



HOUSING RIGHTS FOR PEOPLE WITH DISABILITIES

REASONABLE ACCOMMODATION AND MODIFICATION REQUESTS

Hosts

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The Fair Housing Center's Mission

The Fair Housing Center is a private, nonprofit community resource dedicated to the elimination of housing discrimination, the promotion of housing choice, and the creation of inclusive communities of opportunity. Activities include:

- Advocacy for anti-discriminatory housing policies
- Education and outreach for consumers, the housing industry, and public entities
- Enforcement: complaint investigation, litigation, and research
- Enable local governments to fulfill fair housing requirements
- Landlord-tenant mediation



Outline

- PART 1: Basic Concepts, Introduction
- PART 2: Reasonable Accommodations
- PART 3: Reasonable Modifications
- PART 4: Processing Reasonable Accommodation and Modification requests



Part 1

Basic Concepts, Introduction

Fair Housing and Housing Discrimination

- The term “**fair housing**” means **freedom of housing choice** - the right and ability to choose where one wants to live. It means everyone in our community has equal access to housing opportunities.
- **Housing discrimination** means denying or limiting housing choice, or treating someone unfairly because of their protected class. Only non-discriminatory factors should be considered to determine eligibility.
- **All facets of the housing market are covered**, including lending, appraisal, insurance, rental, sales, design and construction, and advertising.

Protected Classes

- Protected classes are classifications of groups protected by, and specifically enumerated in, fair housing statutes
- **Everyone is a member of a protected class; everyone is protected under the Fair Housing Act**

Protected Classes

1. Race
2. Color
3. National Origin
4. Religion
5. Sex (includes sexual orientation and gender identity)
6. Familial Status (Families with children)
7. Disability
8. Ohio: Military Status, Age (lending) and Ancestry
9. Toledo: Military Status
10. Toledo and Bowling Green: Sexual Orientation & Gender Identity
11. Toledo: Source of Income*
12. Toledo: Immigration Status

Source of Income Protection in the City of Toledo

- Housing providers must consider all legal, reliable sources of income such as Social Security, disability and military benefits, and Housing Choice Vouchers
- “No Section 8” is not permitted
- Tenants are still required to pay rent and fees in full
- Tenants will have to meet the housing provider’s eligibility criteria, which may include proof of income

Advertising Provisions

- Advertisements should describe the amenities or attributes of the property and refrain from indicating a preference for a particular type of individual
- Applies to written or oral notices (includes print and online ads, signage, and verbal communications)
- Discriminatory statements are prohibited:
 - “Able-bodied only”
 - “Proof of employment required”

Steering

Directing buyers or renters to certain neighborhoods or areas of a complex based on protected class status

- Discouraging any person from viewing, renting, or purchasing a particular dwelling
- Exaggerating drawbacks or failing to inform any person of desirable features of a dwelling, neighborhood, or community
- Telling a person with a disability that the property is not safe for them, or advising that they should live in a nursing/group home
- Requiring tenants with disabilities to live on the first floor

Application & Screening Process

- The criteria used to determine whether an applicant is qualified should be objective and consistently applied
- Criteria should be based on whether the tenant can afford the property and not pose a direct threat to other residents or the property
- Criteria that may be considered: income, credit, criminal history, and rental history
- Example: Refusing to accept SSDI as income

Terms and Conditions

Terms and conditions should be consistent for all tenants. Variations based on protected class could be discriminatory.

Examples:

- Limiting the use of a pool, exercise room, or common areas
- Refusing or delaying response to requests for maintenance
- Charging a higher security deposit

Harassment/Threats/Intimidation

- Harassment includes various negative actions that are taken because of someone's protected class
- May include derogatory language/slurs, graffiti or other property damage, threats of harm, restricting access to amenities
- Can occur between housing providers and tenants, or between tenants

Sexual Harassment

- Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature
- Quid Pro Quo: Offers to exchange services (rent, repairs, etc.) in exchange for sexual favors
- Renters with disabilities may be more vulnerable to sexual harassment in housing, for example if they need a reasonable accommodation or modification, and the landlord withholds approval on the condition of sexual favors

