# Introduction to Housing Discrimination Laws for Independent Living Center Staff

Presented by Claire Chantler and Susan Crawford

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[Please stand by for CART captioning.]
>> TIM FUCHS: Good afternoon. I'm Tim Fuchs with the National Council On Independent Living here in Washington D.C. I want to thank all of you for joining us today for CIL-NET's newest webinar, introduction to housing discrimination laws for CIL staff. We have a great audience today. I appreciate you signing up. We're excited about this. This webinar is being provided by the IL NET for CILs and SILCs. It is operated through a partnership among ILRU in Houston, t, NCIL here in D.C. and APRIL in little rock, Arkansas, with support provided by RSA at the U.S. Department of Education. As always we're recording today's call so we can archive it on ILRU's Web site and that archive will be available about 48 hours after today's call. And we are going to break several times during the presentation to take your questions. So we've got three of those Q&A breaks, two during and one at the end of the call and want to leave enough time for your questions. You can ask a
question any time you like in the chat feature, screen, on the webinar platform. That's, of course, the text box underneath the list of attendees. Just type your question out. You can hit enter and it will appear. But we will wait for the Q&A break to address them and take them in the order that you typed them in.
If you're on the phone today, you can press star pound to ask a question and I'll remind you of those instructions before we break for the Q&A.
Let's see. I want to let you all know the materials for today's call, including the PowerPoint presentation, and an evaluation form, were sent to you in the confirmation email, and also the link to the evaluation is at the end of our PowerPoint presentation today. So please do fill out that evaluation, and we take your comments, your feedback very seriously and we use them to improve these presentations as we continue the program.
Also, if you don't have the PowerPoint in front of you, then you'll want to go ahead and get that open now. For those of you on the webinar, of course, it displays automatically and it will follow today's presentation. But if you are just on the phone and you don't have it in front of you, you'll want to get that from the confirmation email. That was the email that was sent to you within the last 24 hours with all the connection instructions, the PowerPoint was attached to that email in both PDF and plain text. If you don't have that for any reason, you can meme me at Tim@NCIL.org. I'll send it over to you.
Okay. That's the end of our house keep young announcements. I'm excited to get started. I want to introduce our presenters for today. Claire Chantler and Susan Crawford, really thrilled to have Susan and Claire with us and I want to thank them for all the work that they've put into developing today's presentation. Claire is the housing advocate at the northern West Virginia Center for Independent Living in Morgantown, West Virginia. As an advocate, the housing advocate there, Claire oversees the fair housing initiatives program and they've had a lot of success with that and Claire has been invaluable in putting together's presentation. Susan is the director of compliance and disability rights in the office of fair housing and equal opportunity at HUD and I really appreciate Susan's input and time today for being with us. I think that this is an outstanding webinar to introduce you all to the topic, and without any further ado I'm going to turn it over to Susan
who is going to present first. I'm going to slide 2. Susan will start with an overview.
>> SUSAN CRAWFORD: Good afternoon. It's a pleasure to be with everyone this afternoon. HUD administratively enforces three fair housing laws, the oldest of which is the Fair Housing Act, which was passed in 1968 by Congress shortly after the assassination of Dr. Martin Luther King. The Fair Housing Act, or Title VIII of the civil rights, tight 8 as it's called, Title VIII prohibits discrimination in the sale, rental, and financing of dwellings and in other housing related trabz actions based on race, color, national origin, religion, sex, familial status and disability.
Initially the Fair Housing Act covered the first four protected classes, race, color, national origin, re Lidge. In 1974 Congress added sex as a protected class and in 1988 with the comprehensive Fair Housing Act amendments, familial status and disability were added as well.
The Fair Housing Act has very broad coverage with very limited exceptions. It covers virtually all private and public housing in the United States. There are some limited situations where single-family homes are not covered and if a building has no more than four units and is occupied by the owner, then that building is exempted. Otherwise the Fair Housing Act pretty much applies.
So we can go to the next slide.
Another law that HUD administratively enforces is Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial -- see if I can say it correctly -- federal financial assistance.
Then the next slide.
