



MAKING HOME **ACCESSIBLE**



**A TOOLKIT FOR REASONABLE
ACCOMMODATIONS AND MODIFICATIONS**

CIVIL RIGHTS TESTING

Civil rights testing is an investigative tool used to gather evidence, usually in order to compare conduct to legal requirements or a policy. It involves one or more people covertly engaging in a transaction or interaction. Matched pair testing is one type of civil rights test that compares treatment between two people based on one variable because all other differences are controlled for:



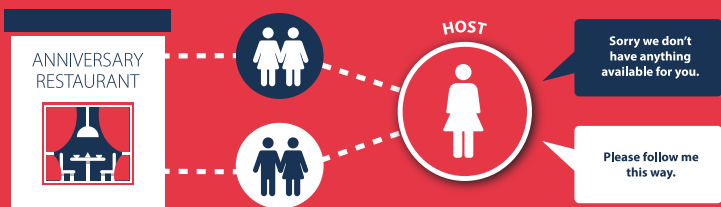
HOUSING



EMPLOYMENT



PUBLIC ACCOMMODATIONS



EDUCATING
THE PUBLIC



SUPPORTING
POLICY
ADVOCACY



TRAINING
BUSINESSES



ENFORCING
THE LAW

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The information contained in this publication is not legal advice and should not be construed as such. For legal advice, please contact an attorney.

BACKGROUND



People with disabilities have the right to live in the community of their choice. There are laws to ensure that people with disabilities have equal access to and enjoyment of their homes. In addition to requirements related to the design and construction of multi-family properties, the Fair Housing Act allows individuals with disabilities to request reasonable accommodations and/or reasonable modifications in order to allow them to fully use and enjoy their homes. This brochure will help explain those rights and how to claim them.

People with disabilities are diverse. Sometimes a person's disability is obvious. Other times, it may not be. A disability can be mobility related, cognitive, sensory, psychological, developmental, etc. It can also be temporary, ongoing, and/or change over time. One person can also experience multiple disabilities that require more than one accommodation or modification.

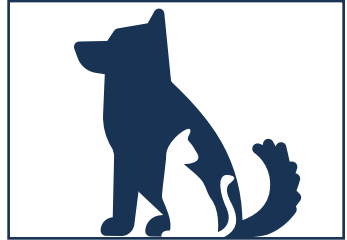
If you have a disability, you have the right to request a reasonable accommodation or modification. The request can be made prior to moving into a home or during any time that you live there. You can also make multiple requests or modify your request if the underlying reasons for the request have changed. Usually, renters make requests to landlords or property managers, but homeowners with disabilities may also find it necessary to make reasonable accommodation and/or modification requests to entities like homeowners' associations or municipal governments.

REASONABLE ACCOMMODATIONS & MODIFICATIONS



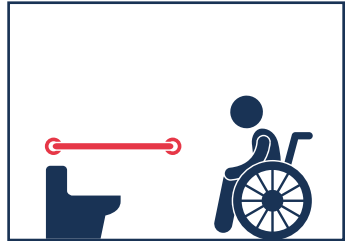
REASONABLE ACCOMMODATIONS

An accommodation is a change in rule, policy, practice, or service that will provide a person with a disability equal opportunity to use and enjoy their home. Examples include dedicating accessible parking spaces or allowing assistance animals in a “no pets” property.



REASONABLE MODIFICATIONS

A modification is generally a structural change to a unit, common area, and/or a public area. Modifications improve the functionality of a space for a person with a disability. Examples include installation of grab bars, ramps, or removal of an obstructing or protruding object. Unless



a unit is federally funded, or does not meet one of the safe harbor accessibility design standards, a tenant could be responsible for the cost of a modification and may need to restore a unit to its original condition upon move out.

WHAT IS REASONABLE?



In order for a requested modification or accommodation to be considered reasonable, it must:

1. Have an identifiable relationship—a nexus—between the request and the individual's disability.
2. Not impose an undue financial or administrative burden on the housing provider, or require a fundamental alteration to their services.

When requesting an accommodation or modification, you may need to provide documentation which supports your request, though this does not apply when referencing an obvious disability. Various sources can provide documentation, including doctors, nurses, caseworkers, school administrators, and advocates. A housing provider cannot require a particular form of documentation and you do not have to disclose detailed medical information.



Some housing providers may ask you to use a specific form or process to make a request for a reasonable accommodation or modification. You may choose to honor their requests, but it is not required. Making requests in writing will provide you with a record to rely on should you encounter any barriers to your request being properly evaluated or approved. However, you do not have to do so.

THE INTERACTIVE PROCESS



It is important that the person requesting a reasonable accommodation or modification and the housing provider responding to that request are willing to engage in an interactive process.



An interactive process is not unlike a negotiation. Once a request has been made, the housing provider must evaluate its merits, and whether it would result in an undue financial or administrative burden or fundamental change in their service. If

additional information is needed or the housing provider has concerns about the specific request, the person with a disability must have the opportunity to supplement or amend their original reasonable accommodation or modification request.



The result of a successful interactive process is not necessarily that a tenant gets the exact accommodation or modification they initially sought, but that both parties reach a resolution that allows the person with a disability to use and enjoy their housing

without causing the housing provider undue harm.

THE INTERACTIVE PROCESS



ESSENTIAL COMPONENTS OF A REASONABLE ACCOMMODATION/MODIFICATION REQUEST

When making a reasonable accommodation request, you are only required to submit documentation that verifies:

- You have a disability if the disability is not obvious.
- The relationship between your disability and reasonable accommodation/modification if it is not obvious.