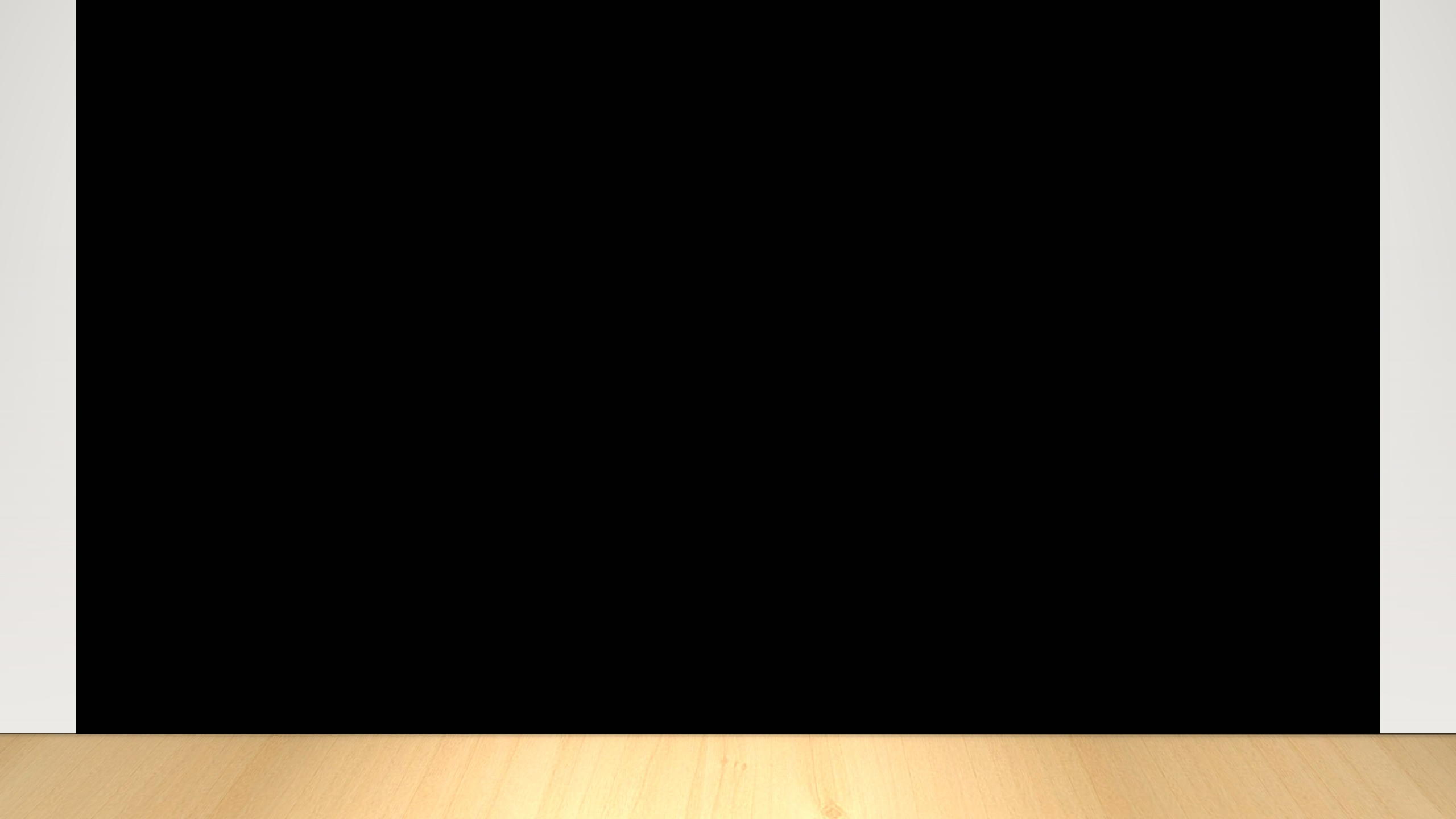
Disability

Definition

- Individuals with a physical or mental impairment that substantially limits one or more major life activities
- Individuals who are regarded as having such an impairment, and;
- Individuals with a record of having such an impairment

Disability does not include:

- Juvenile offenders and sex offenders
- While the Act does protect persons who are recovering from alcohol and substance use, it does not protect persons who are *currently* engaging in the current illegal use of controlled substances
- "direct threat" to the health or safety of other individuals or result in substantial physical damage to the property (must have tangible evidence)





Part 2

Reasonable Accommodations

What are Reasonable Accommodations and Modifications?

