.org

About Reasonable Accommodations or Modifications ^[1]

A **reasonable accommodation** is some exception or change that a housing provider makes to rules, policies, services, or regulations that will assist a resident or applicant with a disability in taking advantage of a housing program and / or dwelling.

A **reasonable modification** is an alteration to the physical premises allowing a person with a disability to overcome obstacles that interfere with his or her use of the dwelling and/or common areas.

The accommodation and/or modification must be necessary for the individual with the disability to enjoy and/or fully use services offered to other residents and/or the individual dwelling unit.

Reasonable accommodations can include **but are not limited to**:

- A change in the rules or policies or how a housing provider does things that would make it easier for you to live in the dwelling
- Permitting a service animal for a household in a community where pets are not allowed, or not charging a deposit for a service animal though the housing provider charges deposits for pets
- Permitting an outside agency to assist a disabled resident to meet the terms of the lease
- Permitting a live-in Personal Care Attendant to live with a disabled resident who might need 24 hour assistance
- A change in the way a housing provider communicates with or gives information, such as increasing the font size of typed documents to a person with a visual impairment

Reasonable modifications can include, **but are not limited to**:

- A structural change or repair in your apartment or another part of the apartment complex that would make it easier for you to live in the dwelling;
- Altering your apartment so that the unit can be accessed and used by a person in a

wheelchair.

NOTE: The individual requesting the modification may be responsible for the costs incurred in providing a reasonable modification to the premises. This individual may also be responsible for costs incurred in restoring the modification to original condition. The housing provider may request that a licensed contractor be obtained to make the modifications and/or restorations. The housing provider may be responsible for the costs if federal funds are received. If you and/or your housing provider have any questions regarding these provisions, please contact your local Fair Housing Council.

A resident or applicant is entitled by law to a reasonable accommodation and/or modification when needed because of a disability of the resident, applicant, and/or a person associated with a resident or applicant, such as a guest. Housing providers must grant all requests for reasonable accommodations and/or modifications that are needed as a result of a disability if the request is not unduly burdensome or a fundamental alteration of the housing program. If a request is denied, you have the right to know the reasons in writing.

There must be a verifiable disability involved in order for the household to qualify for a reasonable accommodation and/or modification. The housing provider can seek verification, but cannot ask about the nature or severity of the disability. Furthermore, the housing provider is required by law to keep all information about the disability confidential.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Most serious medically treated conditions are considered to be a disability. A disabled resident must still be able to meet essential obligations of tenancy – they must be able to pay rent, to care for the apartment, to report required information to the manager, avoid disturbing their neighbors, etc., but there is no requirement that they be able to do these things without assistance.

Using the following forms will help you and your housing provider to better write the request and implement any follow up necessary. The forms include:

- **A Request for a Reasonable Accommodation.** This form is your request for a reasonable accommodation to be given to your housing provider. (For you to complete)
- **A Request for a Reasonable Modification.** This form is your request for a reasonable modification to be given to your housing provider. (For you to complete)
- **Verification of the need for an Accommodation and/or Modification** (For your health care provider, such as a doctor, nurse, therapist, or social worker, to complete). This form verifies your request and authorizes your medical provider to certify your status as a person with a disability and your need for the accommodation and/or modification.
- **Approval or Denial of a Request for a Reasonable Accommodation and/or Modification.** (For your housing provider to complete) This form is the official notice from

the housing provider stating whether the requested reasonable accommodation or modification will be approved or denied.

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<http://www.idaholegalaid.org/node/2266/about-reasonable-accommodations-or-modifications>

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