Title II of the Americans with Disabilities Act, which is the third law that HUD administratively enforces. And Title II of the ADA prohibits discrimination based on disability in programs, services and activities of public entities. That is, state and local governments. HUD enforces Title II as it re laces to state and public housing, housing assistance and housing referrals.
So those are the three laws, just the very brief overview of the three laws we enforce starting with the broadest coverage and it's important to note that some housing falls under all three laws. Some housing is just covered by the Fair Housing Act. Some is covered by the Fair Housing Act and Section 504. And some by the housing act and Title II or all three.
>> TIM FUCHS: Susan, I'm sorry to interrupt. I notice some folks are having a hard time hearing you. If it's possible to get closer to the microphone or speak up a little bit that would be helpful.
>> SUSAN CRAWFORD: Is this better?
>> TIM FUCHS: Yeah, that seems better.
>> SUSAN CRAWFORD: That's what I will do then, thank you.
Next we go to design and construction.
>> CLAIRE CHANTLER: This is Claire. I'm going to take over on design and construction. The design and construction requirements were added to the Fair Housing Act in 1988 when disability was added as a protected class. This was a time when the country and Congress as a whole identified that the way we actually build our buildings can be discriminatory. And it's different from other forms of discrimination that can be more subtle. There is no way to hide when you build steps instead of ramps to your entrances. And it's why we want to highlight design and construction today because this is a huge systemic construction issue across the United States and it's one that is very easy to identify and very easy as advocates to address. It's important because if you're in an area of the country such as West Virginia where you don't have enforcement or consistent enforcement of building codes, we need people to come forward to make complaints about design
and construction. There are no fair housing cops that go out and look at how our buildings are being constructed, and it is -- buildings still are being constructed, as I'm sure you all know, as you help consumers to find housing, with steps and inaccessible entrances and other problems.
So we're just going to touch on these, one, to give you ideas for modifications, ideas for modifications for properties that may be not covered under the design and construction requirements, later when we talk about reasonable modifications, and also just to open your eyes to what may be happening in your communities that may be systemic issues that need to be addressed either through the work of your CIL or in partnership with a fair housing organization or HUD or all of the above.
As Susan was saying, fair housing covers all housing, public and private. Now, when we talk about design and construction there are certain elements of design and construction which I will go over in a minute that are also covered under ADA and are also covered under 504 and it's important to know that fair housing always applies, but if another law also applies, the developer needs to build to the highest level of accessibility that is required.
So when we're talking about design and construction, we're talking about all multi-family housing. Design and constructed for first occupancy after March 13th, 1991. We're talking about buildings that have four or more units. If there was an elevator in the building, then all units are going to have to comply with these requirements. If there's not an elevator, then we're just looking at the ground floor units. And by ground floor, we're talking about the first floor of dwelling units. Sometimes people like to try to get away with putting shops or restaurants on the ground floor and then putting on the second floor their first level of dwellings or apartments or condos or whatever they are. In that case, that first level of residential is actually considered the ground floor. So that's an important distinction.
Next slide, please.
So what is not covered? Anything built before March 13th, 1991, would not be covered under these requirements. Detached single-family houses. Duplexes triplexes, anything multi-story, mulgty story townhomes, as long as there is no elevator to get you to both levels. And buildings that have been remodeled or converted from an old warehouse or old school into housing would not be covered under these requirements. That was kind of a compromise that happened in Congress when they were making these requirements. But if an older building were to build an entirely brand-new wing, a new construction, a new wing, a new detached building of new apartments or something, those particular units would be covered.
Next slide, please.
Here's an overview of the basic design and construction requirements. We commonly refer to them more as adaptable than accessible. When we go through them you'll see why.
For those of you who are familiar with the ADA requirements, fair housing offers limited accessibility. It's much less than you will see in the USAS requirements or for ADA compatibility. This was a compromise between the disability advocates and housing industry when these requirements were being written up, but it does offer a general level of accessibility that with small modifications can be usable by the vast majority of people. So we're going to go through these one at a time.
Next slide, please.