- Reasonable Accommodations (covered at 24 C.F.R. 100.204)
 - Changes in rules, policies, practices, or services
 - Examples: Creating a reserved handicapped parking space, allowing an assistance animal when pets are not allowed, requesting a ground floor residence
- Reasonable modifications (covered at 24 C.F.R. 100.203)
 - Structural changes to the premises to make it accessible
 - Examples: Ramps, grab bars, widened doorways, lowered kitchen counters and cabinets, levered door handles

42 U.S.C. § 3604(f)(3)(B)

- Under 42 U.S.C. § 3604(f)(3)(B), “reasonable accommodations” must be made in “rules, policies, practices, or services, when such accommodations may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.”
- a refusal to make a reasonable accommodation mandated by § 3604(f)(3)(B) is discrimination for purposes of § 3604(f)(1) and (2), which prohibits disability discrimination in housing sales and rentals and in the terms, conditions, privileges, and services related thereto.

Reasonable Accommodation and Modifications

Examples

- A tenant with severe arthritis makes a reasonable accommodation/modification request for accessible cabinet handles and door handles throughout her unit
- A tenant with a mental disability makes a reasonable accommodation request for a single-family home
- A tenant who requires the daily use of bulky medical equipment make a reasonable accommodation request to be moved to a 2 or 3 bedroom unit
- A tenant makes a reasonable accommodation request to move near a medical provider where she receives treatment several times a week

Elements of the claim

To prove that a housing provider failed to reasonably accommodate a disability, a plaintiff must prove that:

- (1) she suffers from a disability within the meaning of FHA;
- (2) the defendant knew or reasonably should have known of the disability;
- (3) the requested accommodation may be necessary to afford “an equal opportunity to use and enjoy the dwelling;”
- (4) the accommodation is reasonable; and
- (5) the defendant refused to make the accommodation.

Overlook Mut. Homes, Inc. v. Spencer, 415 F. App'x 617, 621 (6th Cir. 2011)

Highly fact-specific, case-by-case inquiry

- *See e.g. Anderson v. City of Blue Ash*, 798 F.3d 338, 362 (6th Cir. 2015)
- Case involved accommodation request to a city to allow a miniature pony at a residential property.
- Anderson testified that Ellie allows C.A. to play independently and exercise in her backyard and that, without the horse, C.A. cannot do so for any significant length of time, and would effectively be denied the equal opportunity to play in her own backyard as non-disabled children can. This evidence, viewed in a light most favorable to the plaintiffs, is sufficient for a reasonable jury to find that the requested accommodation of keeping the miniature horse at her house is necessary for C.A.'s equal use and enjoyment of her dwelling.

No need to prove intent

- A claim does not require a showing that the defendant's behavior was motivated by intentional discrimination. “‘Failure to reasonably accommodate’ is an alternative theory of liability” that is “separate from intentional discrimination.”
- See e.g. *Anderson v. City of Blue Ash*, 798 F.3d 338, 360–64 (6th Cir. 2015)

(1) Suffers from a **disability**

- The Fair Housing Act defines “handicap” as:

(1) a physical or mental impairment which substantially limits one or more of [a] person's major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment.

(This is extremely broad.)

But does not include “current, illegal use of or addiction to a controlled substance.” 42 U.S.C.A. § 3602(h).

