Click or tap to enter a date.

Click or tap here to enter text.

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Dear Click or tap here to enter text.:

I write to request a reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B) and the Arizona Fair Housing Act (collectively, the “FHA”), and under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504). Under the ADA and Section 504, the term reasonable modification is used.

I live at the Click or tap here to enter text. at Click or tap here to enter text. in unit # Click or tap here to enter text..

I have a disability as defined under the FHA, ADA, and Section 504 and because of my disability I need a reasonable accommodation of the public housing authority’s rules, practices, and policies. The disability is Click or tap here to enter text.. Choose an item.

Please approve the following reasonable accommodation(s) so that I may have equal opportunity to enjoy the housing of my choice: Choose an item. Click or tap here to enter text.

Here is the legal basis for my request. Under Title II of the ADA, “[n]o qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. 28 C.F.R. § 35.130(a). Nor may “[a] public entity, in providing any aid, benefit, or service, directly or through contractual, licensing, or other arrangements, on the basis of disability—[d]eny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service. 28 C.F.R. § 35.130(b)(1). Public entities, such as public housing authorities, must “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” 28 C.F.R. § 35.130(b)(7)(i)(A).

The FHA makes it unlawful to either: (1) “discriminate in the sale or rental [of], or to otherwise make unavailable or deny, a dwelling” to a disabled person, 42 U.S.C. § 3604(f)(1); or (2) “discriminate against any [disabled] person in the terms, conditions, or privileges of sale or rental of a dwelling.” 42 U.S.C. § 3604(f)(2). Discrimination includes “a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B). The Arizona FHA is substantially equivalent to the FHA.

Providing changes in Housing Choice Voucher (HCV) policies that limit the payment standard, utility allowance standard and the determination of the size of the unit are common types of reasonable accommodations contemplated by the ADA, Section 504 of the Rehabilitation Act and FHA. HUD regulations and notices reflect that reasonable accommodations must be granted in these areas. *See e.g*., 24 C.F.R. § 982.503(c)(2)(ii)) (providing a higher payment standard and if necessary, asking HUD for approval of higher payment standards above 120% of Fair Market Rate); 24 C.F.R. § 982.517(e) (providing a higher Utility Allowance); 24 C.F.R. § 982.316, 982.402(b)(6) or PIH Notice 2011-32 (including my live-in aide or overnight support staff when determining the unit size for the household).

Please respond in writing to my reasonable accommodation request within seven calendar days. Prior to any decision to deny this reasonable accommodation request, please engage in the interactive process to discuss the request. If you need any additional information to consider my reasonable accommodation request, please inform me in writing.

I look forward to your response and appreciate your attention to this matter.

Sincerely,

Click or tap here to enter text.

cc: Click or tap here to enter text.

Click or tap here to enter text.