

Ahwatukee Board of Management, Inc.

REASONABLE ACCOMMODATION AND MODIFICATION POLICY

(Accommodation)

- A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.
- 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. The Act applies to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services.
- The Fair Housing Act’s protection against disability discrimination covers not only home seekers with disabilities but also buyers and renters without disabilities who live or are associated with individuals with disabilities. This pertains not only to the primary purchaser or named lessee, but also to prohibit denials of housing opportunities to applicants because they have children, parents, friends, spouses, roommates, patients, subtenants or other associates who have disabilities. Because these persons may require reasonable accommodations, due to the circumstance, housing providers are required to make reasonable accommodations in their rules, practices, policies or services, to allow residents to make structural modifications to units and public/common areas in a dwelling in order to allow a person with a disability to have full enjoyment of a dwelling.
- Under the Fair Housing Act, the term “handicap” and “disability” have the same legal meaning. The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.
- The Act does not protect individuals with disabilities whose tenancy would constitute a “direct threat” to the health or safety of other individuals or result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by reasonable accommodation. Juvenile and sex offenders are not persons with disabilities protected by the Act and while the Act does protect persons

who are recovering from substance abuse, it does not protect persons who are currently engaging in illegal use of controlled substances. A determination that a person poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence meaning current conduct or a recent history of overt acts. The provider may request that the individual document how the circumstances have changed so that the individual no longer poses a direct threat. The housing provider must have reliable, objective evidence that a person with a disability poses a direct threat before excluding him from housing.

- A housing provider cannot deny a request for a reasonable accommodation if the request was made by a family member or someone else who is acting on behalf of a person with a disability. Housing provider can deny a request for reasonable accommodation if there is no disability-related need for the accommodation. However, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related need and in the event that an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it. If the reasonable accommodation involves costs on the part of the housing provider, the Act may require a housing provider to grant such request so long as it does not pose an undue financial and administrative burden and it does not constitute a fundamental alteration of the provider's operations. Provider may not charge extra fees or deposits as a condition of granting an accommodation.
- The individual should explain what type of accommodation is being requested 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 said disability. It is helpful if an accommodation request is made in writing and will help prevent misunderstandings regarding what is being requested, or whether the request was made. However, housing providers must still give appropriate consideration to accommodation requests even if they are made orally. A provider is entitled to obtain information about an individual's disability to evaluate if a requested accommodation may be necessary because of the disability. Although the Fair Housing Act does not require that a request be made in a particular manner or at a particular time, an individual is not entitled to receive an accommodation unless it has been made clear to the housing provider that he or she is requesting an exception, change, or adjustment to the rule, policy, practice, or service because of said disability. It is the provider's obligation to provide prompt responses to accommodation requests. Failure to provide a prompt response may be deemed failure to make a reasonable accommodation or modification.

- A housing provider is not required by the Act to adopt any formal procedures for accommodation requests.
- If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information about the disability or the disability-related need for the accommodation. If the requester's disability is known or readily apparent to the provider, but the need for the accommodation is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation. If a disability is not obvious, a doctor or other 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 said disability. Such information is kept confidential and will not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law, such as a court-issued subpoena requiring disclosure.

Ahwatukee Board of Management, Inc., adopted this policy at its Board Meeting held February 20, 2013.

Confirmed
Ahwatukee Board of Management, Inc.

By: Karen Young
Its: Assistant General Mgr.