

# Housing Information Session #3: Reasonable Accommodations & Modifications



Department of Behavioral Health & Developmental Services Housing Team

# Today's goal

*To empower individuals and families to request reasonable accommodations or modifications that will enable individuals with a developmental disability to use and enjoy independent housing in communities throughout Virginia.*

# Webinar guidelines

- Use the chat box to ask questions
- The moderator will forward your question to the presenter to be answered as soon as possible
- There will be time for Q&A at the end of the session
- Please keep questions generalized (specific cases can be addressed with your housing specialist)

# Agenda

- Definitions
- When is an Accommodation/Modification Necessary?
- Who Can Request an Accommodation/Modification?
- When Can a Request Be Made?
- Examples of Accommodations/Modifications
- How to Request an Accommodation/Modification
- Reasons a Request Can Be Denied
- Options, If Denied
- Questions & Technical Resources

# Reasonable Accommodations & Modifications: Definitions

## **Fair Housing Act Amendments of 1988**

**Reasonable Accommodation:** a change or modification to a rule, policy, practice or service necessary to give a person with a disability equal opportunity to use and enjoy his or her unit.

**Reasonable Modification:** a structural change made to existing premises, occupied or to be occupied by a person with a disability, that is necessary to afford this person full enjoyment of the premises. Can include structural changes to interiors and exteriors of dwellings and to common and public use areas.

## **Section 504 of the Rehabilitation Act**

**A Reasonable Accommodation** is a change, adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. This ***includes structural changes*** needed by an applicant or resident with a disability in housing receiving federal financial assistance.

# Who is protected?

- A person with a disability (Fair Housing Act/Section 504)
  - Individual with a physical or mental impairment that substantially limits one or more major life activities
  - Individual who is regarded as having such an impairment
  - Individual with a record of such an impairment
- Buyers and renters without disabilities who live or are associated with individuals with disabilities (Fair Housing Act)



# Who Can Request a Reasonable Accommodation or Modification?

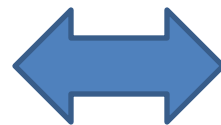
- A person with a disability;
- A family member of a person with a disability;
- Someone acting on the individual's behalf, e.g.:
  - A guardian
  - A person with Power of Attorney
  - A case manager, counselor or social worker



# When May an Accommodation or Modification Be “Necessary?”

When there is a clear, identifiable relationship between:

The individual’s disability



The requested accommodation/modification





# Questions?



# When Can a Request Be Made?

Requests for reasonable accommodations or modifications may be made at different points in the housing process, including:

1. When applying for or receiving rental assistance (e.g., Housing Choice Voucher, SRAP, etc.) **REASONABLE ACCOMODATION**
2. When applying for or occupying rental housing (e.g., Rental Property Application or while leased) **REASONABLE ACCOMODATION OR MODIFICATION**



# Examples of Reasonable Accommodations When Applying for Rental Assistance

My disability affects how I (write, get around, talk, get out of my unit , answer the phone, respond to fire alarms, etc.). Therefore, I need:

- additional time to submit an application
- eligibility interviews & briefings held in an accessible location
- exceptions to screening criteria regarding criminal histories based on mitigating circumstances
  - Lifetime Sex Offender Registry is a must deny...no accommodation to be granted.
- extra time to gather eligibility documentation
- extensions to the housing search timeframe
- a live-in aide



# Examples of Reasonable Accommodations When Applying for Rental or Housing Assistance (Cont.)

*My disability affects how I (write, get around, talk, get out of my unit, answer the phone, respond to fire alarms, etc.). Therefore, I need:*

- approval of a higher payment standard
  - Primarily requested when unable to locate accessible unit that meets person's accessibility needs;
  - Must be able to document that a good faith effort was made to find a unit within payment standard;
- approval to use of a voucher in a special housing type (e.g., shared housing not to be confused with the Waiver Service "Shared Living")
  - Individual cannot request an accommodation to live with a parent, grand-parent or guardian.
- approval to rent from a relative
  - Must be able to justify and be able to document why relative is the only viable landlord

# Examples of Reasonable Accommodations When Applying for or While Occupying Rental Housing

*My disability affects how I (write, get around, talk, get out of my unit, answer the phone, respond to fire alarms, etc.). Therefore, I need:*

- a parking space closer to the person's unit;
- a live in aide added as an "authorized occupant" on the lease;
- to lease next available ground floor unit due to a mobility limitation;
- a support animal in an apartment property that has a "no pets" policy;
- a non-tenant to be able to access to the laundry room or pool for the purpose of assisting a tenant with a disability;
- a non-tenant to receive a parking pass for the purpose of providing drop-in residential supports.



