

## DENIAL OF REQUEST

Housing providers must grant a request for reasonable accommodation and/or modification that is 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 and the right to meet with the housing provider as part of the “interactive process.” The interactive process involves the requester and housing provider meeting to negotiate a solution that will allow the person with a disability full use and enjoyment of their housing while not unreasonably burdening the housing provider.

Denial of a reasonable accommodation request without engaging in the interactive process could constitute a Fair Housing Act violation and discrimination based on disability. If a housing provider has wrongfully denied your accommodation request, you can file a complaint with the U.S. Dept. of Housing & Urban Development (HUD).

### NEED TO FILE A FAIR HOUSING ACT COMPLAINT?

Contact HUD at 1-800-669-9777 or 1-800-927-9275 (TTY) or visit [hud.gov/fairhousing](http://hud.gov/fairhousing)

### HAVE MORE QUESTIONS ABOUT THE FAIR HOUSING ACT OR REASONABLE ACCOMMODATION REQUESTS?

Talk to a lawyer for free by calling Idaho Legal Aid's Housing Advice Line at 208-746-7541 (TRS, dial 7-1-1). Mon-Fri 10 am - 3:30 pm MT.

Get reasonable accommodation and reasonable modification forms at [idaholegalaid.org](http://idaholegalaid.org).



For more information about your Fair Housing Act rights:  
[hud.gov/fairhousing](http://hud.gov/fairhousing)  
[idaholegalaid.org](http://idaholegalaid.org)  
[ihfcidaho.org](http://ihfcidaho.org)  
Housing Advice Line: 208-746-7541

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# Fair Housing: Reasonable Accommodation Requests



Idaho Legal Aid Services, Inc.

## THE FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in the sale and rental of housing based on the following protected classes: Race, Color, Sex, Religion, National Origin, Disability, or Familial Status. The Fair Housing Act was passed as part of the Civil Rights Act of 1968.

You can learn more about actions that may violate the Fair Housing Act by visiting: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](https://www.hud.gov/program_offices/fair_housing_equal_opp).

A **reasonable accommodation** is an exception or change to rules, policies, services, or regulations that will allow a resident or applicant with a disability full use of a housing program or dwelling.

A housing provider's refusal to make a reasonable accommodation that is needed in order for a person with a disability to use and enjoy their dwelling could violate the Fair Housing Act's prohibition on disability discrimination in housing.



## REASONABLE ACCOMMODATION TIPS

- An accommodation must be necessary for the person with the disability to use and enjoy their dwelling unit or fully use services offered to other residents. In other words, there must be a clear connection between the disability and the requested accommodation.
- An accommodation must be reasonable, meaning it doesn't ask the housing provider to materially change the nature of their operations or bear an undue financial burden. For example, it would be reasonable to request a first floor unit due to a mobility disability, but it might not be reasonable to ask a housing provider to install an elevator.
- Make your request in writing and **keep a copy for your records.**
- If your disability and the need for your request are not obvious, then you will need a letter from a qualified professional who is familiar with your disability, such as your doctor. This is called a **Proof of Need letter.**
- You do not have to disclose specific details about your disability to your housing provider and they cannot request details about the nature or severity of your disability.

## DEFINITIONS

- **Disability** - Under the Fair Housing Act, disability is defined as a physical or mental impairment that substantially limits one or more major life activities. Disability also includes having a record of such an impairment or being regarded as having such an impairment.
- **Covered Housing** - The Fair Housing Act applies to most housing, including homes, apartments, condos, nursing homes, manufactured homes, RV parks, and other structures occupied as residences.
- **Reasonable Accommodation** - a change to a rule, policy, service, or regulation to allow a person with a disability full use and enjoyment of their home or a housing program.
- **Reasonable Modification** - a physical change to a rental property to allow a person with a disability to overcome an obstacle that interferes with their use of the dwelling or common areas. For example, requesting installation of a ramp or grab bars.
- **Assistance Animal** - trained or untrained animal that does work, performs tasks, provides assistance, or provides therapeutic emotional support for individuals with disabilities. For HUD's guidance on accommodation requests for animals, visit: [hud.gov](https://www.hud.gov) and see FHEO Notice FHEO-2020-01 .