

Reasonable Accommodation/Modification Policy

The Fair Housing Act (the “Act”), 42 U.S.C. §§ 3601 – 3619, prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability. Specifically, the Act prohibits a refusal to make reasonable accommodations in rules, policies, practices, or services or refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person when such accommodations and modifications may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

Valleybrook Homeowners’ Association, Inc. is dedicated to ensuring that individuals with disabilities are not discriminated against on the basis of a disability in connection with the operation of the Village of Valleybrook. Therefore, if an individual with a disability requests an accommodation such as an exception to a no pets policy for an assistance animal or a modification to a rental unit or the common area, Valleybrook Homeowners’ Association, Inc. will provide such accommodations and modifications unless doing so would result in an undue financial and administrative burden or would fundamentally alter the nature of the provider’s operations.

Legal Authority

This Policy is promulgated to comply with the Act and applicable administrative regulations.

Definitions

As used herein, the follows terms are defined as follows:

Person with a Disability – a person with a disability includes (1) an individual with a physical or mental impairment that substantially limits one or more major life activities; (2) an individual who is regarded as having such impairment; and/or (3) an individual with a record of such impairment. This may include, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, and diabetes, Human Immunodeficiency Virus infection, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism. The term “major life activity” means those activities that are of central importance to daily life, including but not necessarily limited to seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking.

Reasonable Accommodation – A reasonable accommodation is a change, exception, or adjustment in rules, policies, practices, or services that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling unit or common space. For an accommodation to be reasonable it must have an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability. An accommodation is not reasonable if it creates an undue financial and administrative burden or would fundamentally alter the nature of the provider’s operations.

Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.

Some examples of Reasonable Accommodations include an assigned parking space for a person with a mobility impairment, an assigned lower mailbox for a person who uses a wheelchair, permitting an assistance animal in a "no pets" building for a person who has a physical or mental disability requiring the animal, or a tenant being allowed to prematurely terminate a lease because it is no longer safe for the tenant to live in the unit by virtue of his disability.

Reasonable Modification – A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained. Permission for a modification may also be conditioned on the tenant agreeing to restore the interior of the premises to the condition that existed before the modification where it is reasonable to do so, reasonable wear and tear excepted. In general, if the modifications do not affect the housing provider's or subsequent tenant's use or enjoyment of the premises, the tenant cannot be required to restore the modifications to their prior state.

Examples of a reasonable modification would include allowing a person with a disability to modify the premises as follows: install a ramp into a building, lower the entry threshold of a unit, or install grab bars in a bathroom.

Fair Housing Coordinator

The Fair Housing Coordinator is the President of the Valleybrook Homeowners' Association, Inc., who may be reached via email at vbhpresident@gmail.com. Any and all questions, comments, or concerns should be immediately brought to the attention of the FHC. The FHC is responsible for monitoring compliance with this Policy.

The FHC shall ensure that staff will be trained on this Policy. Employees will also more specifically be trained on Employee Procedures for Accommodation Requests.

Procedure to Request Reasonable Accommodation

Applicants or residents may make a request for a reasonable accommodation at any time. If the accommodation is reasonable, Valleybrook Homeowners' Association, Inc. will make every attempt to approve the request.

To request an accommodation, a resident or applicant must make clear to Valleybrook Homeowners' Association, Inc. that she is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of her disability. She should explain what type of accommodation she is requesting and, if the need for the accommodation is not readily apparent or not known to the provider, explain the relationship between the requested accommodation and her disability. To make a

request, a person may fill out the Request for Reasonable Accommodation/Modification Form (see Exhibit 1) and provide it to the

FHC or the manager of the property where they live or are applying. If the person is unable to fill out the Form without assistance, assistance will be provided by the FHC. An applicant or resident is not entitled to receive a reasonable accommodation unless they request one.