# Examples of Reasonable Accommodations When Applying for or While Occupying Rental Housing (Cont.)

*My disability affects how I (write, get around, talk, get out of my unit, answer the phone, respond to fire alarms, etc.). Therefore, I need:*

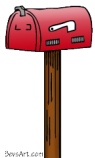
- a reasonable time extension to complete re-certification process due to cognitive limitations;
- a modified rent payment schedule because I do not receive benefit payments until after the first of the month.



# Examples of Reasonable Modifications When Applying for or While Occupying Rental Housing

- *My disability affects how I (write, get around, talk, get out of my unit, answer the phone, respond to fire alarms, etc.). Therefore, I need to request approval to:*
- Reinforce the wall framing and add grab bars in the bathroom;
- Change the height of a door peephole or a mailbox;
- Install a security camera and alarm systems;
- Install a wheel chair ramp
- Widen doorways or the change door knobs to levered door handles
- Trade out appliances (e.g., gas to electric stove; stove with rear controls to stove with front controls)

*Please note that the tenant may be required to coordinate and finance the installation and removal of a permitted modification.*

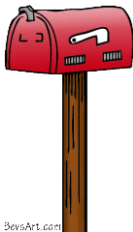


# Examples of Reasonable Modifications When Applying for or While Occupying Rental Housing (Cont.)

*My disability affects how I (write, get around, talk, get out of my unit, answer the phone, respond to fire alarms, etc.). Therefore, I need to request approval to:*

- Install automatic door opener systems
- Remove lower cabinets to create roll-under counter space
- Lower switches/raise outlets

*Please note that the tenant may be required to coordinate and finance the installation and removal of a permitted modification.*



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# Questions?



# How to Request a Reasonable Accommodation/Modification from a Public Housing Agency (PHA)


1. Make need for accommodation known to PHA staff
2. Complete formal reasonable accommodation request form
3. Either:
  - a) Submit letter from 3<sup>rd</sup> party who can verify person's disability and need for accommodation
  - b) Complete consent form that permits PHA staff to contact 3<sup>rd</sup> party to provide these verifications



Get stuck? Call  
your DBHDS  
Housing  
Specialist!

# How to Request a Reasonable Accommodation/Modification from a Public Housing Agency (PHA)

4. PHA will review. Ask for policy on turnaround time for decision
5. If denied, request written response with explanation of denial
  - a) If denial of accommodation results in denial of assistance at application, ask for informal review of decision denying assistance
  - b) If denial of accommodation leads to decision to terminate assistance, request informal hearing regarding decision to terminate assistance



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# How to Request a Reasonable Accommodation/Modification from a Private Housing Provider

1. Submit request to leasing office staff – prefer in writing (keep copy for record)
  - a) Describe accommodation/modification needed
  - b) Include info about resources to make it easier/quicker for management to grant request
  - c) For modifications:
    - I. Assure required building permits will be obtained & modification will be done in a professional manner
    - II. Agree to return premises to original state, unless modification will not interfere with next tenant's use and enjoyment of premises
    - III. (in some cases) agree to pay into an interest-bearing account, over a reasonable period, an amount of money not to exceed to cost of restorations



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# How to Request a Reasonable Accommodation/Modification from a Private Housing Provider

2. If leasing office requests, provide 3<sup>rd</sup> party verification of disability
  - a) Not needed if disability is obvious
  - b) No details of diagnoses or medical records: just verify person meets Fair Housing definition of disability
3. Housing provider will approve or deny request
  - a) If denied, begin interactive process to identify alternative accommodation. If no alternative found, request is essentially denied.
  - b) Person must have approval before making modification.
  - c) If person meets requirements for mod and provides relevant docs/assurances, housing provider cannot deny request.



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# Questions?



# Considerations When Requesting a Reasonable Modification

*In multifamily housing covered by Fair Housing Act that receives NO federal financing, tenant is responsible for:*

- cost of requested structural changes that are not accessible design features which should have existed in the building per Fair Housing Act design & construction requirements. Housing provider must permit modifications.
- upkeep & maintenance of modification used exclusively by him.
- restoring portions of interior of dwelling to previous condition where reasonable and where housing provider requests restoration. Restoration not required for:
  - interior mods that do not affect housing provider's or next tenant's use/enjoyment of premises
  - exterior mods




# Considerations When Requesting a Reasonable Modification

- Where restoration is required, such restoration must be paid by the tenant.
- Housing provider cannot insist tenant use a particular contractor to perform the work.
- Housing provider cannot impose conditions on a proposed reasonable modification (e.g., additional insurance or higher security deposit).
- Housing provider CAN require tenant deposit money into an interest bearing account to ensure funds are available for restoration.





