

**REASONABLE
ACCOMMODATIONS &
REASONABLE
MODIFICATIONS**



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What is Fair Housing?



**Fair housing is the right of all
people to be free from
discrimination in the rental, sale,
or financing of housing.**




Fair Housing means Equal Access


**The Fair Housing Act
Equal Access for People with
Disabilities**



- Who is disabled?**
- Reasonable Modification**
- Reasonable Accommodation**
- What can a landlord ask?**





Who Has a Disability?



Definition of disability:

- ☞ "A physical or mental impairment which substantially limits one or more major life activities"; or
- ☞ A record of such an impairment; or
- ☞ Being regarded as having such an impairment

Who Has a Disability?

Physical or Mental impairments include, but are not limited to:

- ☞ Visual, speech, mobility or hearing impairments
- ☞ AIDS
- ☞ Mental/Emotional illness
- ☞ Drug addiction (other than addiction caused by current, illegal use of controlled substances)
- ☞ Alcoholism

COMMON DISABILITY ISSUES



Why Reasonable Accommodations and Reasonable Modifications?



Balancing the Scales



People with disabilities may require special needs to ensure that they have equal access and equal opportunity to use and enjoy a dwelling and common/public use areas

Reasonable Modification



A reasonable modification is a structural change that allows a person with a disability equal access and equal opportunity to use and enjoy a dwelling and common/public use areas.

*Reasonable modifications are usually made at the resident's expense.**

*Exception: In Federally Funded housing facilities, the landlord would be responsible for the cost and the installation of the modifications, unless the modifications are unreasonable (Section 504)

http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf

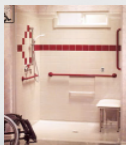
Reasonable Modification Examples



Ramps



Grab Bars
Roll In Shower



Reasonable Accommodation



A reasonable accommodation is a change in rules, policies, practices, or services that allows a person with a disability equal access and equal opportunity to use and enjoy a dwelling and common/public use areas.

<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

Reasonable Accommodation Examples



Parking



Caregivers



Assistance Animals



A Landlord Can Ask...



If not obvious, a landlord CAN ask for verification that the person has a disability and needs the accommodation or modification because of the disability

This can be verified from a:

- Doctor
- Medical professional
- Peer support group
- Non-medical service agency
- A reliable third party who is in a position to know about the individual's disability

Other Allowable questions



- Can you pay the rent?
- Do you have rental references?
- Will you comply with the rules?
- Are you currently using illegal drugs?
- If your housing is designed or designated for people with disabilities, you can ask every applicant if he or she qualifies for the housing.

A Landlord CANNOT ask...



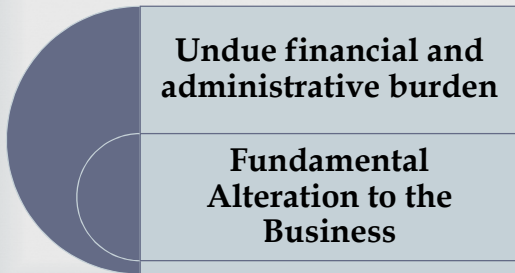
- What is the nature and severity of your disability?
- Do you take medication?
- How severe is your disability?
- Why are you getting SSI?
- Can I see your medical records?
- Have you ever been hospitalized?

When Must a Reasonable Accommodation Request Be Granted



- The person has a disability
- There is a nexus between the disability and the accommodation
- It is reasonable.

Reasonable vs. Unreasonable?



Undue Financial/Administrative Burden



Evaluate the financial impact the modification would have on your budget



Example:

Can you afford to install a \$70,000 elevator?

Fundamental Alteration



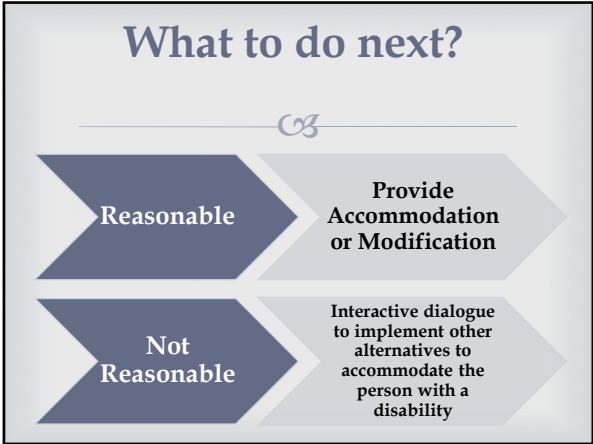
Evaluate whether you are being asked to provide a service not normally provided in your business

Examples:

Distributing Medications?

Providing Care Giver Services?





Reasonable Accommodations

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LOCALLY

HUD FHEO

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Region X
(Washington, Idaho, Alaska, Oregon)



A total of 133 complaints filed with HUD FHEO in Region X in calendar year 2015 alleged failure to provide reasonable accommodations.

That is **43% of the total complaints** filed with HUD FHEO Region X in CY 2015, with a majority of those involving assistance animals.