A housing provider **cannot** require you to provide the following in order to consider your request for a reasonable accommodation or modification:

- Your medical records
- Information surrounding your diagnosis, severity, and/or permanence of your disability status
- Consent for the housing provider to contact your doctor or medical provider
- Certification that your animal is an assistance animal or that it received specific training (if you are submitting a request for your assistance animal)

LEGAL PROTECTIONS



THE FAIR HOUSING ACT

Prohibits discrimination in housing related transactions on the basis of a person's:



Disability



National Origin



Familial Status



Race



Religion



Color



Sex

(whether or not a household includes kids under 18)

One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

AMERICANS WITH DISABILITIES ACT (ADA)

Among other protections, the Americans with Disabilities Act requires public spaces be structurally and programmatically accessible to people with disabilities. Areas that are required to be accessible include:

- public areas at housing developments like leasing offices, public restrooms, and public parking, and
- public housing operated by state or local governments.

SECTION 504 OF THE REHABILITATION ACT

Any housing authority that receives Federal financial assistance through the U.S. Department of Housing and Urban Development (HUD) must be accessible for people with disabilities.

- Includes public and multi-family housing projects.

RED FLAGS FOR DISCRIMINATION



A housing provider charges you a fee for your assistance animal, or requires you provide some sort of certification stating that the animal has received specific training.



A housing provider will only approve your assistance animal if it complies with the building's breed, weight, or size restrictions for pets.



A housing provider tells you they think you would prefer to live in a different location, or ignores other reasonable preferences you have stated.



A housing provider never responds to your request.



A housing provider requires you to submit their preferred forms in order to consider your request for a reasonable accommodation or modification.



A housing provider harasses you or makes fun of your disability after you submit a request.



A housing provider questions the legitimacy of your disability.



A housing provider demands you use their preferred contractor or specific materials when completing your reasonable modification.

WHAT YOU CAN DO



Finding a home that meets your needs if you or a household member has a disability can be challenging. Remember that you have rights and there are organizations available to assist you!

Here are some steps you can take if you need a reasonable modification or accommodation:

A graphic of a spiral-bound notebook with a light gray cover and a white page. The spiral binding is on the left side. The page contains a list of four steps, each preceded by a red checkmark inside a blue square box. The text is in a dark gray, sans-serif font.

- ☒ Identify the problem – Take pictures, make a written description, or make a note of any policies from the housing provider that you need changed.
- ☒ Contact your landlord or property manager – Describe the accommodation or modification you are requesting. See examples in the following section to give you more information about what to say.
- ☒ Take detailed notes – Save copies of your correspondence such as emails and/or note any conversations regarding your request.
- ☒ If your request goes unanswered or is denied – Contact the ERC for assistance.

SAMPLE REASONABLE ACCOMMODATION LETTER



January 1, 2018

Dear Property Manager,

I live in Unit 300 on the third floor of ABC Apartments in Washington, DC. I am contacting you to make a reasonable accommodation request. I have a disability that makes it difficult for me to walk up and down stairs. I am requesting to transfer to the next available one-bedroom unit on the first floor so that I no longer have to walk up two flights of stairs to my unit. Please let me know by January 30th, 2018 whether my request for a unit transfer is approved.

Best,

Jane Doe
Jane Doe

SAMPLE REASONABLE MODIFICATION LETTER



January 1, 2018

Dear Property Manager,

I will be moving into Unit 100 at XYZ Apartments in Washington, DC on February 15, 2018. I am making a request for a reasonable modification. I have a disability and use a wheelchair. As such, I would like to remove the cabinets underneath the sinks and lower the countertops in the apartment so I can fully use and enjoy my dwelling. I am prepared to cover the costs of completing this reasonable modification and to restore the unit's cabinetry to its original condition before I move out. Please let me know by January 30, 2018 whether my request for a reasonable modification is approved.

Best,

Jane Doe
Jane Doe

LETTER TEMPLATE



Date

Dear Property Manager,

I am a current resident at *(address)*. I am submitting a request for a reasonable accommodation. I have a disability, which causes *(symptoms that cause your need for a reasonable accommodation)*. I have included documentation from *(doctor/therapist/social worker's name)* to verify my disability.* *(Symptoms)* would be alleviated by *(requested reasonable accommodation)*. I have included documentation from *(doctor/therapist/social worker's name)* to verify my need for *(requested reasonable accommodation)*.** Please let me know by *(date)* whether my request for *(requested reasonable accommodation)* is approved.

Best,

Your Name

*Only necessary if your disability is not obvious

**Only necessary if the relationship between your disability and the request is not obvious

HOW TO GET HELP



If you believe you have experienced discrimination, you have the right to file a complaint with the Department of Housing and Urban Development (HUD) or your local governmental agency that conducts fair housing investigations.

The ERC is the only private fair housing organization dedicated to serving the Greater Washington, D.C. region and may be able to assist individuals who believe they have experienced housing discrimination in the area by:



Conducting civil rights testing



Assisting with filing a housing discrimination complaint with HUD or state/local agencies



Advocating on your behalf in relation to reasonable accommodation and/or modification requests



Providing referrals to other local resources.

THE EQUAL RIGHTS CENTER

Main - 202-234-3062 / Toll Free - 866-719-4372 / Relay - 711

www.equalrightscenter.org / info@equalrightscenter.org



The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, D.C. and nationwide.

The ERC's core strategy for identifying unlawful and unfair discrimination is civil rights testing. When the ERC identifies discrimination, it seeks to eliminate it through the use of testing data to educate the public and business community, support public advocacy, conduct compliance testing and training, and if necessary, take enforcement action.

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