# How to Fund Reasonable Modifications in Housing

- **Medicaid DD Waiver** – funds environmental modifications, which are physical adaptations to an individual’s primary home to ensure health, safety and more independent functioning. Adaptations include installation of ramps, grab-bars, widening doorways, bathroom modifications, etc. Apply through CSB/CSB-contracted support coordinators. Maximum expenditure covered by Waiver is \$5,000/year. 
- **Virginia Housing Development Authority Rental Unit Accessibility Modification (RUAM) Program** – funds accessibility modifications in units rented by tenants with disabilities who earn 80% or less of the area median income. Apply through VHDA approved agents. One-time limit is \$4,000. See <https://www.vhda.com/Renters/Pages/AccessibleRentalHousing.aspx#.Wmc7DO-ouUk>
- **Flexible Funding** – funds environmental modifications in rental housing that are not eligible for reimbursement through Medicaid Waiver or another resource for individuals in the Settlement Agreement population. Apply through CSB/CSB-contracted support coordinators. One-time limit is \$5,000. For more info, see [http://www.dbhds.virginia.gov/assets/document-library/archive/library/developmental%20services/housing/flexible%20funding/dds\\_flexible\\_funding\\_flyer\\_3\\_30\\_17.pdf](http://www.dbhds.virginia.gov/assets/document-library/archive/library/developmental%20services/housing/flexible%20funding/dds_flexible_funding_flyer_3_30_17.pdf)

*Contact your DBHDS Regional Housing Specialist for information about local resources that might be available.*

# EXCEPTION: Housing Provider Pays for Structural Changes in Federally-Assisted Housing

## *Under regulations for Section 504 of the Rehabilitation Act/Title II of Americans with Disabilities Act:*

- Structural changes needed by applicant/resident with a disability in housing receiving federal financial assistance are considered **reasonable accommodations**
- Housing provider must pay costs for these accommodations UNLESS:
  - Providing them causes undue financial & administrative burden or fundamental alteration of the program, OR
  - Individual's needs can be accommodated through other means

# Why Would a Housing Provider Deny a Reasonable Accommodation/Modification Request?

Under Fair Housing Act/Section 504, a housing provider can deny if:

- individual is not a person with a disability as defined by Act
- individual is not “qualified” e.g., doesn’t meet tenant selection criteria that everyone must meet: e.g., minimum income, rental history)
- request was not made by or on behalf of a person with a disability
- there is no disability-related need for the accommodation
- individual with a disability’s tenancy would constitute a “direct threat” to the health or safety of other individuals or result in substantial physical damage to others’ property unless the threat can be eliminated or significantly reduced by reasonable accommodation
- accommodation is not reasonable
  - It would impose an undue financial and administrative burden on the housing provider
  - It would fundamentally alter the nature of the provider’s operations



# Options, If Denied

## Fair Housing

- Contact Housing Opportunities Made Equal's Center for Fair Housing for guidance: 804-354-0641. [www.HOMEofVA.org](http://www.HOMEofVA.org)
- File a complaint with Virginia Department of Professional and Occupational Regulation: 804-367-8530.  
<http://www.dpor.virginia.gov/FairHousing/>

## Fair Housing & Section 504

- File a complaint with HUD
  - Place toll-free call to 1-800-669-9777 or TTY 1-800-927-9275
  - Complete on-line complaint form at  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_504/complaint-process](https://www.hud.gov/program_offices/fair_housing_504/complaint-process)



# Questions?

## Resources:

Department of Housing & Urban Development. *Section 504 Frequently Asked Questions.*

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq)

Housing Opportunities Made Equal of Virginia. *Guide for Reasonable Accommodations and Modifications.*

<http://homeofva.org/Portals/0/Images/PDF/GuideforReasonableAccomodations.pdf>

Joint Statement of the Department of Housing & Urban Development and the Department of Justice. (2004). *Reasonable Accommodations Under the Fair Housing Act.*

[https://www.hud.gov/sites/documents/DOC\\_7771.PDF](https://www.hud.gov/sites/documents/DOC_7771.PDF)

Joint Statement of the Department of Housing & Urban Development and the Department of Justice. (2008). *Reasonable Modifications Under the Fair Housing Act.*

[https://www.hud.gov/sites/documents/DOC\\_7502.PDF](https://www.hud.gov/sites/documents/DOC_7502.PDF)

Virginia Department of Professional & Occupational Regulation, Housing for People with

Disabilities: [http://www.dpor.virginia.gov/FairHousing/Housing\\_People\\_with\\_Disabilities/](http://www.dpor.virginia.gov/FairHousing/Housing_People_with_Disabilities/)

# Questions?

If you want more information about reasonable accommodations & modifications, contact your DBHDS Regional Housing Specialist:

## Region 1 Western

Housing Specialist: Marie Fraticelli  
Email: [marie.fraticelli@dbhds.virginia.gov](mailto:marie.fraticelli@dbhds.virginia.gov)  
Phone: 434-953-7146

DBHDS Housing Services Manager: Eric Leabough  
Email: [eric.leabough@dbhds.virginia.gov](mailto:eric.leabough@dbhds.virginia.gov)  
Phone: 804-786-1393

## Region 2 - Northern

Housing Specialist: Jeannie Cummins Eisenhour  
Email: [j.cummins@dbhds.virginia.gov](mailto:j.cummins@dbhds.virginia.gov)  
Phone: 804-836-4308

## Region 3 - Southwestern

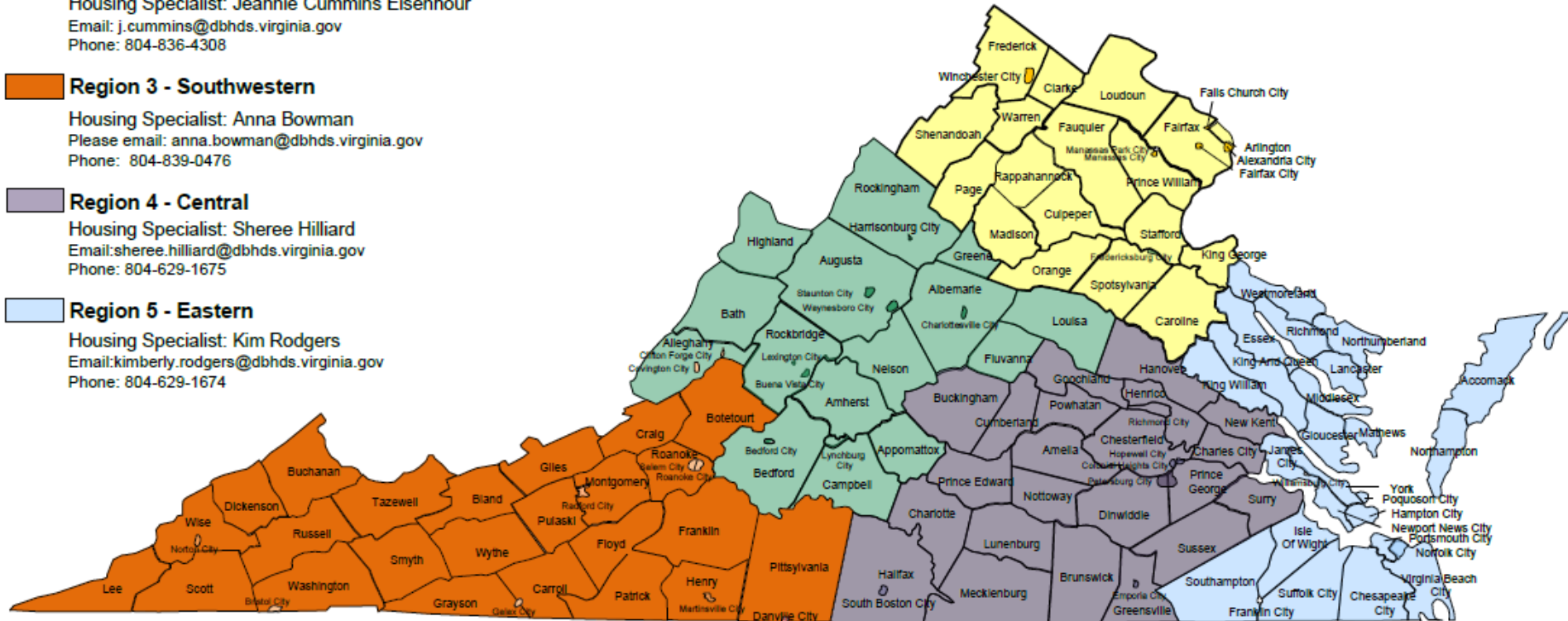
Housing Specialist: Anna Bowman  
Please email: [anna.bowman@dbhds.virginia.gov](mailto:anna.bowman@dbhds.virginia.gov)  
Phone: 804-839-0476

## Region 4 - Central

Housing Specialist: Sheree Hilliard  
Email: [sheree.hilliard@dbhds.virginia.gov](mailto:sheree.hilliard@dbhds.virginia.gov)  
Phone: 804-629-1675

## Region 5 - Eastern

Housing Specialist: Kim Rodgers  
Email: [kimberly.rodgers@dbhds.virginia.gov](mailto:kimberly.rodgers@dbhds.virginia.gov)  
Phone: 804-629-1674



# Questions?