Types of Reasonable Accommodations (RAs)
Eastern/Central Washington
and Northern Idaho



- ☞ RA request from tenant with disability- Carport parking closer to unit
 - ☞ Landlord response - assigned carport parking that tenant's vehicle did not fit in
- ☞ RA request from tenant with disability-Let out of lease
 - ☞ Landlord response-charged tenant remainder of lease
- ☞ Denial of companion animal in an advertisement

Types of Reasonable Accommodations (RAs)
Eastern/Central Washington
and Northern Idaho



- ☞ RA request from tenant with disability-Need assistance animal
 - ☞ Landlord response in one case-charged pet deposit for emotional support assistance animal
 - ☞ Landlord response in a second case-steered the person with disability who had the assistance animal to the particular building where "pets" are allowed
 - ☞ Landlord response in a third case-animal must be trained/certified



Serving all of Washington State

WSHRC

WSHRC Calendar year 2015 Commission investigations:

- WSHRC Housing - 85
 - WSHRC Disability - 36 (over 40%)
 - WSHRC Reasonable accommodation - 30 (over 35%)
 - WSHRC Reasonable modification - 1
 - WSHRC All dual-filed with HUD

Types of Reasonable Accommodations Washington State

WSHRC

- WSHRC Request - Early release from lease
 - WSHRC Response - Complainant was charged all rent for remainder of lease term
 - WSHRC Settlement - Cancellation of debt / training
- WSHRC Request - Retirement community requested to provide accessible transportation
 - WSHRC Response - Respondent stated its vans were not accessible and it could not afford to buy new vans, and the vans could not be retrofit
 - WSHRC Settlement - Respondent funded alternative transportation / training

Types of Reasonable Accommodations Washington State



- Request - Transfer to a ground floor unit
- Response - Respondent stated none were available; Complainant had to relocate
- Settlement - Respondent paid Complainant \$1,500 / training
- Request- Permit installation of a ramp for a tenant who uses a wheelchair
- Response - Respondent refused, stating it blocked laundry room; 20 day termination
- Settlement - Respondent paid Complainant \$2,000 / training

NWFHA



Complaints Received By NWFHA 12/1/14 - 11/30/15



	Race	Natl. Origin	Disability	Gender	Fam Status	Color	Religion	Totals
Inquiries Received								1195
NWFHA Intakes								190
Complaints referred to HUD or WSHRC			9	1	3			13

12/1/14-11/30/15:
145 Reasonable Accommodations &
Modifications



Assist animal	Lease Extend	Care giver	Access. Mods.	Special Terms & Conditions	Lease release	Evict. Prevent	Parking related	Pmt. Terms	Other	Total
10	43	1	1	25	7	27	5	7	19	145

Examples of recent
NWFHA RA
complaints



Assistance Animal RA Complaint -
Kennewick



- Ⓜ Complaint Allegations:
- Ⓜ Complainant has disabilities. Complainant's sister contacted the subject apartments to inquire about a vacancy for the complainant. She told the manager she was looking for a 2 bedroom for her disabled sister.
- Ⓜ Manager advised there were units available at two complexes but complainant would need to go through normal application process.
- Ⓜ The sister asked manger if dogs were allowed. Manager stated dogs were not allowed. The sister told manager that her sister's dog was a service animal. Manager stated he did not care that the dog was a service animal and that no dogs were allowed. Manager refused to discuss further and stated he would not be able to take an application from the complainant if she has a service animal.
- Ⓜ Conciliation Agreement.

Refusal of Lease Release RA - Pending Complaint - Kennewick



- Complainant alleges she advised manager of need to be released from lease due to her daughter's disabilities and need to be treated in another state. Complainant provided doctor letters.
- Respondents told Complainant she could not break her contract. Complainant explained that her daughter's life was at stake and Respondent advised that was not their problem. Complainant's calls to a supervisor were not returned.
- Complainant's daughter's disabilities worsened and need to be closer to treatment center became urgent. Complainant asked for a reasonable accommodation to be released from her lease due to daughter's disability. Respondent responded they would give Complainant a bad reference if anyone called.
- Complainant moved out. Complainant has been given a negative reference at all places that she has applied to rent.

Assistance Animal RA Testing Complaint - Ellensburg



- The protected class tester advised Respondent of her interest in a unit for herself, her husband and her companion animal. She stated that she had a prescription from her therapist for her companion animal. She then asked for the rates and fees.
- The assistant property manager stated that she had to pay a \$400 pet fee.
- The protected class tester clarified, "Do I have to pay the pet fee even though I did get a prescription from my therapist for it?"
- The agent answered, "Yes, the pet fee still applies".
- Conciliation Agreement.

Assistance Animal RA Testing Complaint - Ellensburg



- A tester stated interest in a unit for herself, her husband and her companion animal. She stated she had a prescription from her therapist for her companion animal. She asked for rates and fees.
- The property manager replied that tester had to pay \$300 as a pet deposit plus \$25 extra per month. After further discussion regarding the prescription, the agent agreed to do further research and get back with the tester. The agent did not contact the tester.
- The tester followed up and reminded the agent of her request and expressed interest in a unit. The agent replied that tester still had to pay \$300 pet fee for her companion animal.
- Conciliation Agreement.

Assistance Animal RA Testing Complaint - Pullman



- ✎ Apartment complex in Pullman, WA
- ✎ Tester stated interest in an advertised unit for himself, his wife and her companion animal. He stated that his wife had a prescription from her therapist for her companion animal. He asked for rates and fees.
- ✎ Respondent and the tester had several communications. Throughout, Respondent was strict about charging an extra nonrefundable fee of \$300 for the companion animal even though the tester kept repeating that the dog was a prescribed companion animal.
- ✎ Conciliation Agreement.

Assistance Animal RA Complaint - Pending - Spokane County



- ✎ Complainant has 2 emotional support dogs for disabilities.
- ✎ Allegations: Complainant was told she would have to pay extra rent and a deposit because of the dogs. Complainant informed Respondent the dogs are her emotional support dogs. Respondent stated they allowed service animals but not emotional support animals unless the dogs have gone to a service dog academy and are trained and certified.
- ✎ Complainant showed Respondents her verification letter for the dogs which indicates she has disabilities and is prescribed the animals.
- ✎ Respondents refused Complainant's application.

Wenatchee advertisement



- ✎ "No smoking, kids or pets (this includes companion animals)."
- ✎ Complaint pending.

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QUESTIONS?