(2) the defendant **knew** or reasonably should have known of the disability

- In *Jankowski*, Plaintiff suffered from multiple sclerosis (MS), sought a specially assigned parking space at apartment complex. MS severely limited his activities, although his condition varied from time to time, and he tried not to appear disabled.
- The defendants knew of MS, but they did not believe that he was sufficiently incapacitated to warrant a special parking space. Ds did not seek additional information from him regarding the extent to which his activities were limited by the disease.
- “If a landlord is skeptical of a tenant's alleged disability or the landlord's ability to provide an accommodation, **it is incumbent upon the landlord to request documentation or open a dialogue.**”
- *Jankowski Lee & Associates v. Cisneros*, 91 F.3d 891, 19 A.D.D. 619 (7th Cir. 1996); *see also Hunt v. Aimco Properties, L.P.*, 814 F.3d 1213, 1226 (11th Cir. 2016) (holding that § 3604(f)(3)(B) complaint adequately set forth facts that would “cause a reasonable [housing provider] to make appropriate inquiries about the possible need for an accommodation”)

(3) the requested accommodation **may be necessary** to afford “an equal opportunity to use and enjoy the dwelling”

- The “necessity element mandates a causation inquiry that examines whether the requested accommodation or modification would redress injuries that otherwise would prevent a disabled resident from receiving the same enjoyment from the property as a non-disabled person would receive. In other words, [n]ecessity functions as a but-for causation requirement, tying the needed accommodation to equal housing opportunity.” *Madej v. Maiden*, 951 F.3d 364, 371 (6th Cir.), cert. denied, 141 S. Ct. 612, 208 L. Ed. 2d 202 (2020).

(4) the accommodation is **reasonable**

- “feasible, practical modifications” must be made, but “extreme infeasible modifications are not required.” 53 Fed. Reg. 45003–45004 (Nov. 7, 1988) (HUD commentary quoting remarks of Rep. Owens, 134 Cong. Rec. H4923 (1988)).
- An accommodation is reasonable when it imposes no fundamental alteration in the nature of the program or undue financial and administrative burdens. *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002).
- Generally, courts agree that targets of § 3604(f)(3)(B) requests may have to “shoulder certain costs ... so long as they are not unduly burdensome.” *U.S. v. California Mobile Home Park Management Co.*, 29 F.3d 1413, 1416, 6 A.D.D. 175 (9th Cir. 1994).



(5) the defendant **refused** to make the accommodation

“15. What if a housing provider fails to act promptly on a reasonable accommodation request?

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation.”

HUD-DOJ Joint Statement, Reasonable Accommodations Under the Fair Housing Act (May 17, 2004).

Reasonable Accommodations

Specific issues: adjustments to financial requirements

- **Alternative income sources.** *Schaw v. Habitat for Humanity of Citrus County, Inc.*, 938 F.3d 1259, 1267–73 (11th Cir. 2019) (denying defendant’s summary judgment motion where disabled applicant sought to meet housing provider’s financial requirements with **alternative income sources**);
- **Co-signer.** *Giebeler v. M & B Associates*, 343 F.3d 1143, 1146–59 (9th Cir. 2003) (upholding § 3604(f)(3)(B) claim against landlord who refused to waive its “no-cosigner” policy to allow mother of disabled applicant to help with his rental payments);
- **Waiver of certain fees.** *Samuelson v. Mid-Atlantic Realty Co., Inc.*, 947 F. Supp. 756, 759–62, 20 A.D.D. 385 (D. Del. 1996) (upholding § 3604(f)(3)(B) claim by tenant whose landlord refused to waive late charges and penalties when plaintiff was forced to terminate his lease early because of his disability);

Reasonable Accommodations

Specific issues: Evictions

- *Roe v. Sugar River Mills Associates*, 820 F. Supp. 636, 639–40, 2 A.D.D. 868 (D.N.H. 1993). The court held that apartment complex could not evict a tenant with mental health disabilities based on his threatening behavior toward other tenants until “after defendants have made reasonable efforts to accommodate his handicap [T]he Act requires defendants to demonstrate that no ‘reasonable accommodation’ will eliminate or acceptably minimize the risk he poses to other residents ... before they may lawfully evict him.”

Reasonable Accommodations

Specific issues: Past Convictions?