So the first requirement is an accessible building entrance on an accessible route. So if you think about where you're arriving at the building, whether that's the parking lot, the bus stop, the sidewalk, wherever -- the point of arrival is, you need to be able to get from there to the building entrance on an accessible route. So we're talking 36-inch wide sidewalks, level surfaces, ramps need to be designed properly, no thresholds greater than half an inch without the beveling, no obstructions on the sides of walls that would be run into by somebody with a vision impairment. So those kinds of things, your base you can accessible route requirements. The picture here is showing a woman using a wheelchair, and she can make that turn. There's ample room on the sidewalk for her wheelchair. It's flat. Those are the kind of things we're looking for when we look at an accessible entrance on an accessible route. So from wherever you arrive you need to be able to get to the entrance
and through the entrance.
Next slide.
The second requirement is an accessible and public -- accessible and usable public and common use areas. So common areas that residents use such as mailboxes, these are often afterthoughts by developers. They stick them on concrete slabs, and maybe they're on an accessible route and maybe they're not. Sometimes they're stuck up on a 10-inch piece of concrete and there's no curb ramp to get up there, there's no sidewalk alongside the mailboxes in order to get to them safely. Other common areas, dumpsters very often are in inaccessible locations. The recreation room, if there's, you know, a common gathering space or meeting space or kitchenette area that residents use. The laundry you have to be able to get to if there's shared laundry, get to the laundry, get through the doors. And then resident parking would be covered under common areas.
Public areas, and this is one of the areas where fair housing overlaps with the ADA, your public areas would be common rooms that could be rented out to the public for baby showers or other parties, birthday parties, your leasing or sales office, and then your parking at your office, you know, your leasing office. Leasing offices need to meet both fair housing standards as well as ADA standards.
Next slide.
Requirement 3 is usable doors. So if you think about the first requirement you've gotten from the parking lot, you've gotten to the door. Now we need to be able to get through the door. We need a door that's usable. I put the picture here of the handle, the door handle, because hardware is one of the things that we often see is forgotten, and it's a really easy fix. So we know that using a lever handle is much more universal. You can open that with a closed fist, with your elbow, with -- there's lots of different ways to open that rather than a door knob, which is harder to turn. So hardware on all doors needs to be lever handles. And doors need to have a 32-inch nominal width. So that's the clear space to be able to get through the door. And that's all doors in an apartment or a condo or any building that needs to meet these requirements. So you need to be able to get not in just the front door but you need to get all the way through the unit. You need to get through the
kitchen door and the bedroom door and the bathroom door. Closets, walk-in closets, have the same requirements for wid thtion. If it's just a closet you reach into, that doesn't need to be any required width.
Next slide, please.
The fourth requirement is your accessible route into and through the covered units. Now we need to get down the hallways, we need to get into each of the rooms. Again, it's 36-inch width for the hallways and know thresholds greater than half inch. So when the contractors are doing their lips between the tile and the hardwood or the carpet and the hardwood or those transitions is when they get into trouble because they're just putting in a transition and not looking at how much that lip is that might prohibit a Walker or a chair or another assistive device from being able to easily get from one room to another. So that is one thing to look at when you're looking at these accessible routes.
Next slide.
A fifth requirement is for accessible light switches, outlets, thermostats and other environmental controls. Basically the only thing that's not covered by these height restrictions is the breaker box, and I think it was just one of those compromises, something that got left out when they were drafting the law. But we're looking your range of motion from a seated position. A lot of times the outlets are too low. They need to be at 15 inches minimum from the floor. You want to watch out for when they're under windows. A lot of times contractors will just put them in the pace they're able to find, which will be too low. And then for your light switches and thermostats, no higher than 48 inches high.
Next slide, please.
The next requirement is for reinforced walls in bathrooms for later installation of grab bars. This is one of the reasons we say these are adaptable requirements because fair housing does not require that bathrooms have grab bars installed. Fair housing just says that the walls in the bathrooms need to be reinforced so that if a tenant later on needed to add grab bars there would be sufficient backing in the walls in order to install the grab bars. They wouldn't have to tear out the tub or tear out the walls in order to add those. So we just need reinforced walls around the shower or the tub and around the toilet for fair housing.
