

Evictions and Reasonable Accommodation Requests

Introduction

The Federal Fair Housing Act (“Act”) (42 U.S.C. §§ 3601-19) prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability (as well as sexual orientation/gender identity if the housing provider or program receives federal funding). A housing provider’s refusal to make a reasonable accommodation that is necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling constitutes disability discrimination and is a violation of the Act.

What is a Reasonable Accommodation?

A reasonable accommodation is some exception or change that a housing provider makes to its rules, policies, services, or regulations that will assist a resident or applicant with a disability in making full use of a housing program or dwelling. The requested accommodation must be necessary for the person with the disability to enjoy their dwelling unit or to fully use services offered to other residents. Examples of reasonable accommodations would include: permitting an assistive animal in a “no pet” property; permitting a live-in personal care attendant to reside with a resident with a disability; use of increased font size on notices from the landlord; or allowing priority assignment to a first floor apartment for a requester with limited mobility.

Reasonable Accommodation Requests and Eviction

Reasonable accommodation requests can sometimes be used to stop an eviction. This would be the case when the basis for the eviction is connected in some way to a disability. For example: an eviction because a wheelchair caused damage due to narrow hallways; an eviction for aggressive or disturbing behavior where the tenant has a mental illness; or an eviction for noise complaints due to loud television where the tenant is hearing impaired. Under the Act, a landlord cannot necessarily evict a

tenant with a disability if based on behavior or characteristics related to the disability. If the tenant proposes an accommodation that would eliminate or reduce the impact of the lease violation, the landlord must make such accommodations where they would not be unduly burdensome.

If you receive an eviction notice connected to your disability, you should immediately contact an attorney or fair housing organization for further assistance. They can help you draft a reasonable accommodation request to address the housing provider's concern. For example, a tenant who has a hearing impairment and has received a lease violation for noise could submit a reasonable accommodation request to allow him time to "cure" the lease violation by acquiring headphones for his television. Or, a tenant who is being evicted for aggressive behavior related to mental illness could submit a reasonable accommodation request to allow her more time to "cure" the violation by getting the assistance of a case worker to help her manage her mental illness. There are many creative ways reasonable accommodation requests could be used to cease eviction proceedings and preserve your tenancy.

To learn about fair housing:

Idaho Legal Aid Services Inc.

Fair Housing Portal

www.idaholegalaid.org

To file a fair housing complaint:

Intermountain Fair Housing Council

(208) 383-0695 in Boise or

1-800-717-0695 (toll free)

U.S. Department of Housing and Urban
Development (HUD)

1-800-669-9777 or 1-800-927-9275 (TDD)

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