- *Evans v. UDR, Inc.*, 644 F. Supp. 2d 675, 685 (E.D. N.C. 2009)
 - rejecting § 3604(f)(3)(B) claim by recovering addict whose application was denied because of past criminal record related to the disability. “[C]riminal conduct caused by a mental disability is not an effect of a disability with which Congress was concerned in the FHA”
- *Simmons v. T.M. Associates Management, Inc.*, 287 F. Supp. 3d 600, 602–04 (W.D. Va. 2018)
 - upholding § 3604(f)(3)(B) claim that person with mental health disability with indecent-exposure conviction be allowed to move into mother's apartment. Found *Evans* unpersuasive.

Reasonable Accommodations

Specific issues: No Pets Policies

- 2020 Notice (FHEO-2020-01) (Assistance Animal Notice), available at <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

Reasonable Accommodations

Specific issues: No Pets Policies

- Service dogs
 - Is the disability readily apparent?
 - HUD guidance demands a streamlined approach

Reasonable Accommodations

Specific issues: No Pets Policies – Internet Verifications

Documentation from the Internet

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known.³⁵ In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

Reasonable Accommodations

Specific issues: No Pets Policies – **Unique Animals**

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances ...

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
 - Allergies prevent the person from using a dog; or
 - Without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

Reasonable Accommodations

Specific issues: No Pets Policies – **Fees?**

- Cannot charge a fee. *See* Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (“Joint Statement”), Q and A 11 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>; *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011).

Reasonable Accommodations

Specific issues: Outside of Landlord-Tenant Context

- Zoning laws, such as limitations on ramps
- A hearing-impaired person is purchasing a house and requests an ASL interpreter during the closing
- A homeowner requests more time to complete a repair that is required by an insurance company in order maintain coverage
- A homeowner makes a reasonable accommodation request to a local zoning board to have an assistance animal that is normally prohibited within the jurisdiction
- An HOA prohibits fences, but a family with a disability requests permission to put up a fence to protect their child with autism



Part 3

Reasonable Modifications

Reasonable Modifications

Who?

Under § 3604(f)(3)(A), housing providers **must permit a person with disabilities** to make reasonable modifications of existing premises if such modifications may be necessary for such a person's full enjoyment of the premises.

Reasonable Modifications: What?

What?

Examples of the modifications covered by § 3604(f)(3)(A) include widening doorways to make rooms more accessible, installing grab bars in bathrooms, and lowering kitchen cabinets to a height suitable for persons in a wheelchair.

See 24 C.F.R. § 100.203(a), Examples (1) and (2).

Reasonable Modifications: When?

When?

The modifications may be made at any time. They need not be made at the beginning of a tenancy.

See, e.g., HUD v. Twinbrook Village Apartments, 2001 WL 1632533, Fair Housing-Fair Lending Rptr. ¶ 25,157 (HUD ALJ 2001); *HUD v. Ocean Sands, Inc.*, 1993 WL 343530, Fair Housing—Fair Lending Rptr. ¶ 25,055, at pp. 25,539–44 (HUD ALJ 1993), *aff'd* in pertinent part and remanded in part with respect to relief, Fair Housing—Fair Lending Rptr. ¶ 25,056 (HUD Secretary 1993), additional relief awarded, 1993 WL 471296, Fair Housing—Fair Lending Rptr. ¶ 25,061 (HUD ALJ 1993).

Reasonable Modifications: Where?

Where?

- The “premises,” not limited to the interior of the disabled person's unit, but also include lobbies, main entrances, and other public and common use areas of a building. *See* 24 C.F.R. § 100.201 (defining “Premises”), § 100.203(a); 54 Fed. Reg. 3247–3248 (Jan. 23, 1989) (HUD commentary).
- Applies to all “existing premises” regardless of age. *See* 42 U.S.C.A. § 3604(f)(3)(A); *see also* 54 Fed. Reg. 3247 (Jan. 23, 1989) (HUD commentary discussing the “premises” to which § 3604(f)(3)(A) applies).

Reasonable Modifications: Why?

Why?