Next slide, please.
The next requirement is usable kitchens and bathrooms, and this is basically just asking for a 30-by-48 inch clear floor space centered on all the appliances, on your sink, on your tub, on the toilet, so that -- basically so you could turn a wheelchair, so that you could come up parallel to an appliance and be able to use it. Kitchens need to have a 60-inch turn radius in the middle so you can have problems sometimes with galley kitchens getting enough space. But there are alternatives. If there isn't 30-by-48 inch clear space, if we have -- like here we have removable cabinets underneath the counter-so someone could roll in if that were a sink, for example, rather than the countertop. So it's not -- again, it's not full accessibility, but it's giving the clear floor space and room to maneuver in the kitchens and the bathrooms.
Okay. Next slide.
That was just a very, very quick kind of overview of design and construction. There's obviously a lot more standards than I just went through, but if you are interested in learning more about design and construction or have specific questions about properties, there is a resource funded by HUD. It's called fair housing accessibility fs, and their information is here. They're online. They have a very good toll free number. I've called them many times. If you have questions, definitely give fair housing accessibility first a call. If you have problems with consumers not finding accessible housing and you think there are properties that should have been constructed more accessible, definitely seek out fair housing first, talk to your fair housing center because they might be investigating and might need your input into what properties and what problems consumers might be having.
I think now we're going to turn it over to questions?
>> TIM FUCHS: That's right. Okay. So we are going to open this up for questions. I'll pick up my handset. Excuse me. So we'll take those now and you can type your question in the chat and hit enter and we'll take those in the order they're received. I don't see anything yet, so I'll give you all a moment to type out questions if you have any questions relating to the overview. And, of course, you can ask questions on the phone as well. I will let our operator, correct me if I'm wrong, but I believe that that's star pound to ask a question on the phone.
I'll give you all a moment to type your questions. I shouldn't have doubted myself. It is, indeed, star pound. So you can press star pound if you have a question on the phone.
Again, as Claire said, this is just an overview here. So if we don't have any questions, that's fine, too. We'll take about 30 seconds more. Okay.
Here's a question from HINCHE: Claire, asking anything about automatic door openers. Any requirements there?
>> CLAIRE CHANTLER: No, there is no requirements in the fair housing construction for automatic doors.
>> TIM FUCHS: Thanks.
From Sean, how about automatic locks? Any requirements for automatic locks?
>> CLAIRE CHANTLER: No, there's no requirement for automatic locks. I'm trying to think... you mean for a door to automatically when it shuts, to automatically lock, was that the question?
>> TIM FUCHS: I believe so. We'll see if they clarify, but I believe that's what they're referring to. But it sounds like there aren't requirements for any kind of automatic locks, either digital locks or hands-free or automatic like a hotel room.
>> CLAIRE CHANTLER: Right, there's no requirements for that.
>> TIM FUCHS: Okay. Again, for those of you that can't see the chat screen, there's a few people typing. I'll let them finish typing out their questions. Oh, and they're clarifying, it was with a pass code for a quad raw pleaj you can or someone else who had trouble using a key.
>> CLAIRE CHANTLER: There are no requirements. If someone were to want that or need that for their unit, that could be something that could be requested of the reasonable modification and we can talk about that later when we get to reasonable modifications.
>> TIM FUCHS: And then let me scroll back up to it. Vince has the next question about the pressure required to open doors.
>> CLAIRE CHANTLER: There is the limit of 5 pounds per square inch, but that is just like with ADA, when you're dealing with fire -- a fire softy door or something, you would go with the -- safety door or something, you would go with the fire code.
>> TIM FUCHS: Good, that's covered under the ADA. Okay. Alisa McVeigh wants to clarify. Did I understand that any apartments on a ground level need to be accessible? If they're covered by the law. Is that true?
>> CLAIRE CHANTLER: Yes, if they were built after 1991, there's four or more units, everything on the ground level needs to meet these requirements, these fair housing requirements.
