REASONABLE ACCOMMODATIONS & REASONABLE MODIFICATIONS

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The Fair Housing Act Equal Access for the Disabled who is disabled? Reasonable Modification Reasonable Accommodation what can a landlord ask?



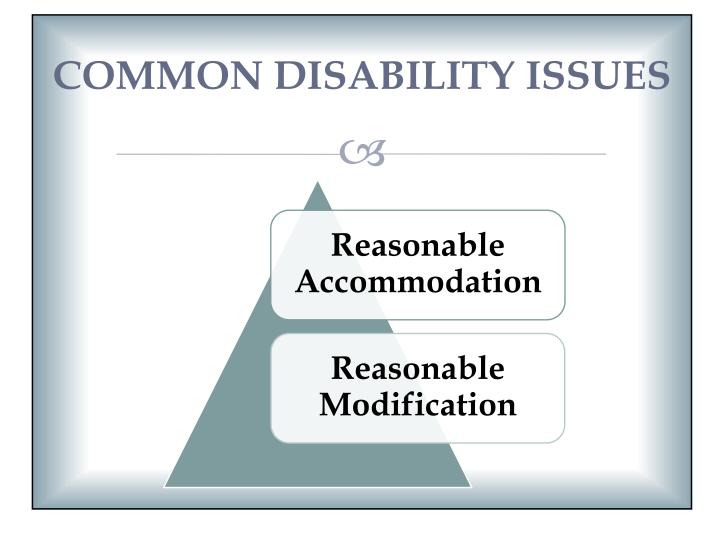


Who is Disabled?

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Washington State Law definition of disability much more broad:
Sermanent and temporary;
Mitigated and unmitigated; and
Common or uncommon.

Medical professional responsible for diagnosis of disabilities



Why Reasonable Accommodations and Reasonable Modifications?

Balancing the Scales

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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

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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)

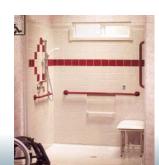
http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf

Reasonable Modification Examples

Ramps



Grab Bars Roll In Shower



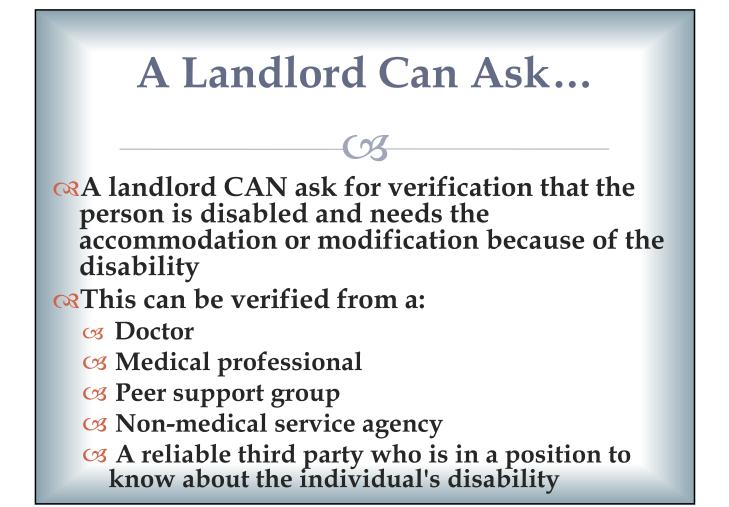
Reasonable Accommodation

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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





