

Reasonable Accommodations:

“A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment”

Questions to Ask:

1. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, IHFA will obtain documentation that the requested accommodation is needed due to the disability. IHFA will not inquire as to the nature of the disability.
2. Is the requested accommodation **reasonable**?

Reasonableness: Two Criteria

- Would the accommodation constitute a fundamental alteration?
 - IHFA's business is housing. If the request would alter the fundamental business that IHFA conducts, that would not be reasonable. For instance, IHFA would deny a request to have IHFA staff do grocery shopping for a person with disabilities.
- Would the requested accommodation create an undue financial hardship or administrative burden?
 - Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, IHFA may request a meeting with the individual to investigate and consider equally effective alternatives.
 - A reasonable accommodation request is not “reasonable” if it imposes a fundamental alteration in the nature of the program or an undue financial or administrative burden on the party to whom it is submitted.

Submitting Requests:

- Submit a request form and proof of need
- Housing provider is not allowed to request details about the disability
- If disability isn't visible, proof of need may be required
- Can submit a verbal request but that's not recommended
- Include a note from qualified professional confirming you meet the Act's definition of “handicapped”
- A housing provider is allowed to get info that is necessary to evaluate if a request is necessary because of the disability. If a disability isn't obvious, then they are allowed to request more info but only what is reasonable and "necessary"

Evictions:

- If the tenant can prove the eviction is related to or because of their disability, they may be eligible for a reasonable accommodation.
- Rent payment example: A tenant with a mental disability, who is afraid to leave her residence, to be allowed to pay their rent by mail even though the housing provider requires that the rent must be paid in person at the rental office.
- Each request must be considered on a case-by-case basis to determine if granting the request may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance

Denial:

- 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 denied your reasonable accommodation request and refuses to meet with you to discuss alternative accommodations, you should consider contacting the Fair Housing Legal Advice Line at 1-866-345-0106 or filing a fair housing complaint with the U.S. Dept. of Housing & Urban Development (HUD) or with Intermountain Fair Housing Council.
- If a request is determined not to be “reasonable”, the housing provider may deny it
- The ADA requires public entities and public accommodations to make modifications unless they can show that the modification would significantly alter the service or program or facility

Sample Request for Reasonable Accommodation

Dear [name of housing provider]:

As a person with a disability, I am hereby requesting a reasonable accommodation for **[address of housing for which you wish to be accommodated]** pursuant to the Fair Housing Act, 42 U.S.C. §3604, which requires housing providers to make “reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”

The accommodation I am requesting is **[describe accommodation requested]**. I need this accommodation because **[explain why you need the accommodation without disclosing the nature or severity of your disability]**.

Please respond to this reasonable accommodation request in writing within 7 days of receipt.

Sincerely,

[Signature] [date]

[Printed Name]

[Address]

[Phone]