

Fair Housing



Office of Fair Housing and Equal Opportunity

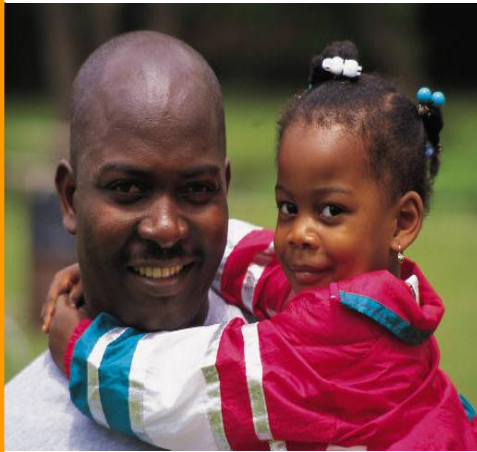
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www.hud.gov/fairhousing

Reasonable Accommodations/Modifications Under the federal Fair Housing Act





Reasonable “Accommodation”



- Definition:
 - A change, exception, or adjustment to a rule, policy, practice (structure) or service, which may be necessary to afford an individual with a disability an opportunity to use and enjoy a dwelling unit, including public and common use spaces.
- A Right:
 - An individual with a disability has a right to request a reasonable accommodation.
 - A reasonable accommodation must have a relationship, between the requested accommodation and the individual's disability.
 - Housing provider must pay for cost of any reasonable **accommodation.**





Reasonable “Modification”



- Definition:
 - A *structural* change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford the person full enjoyment of the premises.
- A Right:
 - An individual with a disability has a right to request a reasonable modification (usually at his own expense).
 - A reasonable modification must have a relationship, between the requested modification and the individual’s disability.
 - Unless public-funded housing, housing provider may require person with disability to pay for the cost of the modifications.



Reasonable “Accommodations”



- Determined on a case-by-case basis
 - Factors to consider:
 - Feasibility
 - Undue Financial and Administrative Burden
 - Health or Safety
 - Interference with Other Tenants Rights
 - Fundamentally Alters the Nature of Provider’s Operation



Types of Reasonable Accommodations



- Accessible Parking Spaces
- Assistance Animal (including emotional support dogs)
- Transfers
- Chemical Use (ex. Pesticides)
- Assistance With Completing Documents
- Live-in Aide
- Many others...





Types of Reasonable *Modifications*



- Widening doorways for wheelchair users
- Lowering kitchen cabinets
- Adding ramp to a primary entrance
- Altering walkway to public or common use area
- Many others...





Reas. Accommodations: No Pet Policy



- No Pet Policy is *permissible*
- Cannot be applied without exception
- Emotional Support dogs as reasonable accommodation for persons with disabilities
- Requires nexus between the disability and the need for the dog/animal
- FHA requirements are different from ADA -
- FHA does ***not*** require special licenses/training program for the “**assistance**” animals (while ADA does require that for “service” dogs/horses)





Request and Documentation



- Reasonable accommodation request may be in writing or oral
- *Some* medical documentation needed
- Application/waiver policy cannot be too restrictive or impediment
- Must engage in interactive process





Most frequently asked questions:



- *What questions are housing providers allowed or not allowed to ask applicants/tenants regarding their disabilities?*
- Answer: Housing providers MAY ask:
What type of reasonable accommodation does the applicant, tenant or their family member need.
- Housing providers MAY NOT ask:
 - If an applicant or tenant has a disability;
 - If a person intending to reside in the dwelling (or anyone associated) with an applicant or tenant has a disability; or
 - About the nature or severity of such persons' disabilities.





Most frequently asked questions:



- *Who pays for the cost of the reasonable accommodation or modification?*
- Answer:
 - * Housing provider must pay for the reasonable **accommodation**.
 - * Unless publically-subsidized, housing provider is NOT usually required to pay for costs of reasonable modifications.





A Landlord cannot:



- Refuse to Make Reasonable Modifications or Reasonable Accommodations
- Threaten, Coerce, Intimidate or Interfere With Anyone Exercising a Fair Housing Right
- Advertise or Make Any Statement That Indicates a Limitation or Preference





A Landlord cannot:



- For guidance and lots of Q&A see:

HUD & DOJ JOINT STATEMENT ON REASONABLE
ACCOMMODATIONS (May 17, 2004)

HUD & DOJ JOINT STATEMENT ON REASONABLE
MODIFICATIONS (March 5, 2008)





Investigations Process



- HUD–903 Complaint Form filed by complainant
- Notification to all Parties (incl. respondents)
- Assigned for Investigation
- Data Request
- Interviews of witnesses (including condo/co-op assoc. members)
- Determination – No Reasonable Cause or Reasonable Cause
- Charge of Discrimination (only if RC of discrimination)





How to Contact HUD



- By Telephone: Direct Hotline: 1 (800) 669-9777
- By Mail: Fair Housing Enforcement Center, U.S. Department of Housing and Urban 26 Federal Plaza, Room 3532, New York, NY 10278-0068
- By Fax: 1 (212) 264-9829
- TYY: 1 (212) 264-0927