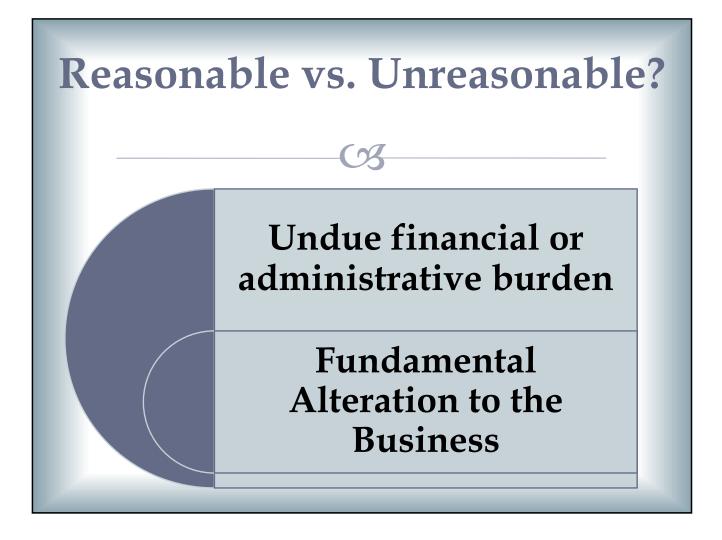
Other Allowable questions

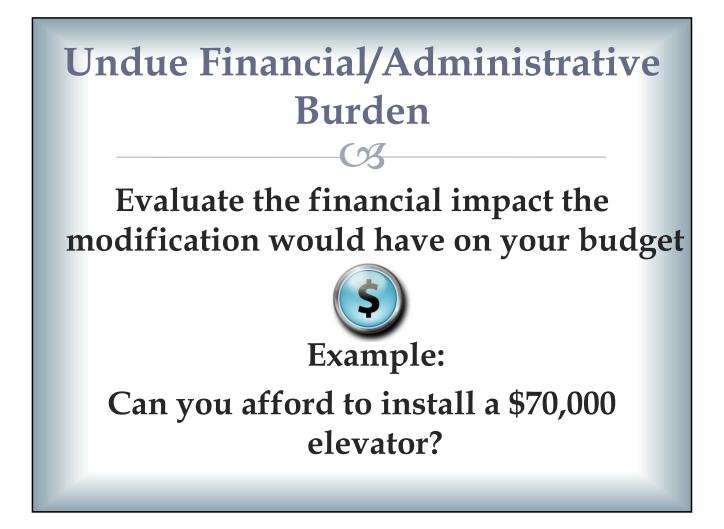
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Can you pay the rent?
Do you have rental references?
Will you comply with the rules?
Do you have a criminal history?
Are you currently using illegal drugs?
If your housing is designed or designated for people with disabilities, you can ask every applicant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

A Landlord CANNOT ask...

What is the diagnosis or nature 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?

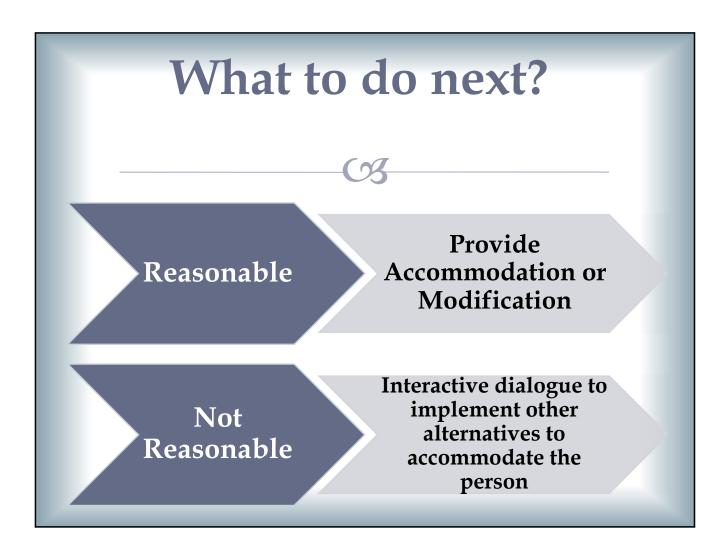




Fundamental Alteration

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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

LOCALLY

Serving all of Washington State

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 Calendar year 2017 Commission investigations:
 Housing – 148
 Disability – 64 (over 43% of all cases)
 Reasonable accommodation – 41
 Reasonable modification – 4
 Both Reasonable accommodation and modification - 2
 Dual-filed with U.S. Department of Housing and Urban Development - 60

Types of Reasonable Accommodations Washington State

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Request – Early release from lease
Response – Complainant was charged all rent for remainder of lease term
Settlement - Cancellation of debt / training

Request - Retirement community requested to provide accessible transportation

Response – Respondent stated its vans were not accessible and it could not afford to buy new vans, and the vans could not be retrofit

Settlement – Respondent funded alternative transportation / training

Types of Reasonable Accommodations Washington State

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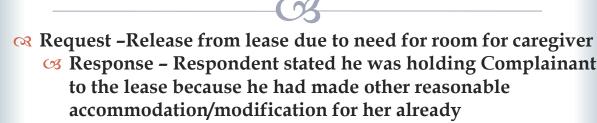
Request –Transfer to a ground floor unit
 Response – Respondent stated none were available; Complainant had to relocate
 Settlement – Respondent paid Complainant \$1,500 / training

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

Types of Reasonable Accommodations Washington State



- Settlement Respondent paid Complainant \$600 / training (limited damages)
- Request- Discuss tenancy issues with POA, and do not terminate tenancy due to severe cognitive disability
 - Response Respondent denied knowledge of POA despite paper trail, and moved forward with termination
 - Settlement Respondent paid Complainant \$4,163.93 / training