

REASONABLE ACCOMMODATION & REASONABLE MODIFICATION POLICY: GUIDELINES FOR HOUSING PROVIDERS AND STAFF

POLICY

It is the policy of [insert name of company here] to provide reasonable accommodations and to permit tenants with disabilities to make reasonable modifications upon request, with provision of appropriate documentation of the need for the accommodation or modification.

PROCEDURE

The fair housing laws require that the housing provider and the tenant enter into a dialogue about the tenant's disability needs to reach a mutually acceptable reasonable accommodation. Only after such a dialogue and thorough exploration of access options should a housing provider consider denying the request or claiming undue burden.

Property management must review all requests for reasonable accommodations or modifications. In some cases, the need for an accommodation will be obvious, so no documentation may be needed (as when a low vision tenant asks for the tenancy rules in large print). When the need is not obvious or where the accommodation entails more than minimal cost or staff time, you can request the tenant to provide written verification from the tenant's healthcare or mental health provider that the tenant has a disability and needs the accommodation or modification (the provider need not be an M.D.). You can require proof that the tenant is disabled, but cannot require the tenant to provide specific information about the disability.

If you are unsure how to provide a requested accommodation, the tenant may be aware of resources with which you are unfamiliar (for example, where to get written material put into Braille, sources for access signs, etc.).

If you attempt to honor the request and find that it is very difficult, time-consuming or expensive, let the tenant know and suggest any easier, quicker or less expensive alternate accommodations that you think may work. Offer the tenant an opportunity to make a modified request. If you and the tenant disagree about whether the request is reasonable, discuss this with upper management before denying the request.

If you determine that you cannot fulfill the request because it poses an undue financial and administrative burden or because it would cause a fundamental alteration in the housing program, discuss this with upper management before denying the request. You may contact the Fair Housing of the Dakotas for technical assistance.

REASONABLE ACCOMMODATIONS

Promptly review all requests a disabled tenant makes for reasonable accommodations or modifications. Provide accommodations immediately or within a reasonable time. The property manager will provide a written response notifying the tenant of whether the requested accommodation will be provided and how (see sample letter below or use FHD suggested form from Disability Pack 4-Approval/Denial on the FHD web site or available upon request).

REASONABLE MODIFICATIONS

Tenants will be permitted to make modifications when the tenant:

- fully describes the intended modification(s),
- provides assurance that required building permits will be obtained,
- provides assurance that the modifications will be done in a professional manner,
- agrees to return the premises to their original state (unless the modification will not interfere with the next tenant's use and enjoyment of the premises),
- (in some cases) agrees to pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations.

Provide permission to perform modifications as soon as practicable. The property manager will provide a written response notifying the tenant whether you will allow the requested modification (see sample letter below or use FHD suggested form from Disability Pack 4-Approval/Denial on the FHD web site or available upon request).

RESOURCES/QUESTIONS

Note that if your housing is federally funded, you are likely responsible for the costs of reasonable modifications. Make appropriate changes to these staff guidelines to reflect that responsibility.

This information does not constitute legal advice. The fair housing laws are subject to change. If you have questions about this topic or other fair housing issues, feel free to contact the:

Fair Housing of the Dakotas
909 Basin Avenue, Suite 2
Bismarck, ND 58504
Phone: 701-221-2530 or 1-888-265-0907
Web: www.ndfhc.org Email: ndfhc2@btinet.net

This document was adapted from information provided by the King County Office of Civil Rights.

SAMPLE LETTERS

REASONABLE ACCOMMODATION RESPONSE # 1

Dear (tenant):

We have received your request for a reasonable accommodation, specifically, _____ . Please provide us with a letter from your service provider confirming your disability status and need for the accommodation. Once we receive the above letter, we will give prompt consideration to your request.

Sincerely,
Danny Thomas, Building Manager

REASONABLE ACCOMMODATION RESPONSE # 2

Dear (tenant):

We have received your request for a reasonable accommodation, specifically, _____ , together with your healthcare provider's letter documenting your disability and need for the accommodation. We will provide the requested accommodation as follows: _____

Sincerely,
Danny Thomas, Building Manager

REASONABLE ACCOMMODATION RESPONSE # 3

Dear (tenant):

We have received your request for a reasonable accommodation, specifically, a reserved accessible parking space, together with your healthcare provider's letter. Your request is granted and we will begin the process of designating a parking space for your use immediately. Please contact me as soon as possible so that we may discuss which parking location(s) will best meet your needs.

Sincerely,
Danny Thomas, Building Manager

REASONABLE ACCOMMODATION RESPONSE # 4

Dear (tenant):

We have received your request for a reasonable accommodation. We are unclear about your specific needs and would like to meet with you to discuss the accommodation request. Please contact me as soon as possible so that we may discuss what will best meet your needs.

Sincerely,
Danny Thomas, Building Manager

REASONABLE MODIFICATION RESPONSE

Dear (tenant):

We have received your request for a reasonable modification, specifically, to be allowed to install grab bars in the bathroom of your unit. We have spoken to Joe Johnson at Able Carpenter Company, who has assured us that the project will be done in a professional manner to building code.

Your request to make this modification is granted. Please let me know when the carpentry work begins and ends.

When you vacate your unit, we request that you remove the grab bars around the toilet, but you may leave the grab bars in the bathtub area.

Sincerely,
Danny Thomas, Building Manager

DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION

Dear (tenant):

We have received your request for an accommodation for your disability, specifically, that we provide housekeeping services inside your unit. We have given your request reasonable consideration and have decided to deny this request.

As you may be aware, the management of the Evergreen Apartments provides general maintenance and cleaning of the common areas of the complex, and appliance repairs for tenants upon request. However, we do not provide housekeeping services for tenant units in general.

Management believes that the request to provide personal housekeeping services for a tenant would result in a fundamental alteration of our housing services. Under fair housing laws, we are not required to grant such requests, which are not considered reasonable.

If you have a need for reasonable accommodations, please contact us any time with a request.

Sincerely,
Danny Thomas, Building Manager

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