

REASONABLE ACCOMMODATIONS AND MODIFICATIONS For Residents with Disabilities



FAIR HOUSING FOR PEOPLE WITH DISABILITIES

Disability Definitions

Reasonable Accommodations & Reasonable Modifications

- Service Animals
- Accessible Parking
- Medical Marijuana
- Hoarding



Who Has a Disability?

State and local law:

- Person with a sensory, mental or physical condition that is medically cognizable or diagnosable
 - Condition exists as a record/history
 - Condition is perceived to exist
- Includes disabilities that are temporary or permanent, common or uncommon, mitigated or unmitigated.

Who is Not Disabled?

Under the federal FHA, the following are not considered disabled people:

- Sex offenders
- Current users of illegal controlled substances
- Conviction history for illegal manufacture or distribution of a controlled substance
- Transvestites

Poll Question 1

After a ski accident, Jake is in a body cast for six months. He requests a reserved parking space as close as possible to his apartment. Which of these is true:

- a. Jake doesn't qualify as disabled.
- b. Jake is disabled but doesn't need reserved parking because he's not driving.
- c. Jake is disabled and requires reserved parking when others can drive him, so he doesn't have to travel long distances.
- d. Jake can have the reserved parking, but only for six months.

Don't Ask!

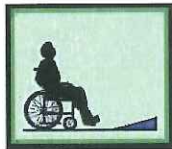
- Do you have a disability?
- How severe is your disability?
- Why are you getting SSI?
- Do you take medications?
- Can I see your medical records?
- Ever been in drug or alcohol rehab?
- Are you able to live independently?
- What does that service animal do?

Facility Access Requirements

- FHA accessible design standards for newly constructed, multi-family housing of 4+ units, ready for first occupancy on or after 3-13-91.
- Federal or state funded housing may have additional access requirements.
- Washington state building code includes FHA and ADA access guidelines.
- More info: www.fairhousingfirst.org

What Are Modifications? Why Are They Needed?

Physical changes to a dwelling or common area, necessary for a resident to use and enjoy these spaces.



Reasonable Modification Basics

- Resident must describe modification.
- Modification must be done to code.
- Rental might have to be restored to prior condition, minus wear and tear.
- No need to undo changes that are neutral or that enhance access.
- Resident pays for modifications unless housing provider is public housing or receives federal funds.

Poll Question 2

Sam requests a modification – to rework his plumbing for a portable dialysis machine. The Kidney Foundation gave him the machine and offers to pay for the plumbing work. Which of these is true:

- a. These structural changes are too extensive, so this request can be denied.
- b. The housing provider pays for the plumbing work.
- c. Sam must return the apartment to its original condition when he moves out.
- d. Sam must put aside funds to return the apartment to its original condition.

What Are Accommodations? Why Are They Needed?

- Reasonable accommodations are changes in housing rules, policies, practices, or services.
- Accommodations enable a person with a disability to have an equal opportunity to use and enjoy a dwelling unit and common areas.
- Housing provider pays for accommodations.

What's Reasonable?

The person has a disability and the requested accommodation is related to his/her disability needs.

- Accommodation requests can occur at any time during tenancy.
- Some residents may need multiple accommodations.
- Best practice: Notify applicants and residents that you provide reasonable accommodations.

When It's Not Reasonable

An accommodation or modification request can be denied if:

- There is no disability-related need for the accommodation
- The request would fundamentally alter the nature of the housing provider's business operations
- The request imposes an undue financial and administrative burden

Accommodations Process

- Applicant or resident must request an accommodation
- Requests do not have to be written – verbal requests are sufficient
- Consider all accommodation requests
- Engage in an interactive process
- Provide prompt accommodations

When and How to Get Verification

When appropriate, management can require written verification of disability and/or the disability-related need for the accommodation from a qualified third party.

Do not request medical records!

Poll Question 3

Because of his disability, Humberto cannot lift the heavy top on the trash dumpster. He asks for management to send a staff person to collect his trash on a daily basis. **What should management do?**

- a. This isn't reasonable – they should not pick up his trash.
- b. They should help him connect with outside social services who can help.
- c. They should pick up his trash every day.
- d. They should pick up his trash once a week.

Poll Question 4

Ms. Harris, a second floor resident, has arthritis that's become more limiting over time. There is no elevator and no vacant apartments. She requests permission to break her lease and move out.

Which of these is true:

- a. She cannot break the lease.
- b. She can break the lease, but must pay a fee.
- c. She can break the lease without penalty.

Poll Question 5

Mr. Tanaka, who uses a wheelchair, asks for his mailbox to be moved lower so he can reach it. **Which of these is true:**

- a. The U.S. Postal Service says mailboxes cannot be moved.
- b. He can pay to have the mailbox lowered.
- c. Management must pay to move the mailbox.
- d. He can have his own mailbox at his door.

Accessible Parking = Reasonable Accommodation

- Respond promptly to requests for accessible parking spaces.
- Provide a reserved accessible parking space nearest the resident's rental or on an accessible route to the rental.
- Provide proper signage.
- Enforce accessible parking.

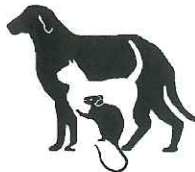


Service Animals = Reasonable Accommodation

An animal that does work or performs tasks or otherwise provides a disability-related benefit for a person who has a disability.

Follow your reasonable accommodation policy.

You may request a verification letter, if necessary.



Service Animals

- Usually dogs, but can be many types of animals (any breed or size).
- Resident can provide the animal's training.
- "Certification" or "registration" as a service animal not necessary (but verification is okay).
- Some people may need more than one animal.
- No "pet" fees, deposit or extra rent.

Medical Marijuana

- OK to allow marijuana use, BUT federal law still considers marijuana use illegal
- DOJ – law enforcement does not need to focus on people who comply with state laws on medical marijuana use
- HUD – won't require housing providers to accept residents who use marijuana
- If medical marijuana use allowed, it can be limited.

Caregivers

- Live-in caregivers can be required to go through tenancy screening (rental history + criminal background).
- Disabled resident is responsible for the caregiver's behavior.
- If the resident moves out and the caregiver wants to continue residence, caregiver must make rental application.

Hoarding Disorder

- Hoarding vs. collecting
- Diminished quality of life
- Intervention may be needed if hoarding poses a "direct threat" to the health or safety of others or to the property



Best Practices

- Treat everyone with dignity, respect, and courtesy.
- Listen to the person.
- Help the person feel comfortable.
- Ask what is the best way to help.
- Keep personal disability information confidential and on a need-to-know basis.
- Biggest obstacle = attitudinal barriers.
- Relax and maintain your usual calm, professional manner.

Questions?