

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

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REASONABLE ACCOMMODATION AND MODIFICATION TOPICS

- INTRODUCTION
- PRACTICE
- QUESTIONS AND ANSWERS

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

INTRODUCTION

CREATING EQUAL ACCESS FOR PERSONS WITH DISABILITIES

- ◉ Reasonable Accommodation
 - > Changes to rules or policies
 - > Changes to practices
 - > No or low cost
- ◉ Reasonable Modification
 - > Changes to physical structure
 - > Often at expense of tenant
 - Federally funded?
 - Common area?

VERIFICATION OF DISABILITY AND NEED FOR REQUEST

- Obtain verification if disability and need for request not obvious
- Verification can come from:
 - > Doctor, nurse, other medical professional
 - > Peer support group
 - > Non-medical service agency
 - > Third-party professional – reasonable knowledge
- If disability and need are obvious, no verification needed - burdensome

WHEN TO GRANT A REASONABLE ACCOMMODATION OR MODIFICATION

- ◉ Disability confirmed or obvious
- ◉ Nexus or link between disability and request
- ◉ Request is reasonable

REASONS TO DENY REQUEST

IF A REQUEST IS UNREASONABLE:

- Undue financial or administrative burden
 - > Requires impractical time commitment
 - > Expense exceeds budget
 - Federally funded?
 - Alternatives?
- Fundamental alteration of nature of business
 - > Caregiver services?
 - > Transportation?

If a request is unreasonable...

...enter into an interactive dialogue
with tenant regarding alternative
accommodations

REASONABLE
ACCOMMODATIONS AND
MODIFICATIONS
PRACTICE

LATE PAYMENTS

- Facts you know:
 - > Tenant routinely pays her rent late each month and the property manager charges her a late fee each time.
 - > Tenant requests a reasonable accommodation to pay rent on the 10th of each month instead of the 1st, and to waive late fees.
 - > Her disability is not obvious.
- What additional information can the property manager request?
- Should the accommodation request be granted?

RESERVED PARKING

- Facts you know:
 - > Parking at the apartment complex is unassigned, except that reserved spaces are available to tenants for a monthly fee.
 - > Tenant uses a wheelchair.
 - > Tenant requests a reasonable accommodation for a reserved parking spot near his unit at no charge.
- What additional information can the property manager request?
- Should the accommodation request be granted?

CAREGIVER

- Facts you know:
 - > Tenant is sole person on lease.
 - > Her adult son has been observed frequently staying overnight in her unit. The property manager issues a compliance notice for an unauthorized person.
 - > The tenant requests a reasonable accommodation to allow her son to stay with her as a caregiver.
- What additional information can the property manager request?
- Should the accommodation request be granted?

LEASE RELEASE

- Facts you know:
 - > Tenant has developed a disability three months into a twelve month lease. Tenant reports that he can no longer climb stairs to his third-floor apartment.
 - > Tenant requested that he be allowed to move into a ground floor unit immediately if one is available.
 - > No ground floor unit is currently available.
- What additional information can the property manager request?
- How can the accommodation request be granted?

TENANCY EXTENSION

- Facts you know:
 - > Tenant is currently on a month-to-month tenancy. Tenant has been asked to vacate the unit at the end of the rental period so the owner's daughter can take occupancy.
 - > Tenant has stated that, due to her disability, she is unable to pack and move in 20 days.
 - > Tenant requested that she be allowed to remain in the unit for an additional 30 days past the end of the month.
- What additional information can the property manager request?
- Should the accommodation request be granted?

AMBIGUOUS WRITTEN VERIFICATION

- Facts you know:
 - > Tenant requests a reasonable accommodation for a cat. She provides a document from her naturopath in support of her request. It states: “Ms. Tenant needs her cat, Whiskers, in her home. Please permit her to have her cat.”
- What additional information can the property manager request?
- Should the accommodation request be granted?

SOURCE OF VERIFICATION

- Facts you know:
 - > Tenant requests a reasonable accommodation for a close, assigned parking space. He provides a document from his dermatologist in support of his request. It states: “Mr. Tenant needs an assigned parking space within 50’ of his door due to his cardio-respiratory condition. He is unable to walk farther than 50’.”
- What additional information can the property manager request?
- Should the accommodation request be granted?

UNCERTAIN VERIFICATION

- Facts you know:
 - > Tenant requests a reasonable accommodation for a service dog. She provides a document in support of her request. It is handwritten on a sheet of blank paper and signed with an illegible signature. No name appears to indicate who signed the letter.
- What additional information can the property manager request?
- Should the accommodation request be granted?

COST OF MODIFICATION

- Facts you know:
 - > Tenant, who is paraplegic, requests a reasonable modification for a special bathroom fixture. The apartment building she lives in is HUD subsidized. The cost of the project is estimated at \$1,200.
- What additional information can the property manager request?
- Should the modification request be granted?
- Who will pay for the modification?

MODIFICATION RESTORATION

- Facts you know:
 - > Five years ago, before current management, Tenant was allowed to have the doorways in her rental house widened to accommodate her wheelchair. New management has taken over. Tenant is vacating the unit at the end of the month.
- Can management ask Complainant to return the doorways to their original width?

REASONABLE ACCOMMODATIONS

QUESTIONS AND ANSWERS