>> TIM FUCHS: Okay. Good. Thanks. And another question from MAISOON. What's the law regarding having a ramp built by a new tenant to enter the main entrance of a building. I was told by one complex that if it is a step or entrance being used by all it is not allowed, however, another apartment complex said it was fine and they would accommodate that for the -- for a person in a wheelchair.
>> SUSAN CRAWFORD: If it's a new building, then it should be built to the design and construction standards. If it predates '91, then that could be a request for a reasonable modification that we're going to get into shortly.
>> TIM FUCHS: Okay. Thanks. Janet had a question about weighted doors. We just answered that.
Let me check the captioning and phone.
Okay. I think we're going to move back to the presentation. It looks like we've gotten through the questions. Again, we will have two more Q&A breaks. So if anything comes up soon, just hold your question and we'll get it to. Of course, in the chat you can type your question at any time.
So let's see, I'm going to go ahead to slide 17 and turn it back over to Susan to cover the definition of disability. Susan?
>> SUSAN CRAWFORD: Thank you. Is this volume better? Tim?
>> TIM FUCHS: Yes, it sure is.
>> SUSAN CRAWFORD: Great. So we wanted to address the issue of disability, both from a terminology standpoint and a definition standpoint. The Fair Housing Act and Section 504, when they were written, the term that was used was "handicapped," and today -- well, with the ADA, the term was that's used is "disability," and generally today "disability" is a more accepted term and so that's the term we use throughout the presentation because the definition is verbatim -- built -- the definition in the ADA derived from the Fair Housing Act and Section 504. So if you are reading the statutory language or the regulations and you see the word "handicapped" it is the same meaning as "disability." So just for everyone -- as a reminder that a disability is a physical or mental impair impairment which substantially limits one or more of a person's major life activities, or an individual has a record of such an impairment or is regarded as having such an impairment.
And also before we go onto the next slide, also just to emphasize that with the Fair Housing Act and the other laws, to an extent, but under the Fair Housing Act, it is discrimination if there is a refusal or denial or other unfavorable terms that are made against a person with a disability who seeks to be a tenant but also for a person with a disability who may be associated with that tenant, maybe would be a family member, a parent or a child, or someone who would be visiting the dwelling.
Okay. Next slide.
Reasonable modifications... under the Fair Housing Act, there are specific prohibition regarding reasonable modifications. I stated it here in terms of the affirmative. The act requires landlords to permit, generally at the expense of the tenant or disabled person, reasonable modifications to existing premises when they are necessary to afford a person with a disability the full enjoyment of the property. So it is called a reasonable modification, and it is structural. The landlord is not required to make a modification unless there is a request. First there would be a request for the modification, and in certain cases, and we're going to discuss that more in just a minute, the landlord is required to permit the modification.
Next slide.
Reasonable accommodations. The Fair Housing Act also describes reasonable accommodations and requires landlords to make reasonable modifications in its rules, policies, practices or services when necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling. And, again, that's reasonable accommodation, and so you're probably saying to yourself, what's the difference? So then we go to the next slide.
What's the difference between a reasonable modification and a reasonable accommodation under the Fair Housing Act? Please keep in mind a reasonable modification is structural, a structural change made to the premises. It's usually paid for by the tenant. And a reasonable accommodation is a change or adjustment that's made to rules, policies, practices or services, and those changes, any costs associated with those changes are paid for by the housing provider or the landlord. So modifications are structural and paid for usually by the tenant. Accommodations are policies, rules or services, and they're paid for by the landlord.
Next slide.
Getting into more detail, drilling down a little bit as to who pays for a reasonable modification, as I've said before usually the tenant pays for the modification, except if the building -- first occupancy of the building was after 1991, March 1991, and the feature that is needed should have already existed in the building, then the housing provider is required to provide the modification and pay for it. So this is under the Fair Housing Act but also if the housing provider receives federal financial assistance under Section 504 or is a covered entity under Title II of the ADA, then, again, it would be the housing provider that would pay for the modification. So basically when a tenant pays for it is when it's in an existing building that predates the Fair Housing Act and is not otherwise required to be included.
Next slide, please.