Under § 3604(f)(3)(A), housing providers must permit a person with disabilities to make reasonable modifications of existing premises if such modifications may be **necessary for such a person's full enjoyment of the premises**

Reasonable Modifications: Reasonableness

A party asserting a § 3604(f)(3)(A) claim:

“must prove both the reasonableness and the necessity of the requested modification In addition, an FHA ... reasonable-modification plaintiff also must prove that she suffers from a disability, that she requested an accommodation or modification, that the defendant housing provider refused to ... permit the modification, and that the defendant knew or should have known of the disability at the time of the refusal.”

Hollis v. Chestnut Bend Homeowners Ass’n, 760 F.3d 531, 541 (6th Cir. 2014)

Limitations on Reasonable Modifications Payment

- The person with disabilities must pay for it. The statute makes clear that such modifications are to be “at the expense of the handicapped person.” 42 U.S.C.A. § 3604(f)(3)(A)
- Exception: Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program.

Limitations on Reasonable Modifications

Approval

The person making the modifications “must seek the landlord's approval before making modifications.” 54 Fed. Reg. 3249 (Jan. 23, 1989)

- Housing providers do not have an “absolute right” to reject proposed modifications or to select or approve who will do the work, but they are entitled to secure some protection against improper modifications and faulty workmanship. *Id.*
- Thus, according to the HUD regulations, “[a] landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modification as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.” 24 C.F.R. § 100.203(b)

Limitations on Reasonable Modifications

Restoration Requirements

- Landlords may condition permission for a modification on the renter agreeing to restore the premises to their prior condition. 42 U.S.C.A. § 3604(f)(3)(A).
- This restoration requirement does not apply in condominium and other nonrental situations. 24 C.F.R. § 100.203(a).

Limitations on Reasonable Modifications Restoration Requirements

- Reasonable wear and tear excepted. 42 U.S.C.A. § 3604(f)(3)(A).
- Restoration requirement can be imposed only on modifications to interior areas of an individual unit, not on public or common areas. 42 U.S.C.A. § 3604(f)(3)(A); *see* 24 C.F.R. § 100.201 (defining “Interior” and “Premises”), § 100.203(a); 54 Fed. Reg. 3247–3249 (Jan. 23, 1989).
- Only where “it is reasonable to do so.” 42 U.S.C.A. § 3604(f)(3)(A). For example, cannot insist that widened doorways be made narrow again. 24 C.F.R. § 100.203(a), Example (2).

Limitations on Reasonable Modifications

Restoration Requirements

- “The landlord may not increase for handicapped persons any customarily required security deposit.” 24 C.F.R. § 100.203(a).
- However, landlords in some limited circumstances may require tenants to make payments into an interest-bearing escrow account to ensure “that funds will be available to pay for the restorations at the end of the tenancy.” *Id.*
- Must be for a “reasonable” amount of money over a “reasonable” period of time and may require only if “reasonable certainty” dictates that they are necessary to ensure that funds will be available for the needed restorations. 24 C.F.R. § 100.203(a).



Part 4

Processing Reasonable Accommodation and Modification Requests

Suggestions for tenants making accommodation or modification requests

- Submit a letter, form, or other document to your housing provider that clearly explains what you are requesting
- Include your name and contact information
- Include a deadline for receiving a response – typically 10-14 days
- The Fair Housing Center has a sample form and online tool you can use, or some housing providers may have their own forms

Dear Tom Wilson:

My name is Bob Smith and I reside at:

1234 Main St. Street Address: 1234 Main St.

City: Toledo

State: Ohio

Zip Code: 43604

Toledo, Ohio 43604

I am an individual with a disability as defined by federal and state fair housing laws.

Accordingly, I am requesting the accommodation described below. I request a change, exception or adjustment in the following rules, policies, practices or services. This accommodation is necessary to afford me full and equal use and enjoyment of my home.

Assign closer parking space

Please respond in writing by Thursday, April 29, 2021 to inform me whether you will grant my request for a reasonable accommodation. I can be reached by phone at (419) 555-5555 or by email at sarahjenkins@toledofhc.org.

Sincerely,

Bob Smith

How do you request a Reasonable Accommodation or Modification?

- If your disability and the need for the accommodation/modification are obvious, the housing provider should respond to your request without requesting additional information
- If your disability and the need for the accommodation/modification are not obvious, the housing provider may require additional documentation to verify your request

How do you provide verification for a Reasonable Accommodation or Modification?

