

**Ahwatukee Board of Management, Inc.**

**REASONABLE ACCOMMODATION AND MODIFICATION POLICY**

**(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. These include structural changes to interiors and exteriors of dwellings and to common and public use areas. There must be an identifiable relationship, or nexus, between the requested modification and the individual’s disability. If no such nexus exists, then the housing provider may refuse to allow the requested modification.
- One type of disability discrimination prohibited by the Act is the refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. 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.
- 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. In addition to current residents, prospective tenants and buyers are protected by the reasonable modification provision and may request a modification at the time the potential tenancy or purchase is discussed.
- The modification must be “reasonable.” Modifications that are reasonable include widening doorways to make rooms more accessible for persons in wheelchairs; installing grab bars in bathrooms; lowering kitchen cabinets to a height suitable for persons in wheelchairs; adding a ramp to make an entrance accessible for persons in wheelchairs; or altering a walkway to provide access to a public or common use area. The tenant or someone acting on the Tenant’s behalf is responsible for paying the cost of the modification.
- Modifications are not limited to the interior of the dwelling. Modifications may also be made to public and common use areas such as widening entrances to fitness centers or laundry rooms, or for changes to exteriors of dwelling units such as installing a ramp at the entrance to the dwelling. If the requested structural changes are not a feature of

accessible design that should have already existed in the building pursuant to the design and construction requirements under the Act, the tenant is responsible for paying for the cost of the structural changes as a reasonable modification. However, if any of the structural changes needed by the tenant are ones that should have been included in the unit or public and common area use when constructed then the housing provider may be responsible for providing and paying for those requested structural changes.

- The individual must have the housing provider's approval before making a modification. However, if an individual with a disability meets the requirements and provides relevant documents and assurances, the housing provider cannot deny the request.
- It is helpful if a description of the modification is made in writing or orally. Prior to granting a modification, the housing provider may require that a request include a description of the proposed modification before changes are made to the dwelling. A housing provider may also require that the tenant obtain any building permits needed to make the modifications, and that the work be performed in a workmanlike manner. The housing provider cannot require that the tenant obtain additional insurance or increase the security deposit. However, a housing provider may require that the tenant deposit money into an interest bearing account to ensure that funds are available to restore the interior of the dwelling to its previous state, ordinary wear and tear excepted or the housing provider may negotiate with the tenant as part of restoration agreement a provision that requires the tenant to make payments into an interest-bearing escrow account. If the escrow account is established and the housing provider decides not to have the unit restored, then all funds in the account, including interest, must be promptly returned to tenant.
- The tenant is obligated to restore those portions of the interior of the dwelling to their previous condition only where "it is reasonable to do so" and where the housing provider has requested the restoration. 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. The housing provider has the option of choosing to keep the modification in place at the end of the tenancy. Modifications to the exterior of the dwelling are not required to be restored by tenant.
- Tenant is responsible for the upkeep and maintenance of a modification that is for the individual's exclusive use. Only in the event that a modification is made to a common area that is normally maintained by the housing provider, is the provider responsible for the upkeep and maintenance of the modification to the Common Area.
- If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested modification 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 modification. If the requester's disability is known or readily apparent to the provider, but the need for the modification is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the modification.

If a disability is not obvious, a housing provider may request reliable disability-related information that:

- Is necessary to verify that the person meets the Act's definition of disability;
- Describes the needed modification; and
- Shows the relationship between the person's disability and the need for the requested modification.

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 modification 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: Asst. General Manager