Although the process for requesting a reasonable accommodation is standardized, each request will be treated uniquely. The results will be unique to the individual and the property and/or circumstances involved. Whenever possible, reasonable accommodation decisions will be made in a timely manner (generally within 14 days unless extended due to a need for further investigation or documentation) and both denials and agreements to make accommodations will be documented in writing.

Valleybrook Homeowners' Association, Inc. is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious, or otherwise known to Valleybrook Homeowners' Association, Inc., and if the need for the requested accommodation is also readily apparent or known, then no additional information will be requested. If the disability and/or the disability-related reason for the requested accommodation is not known or obvious, the requesting individual, medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

Valleybrook Homeowners' Association, Inc. can deny a request for a reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable – i.e., if it would impose an undue financial and administrative burden on Valleybrook Homeowners' Association, Inc. or it would fundamentally alter the nature of the provider's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of Valleybrook Homeowners' Association, Inc., the benefits that the accommodation would provide to the requester, and the availability of any alternative accommodations that would effectively meet the requester's disability-related needs.

Valleybrook Homeowners' Association, Inc. will not require persons with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

Procedure to Request Modification

Applicants or residents may make a request for a reasonable modification at any time. If the modification is reasonable, Valleybrook Homeowners' Association, Inc. will make every attempt to approve the request.

To request a modification, a resident or applicant for housing must make clear to Valleybrook Homeowners' Association, Inc. that she is requesting permission to make a structural change to the premises because of her disability. She should explain that she has a disability, if not readily apparent or not known to the housing provider, the type of modification she is requesting, and the relationship between the requested modification and her disability. To make a request, a person may fill out a Request for Reasonable Accommodation/Modification Form and provide it to the FHC or the manager of the property where they live or are applying.

Valleybrook Homeowners' Association, Inc. will approve a request for a person with a disability, at their expense, to make reasonable modifications to their unit if such modifications will allow that resident full enjoyment of the premises and will not cause an undue financial administrative burden or would not fundamentally alter the nature of the provider's operations.

The Department of Housing and Urban Development's regulations implementing the Fair Housing Amendments Act give two examples of reasonable modifications.

Example (1). A tenant with a handicap asks his or her landlord for permission to install grab bars at his or her own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant, at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of the tenancy. The landlord may also reasonably require that the wall to which the grab bars are attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by some future tenant.

Example (2). An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord may not, in usual circumstances, condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

Denial of a Reasonable Accommodation or Modification Request

Requested accommodations or modifications will not be approved if one of the following would occur as a result of the approval:

1. A violation of state and/or federal law;
2. An undue financial and administrative burden to Valleybrook Homeowners' Association, Inc.;
3. A fundamental alteration to the nature of the Valleybrook Homeowners' Association, Inc.'s operations;
4. A structurally impracticable alteration; or
5. A housing unit alteration requiring the removal or alteration of a load-bearing structural member.

Right to Appeal/Grievance Process

The tenant or applicant may file a complaint with the FHC and will be granted a meeting to discuss any denied request, the documentation, the reasoning for the denial. The tenant or applicant will have an opportunity to present additional information or request a different accommodation during the meeting.

When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation or modification, she may file a complaint with HUD or may file a lawsuit in federal district court. Deadlines exist for these procedures. If a complaint is filed with HUD, HUD will investigate the complaint at no cost to the person with a disability.

There are several ways that a person may file a complaint with HUD:

- By placing a toll-free call to 1-800-669-9777 or TTY 1-800-927-9275;
- By completing the "on-line" complaint form available on the HUD internet site: <http://www.hud.gov>; or
- By mailing a completed complaint form or letter to:

Office of Fair Housing and Equal Opportunity
Department of Housing & Urban Development
451 Seventh Street, S.W., Room 5204
Washington, DC 20410-2000

Recordkeeping

Requests for accommodations and modifications, documentation related to same, and all written decisions of Valleybrook Homeowners' Association, Inc. will be kept during a tenant's residency and for two years after. Tenants or applicants may request to inspect these documents at any time after a decision is made whether or not to grant a request.