- Verification can be a letter, form, or other document provided by someone who is familiar with the tenant's condition
- Typically, verification is provided by a doctor or therapist, but it could also come from a social worker, family member, or other qualified third party
- Document should verify:
 - The tenant's disability
 - The link between the disability and the requested accommodation/modification

To Whom It May Concern:

[Patient's Name] [Patient Birthday] is my patient and has been under my care since **[Year]**. I am intimately familiar with her history and with the functional limitations imposed by her **[emotional] [physical]** related illness. She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to the disability, **[Patient]** has certain limitations related to **[walking, breathing, working, communicating, sleeping, etc]**. In order to help alleviate these difficulties and to enhance her ability to live independently, it is my opinion that **[Patient]** must be allowed **[to end her lease early in order to find alternative suitable housing] [other change to policy, rule or procedure] [modification]**. This accommodation is necessary for the **[emotional, physical]** health of **[Patient]** and will mitigate the symptoms she is currently experiencing.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

[Doctor's Name]

Making the RA/RM request

- Submit your request letter to your housing provider
- If applicable, include verification from your qualified third party
- Include your name, address, and contact information
- Sign and date your request
- Keep a copy for your records
- Housing providers should respond to your request within a reasonable time period

Can a housing provider request additional information?

- In most situations, housing providers are prohibited from:
 - Requesting detailed medical records
 - Inquiring about the nature or severity of the tenant's disability
 - Requiring documents be notarized
 - Requiring that the qualified third party providing the verification agrees to testify in court

What happens if a housing provider denies the request?

- If a housing provider denies your request because it is not reasonable, they should discuss whether there is an alternative that would effectively address your disability-related needs
 - This is known as the **interactive process**
- If the housing provider fails denies the accommodation request or fails to engage in the interactive process, options include: OCRC, HUD, Court.

What is the interactive process

- The term “interactive process” does not appear in the statute or regulations.
- HUD guidance explicitly calls for an interactive process to “discuss the [tenant's] disability-related need for the requested accommodation and possible alternative accommodations,” in the hope of negotiating “an effective accommodation for the [tenant] that does not pose an undue financial and administrative burden for the [landlord].” *See* HUD-DOJ Joint Statement, pg. 7, 9.

The interactive process

- Courts have required an interactive process.
 - *Jankowski Lee & Associates v. Cisneros*, 91 F.3d 891, 895, 19 A.D.D. 619 (7th Cir. 1996), as amended, (Aug. 26, 1996) (“If a landlord is skeptical of a tenant's alleged disability or the landlord's ability to provide an accommodation, it is incumbent upon the landlord to request documentation or open a dialogue.”)
 - *Groner v. Golden Gate Gardens Apts.*, 250 F.3d 1039, 1047, 2001 U.S. App. LEXIS 10794, *19-20, 2001 FED App. 0174P (6th Cir.), 12-13.
- Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101, 12102, and the Rehabilitation Act (RA), 29 U.S.C. § 794, mandate an interactive process through which employers and employees explore what accommodations are reasonable.

Tips in Developing a RA/RM policy

- We suggest that housing providers, especially landlords, develop a reasonable accommodation and modification policy.
 - Use standardized forms
 - Train staff, and apply processes consistently
- Note The Fair Housing Center's resources here:
<https://www.toledofhc.org/protectations-for-persons-with-disabilities/>.



Developing a RA/RM policy: Following the Policy

“However, housing providers must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the provider's preferred forms or procedures for making such requests.” HUD-DOJ Joint Statement

Developing a RA/RM policy: Example

“Example: A tenant in a large apartment building makes an oral request that she be assigned a mailbox in a location that she can easily access because of a physical disability that limits her ability to reach and bend. The provider would prefer that the tenant make the accommodation request on a pre-printed form, but the tenant fails to complete the form. The provider must consider the reasonable accommodation request even though the tenant would not use the provider's designated form.” HUD-DOJ Joint Statement



Q & A



Thank you

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THANK



YOU!



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