What about removing modifications at the end of the tenancy? The Fair Housing Act provides that when a tenant leaves, the tenancy is ending, that the tenant is obligated to restore those -- the premises and to remove the accessible features that were added as a reasonable modification, if, if it's reasonable to do so, and the landlord has requested that the tenant do so. So it has to be both, and we're talking about the interior of the premises, the interior of the dwelling. Okay?
Next slide.
Now, -- excuse me one minute -- reasonable modifications that do not affect the -- either the housing provider or the subsequent tenant, tenant's enjoyment of the premises, cannot be required to be removed. For example, if a tenant has paid to put reinforcements in the walls in the bathroom, those reinforced walls are not going to interfere with either the housing provider or subsequent tenant's enjoyment of the premises. Those would not be required to be removed. And then on the exterior of the dwelling, it will a modification was made, such as a ramp, to the exterior entrance, or modifications made to common areas such as a laundry room to provide for accessibility, those modifications would not be required to be removed. So the only modifications that might be required to be removed would be interior, and where it's reasonable to do so, and at the request of the landlord.
Next slide, please.
Okay. Reasonable accommodations... -- excuse me one minute. The question often arises about parking spaces because that might be construed -- well, that's on the premises. The courts have held that parking spaces would actually fall under reasonable accommodations, and they require that housing providers provide accessible parking spaces as a reasonable accommodation. So that then would be paid for by the housing provider, not by the tenant and also there would not be any fees or extra charges charged to the tenant for the use, continued use of an accessible parking space. So just so everyone knows when it comes to accessible parking, that's an accommodation, not a modification, and there's no charge for that.
>> TIM FUCHS: You may not have realized, we skipped over slide 24. Reasonable modification examples.
>> SUSAN CRAWFORD: Thank you. Let's go back to Claire.
>> CLAIRE CHANTLER: I'll just jump in here with some examples of reasonable modifications, and Susan had talked about some of them already in referencing who was paying for the modifications, but some of the very common ones, like I mentioned in the design and construction, would be adding grab bars to a bathroom. Grab bars are something that do not have to be removed when a tenant leaves a property, and that's because it doesn't affect the next person's use of the bathroom by having the grab bars in there. Ramps or lifts in the common areas or inside a unit would be modifications. Often sometimes people need to lower the upper cabinets in the kitchen or lower the countertops down or lower a countertop to make a kitchen usable or remove lower cabinets either in the bathroom or in the kitchen. Widening doorways is a common one. If your doorways aren't that 32 inches or if you need them wider than that for some reason, that could be a modification, and that also does not
have to be put back into the original -- restored to the original size because obviously a wider door doesn't impede anybody else's ability to use that unit.
Some of the easy ones, changing the door hardware like I mentioned before, putting those lever handles in, or changing the light bulbs if someone is very sensitive to fluorescent lights because of a disability, then changing lightbulbs would be an easy modification. Soundproofing a room is one I've seen a few times for a tenant that is very sensitive to neighbors' noise or outside noise. That's an expensive one and I know we struggle sometimes for resources for people to make these modifications, but it is a modification is someone needs it. Flashing smoke alarms, I would say check your state laws before ea tenant pays for something like that. In West Virginia we have a state law that the landlord is required to provide flashing smoke alarms when requested by a tenant who is deaf or hard of hearing. So check your state laws, but changing smoke alarms or door bells, those would be examples of reasonable modifications as well.
Back to you, Susan.
>> TIM FUCHS: Thanks. Susan, I'm going to go to slide 26, is that right?
>> SUSAN CRAWFORD: Okay. I'm just trying to catch up here. Oh, thank you.
The Fair Housing Act and Section 504 do not allow any requirements for liability insurance, for fees or surcharges or deposits or any other conditions in order to receive a reasonable accommodation.
Next slide. Now we're going to reasonable accommodation examples.
>> CLAIRE CHANTLER: I've listed lots of different accommodation examples. My guess is that as advocates a lot of you are already doing these accommodations while working with consumers and whether you realized they fall under fair housing or not, you are actually still making these requests for your consumers. As Susan mentioned before parking spaces are reasonable accommodations. Payment of rent, what I'm referencing there, if someone's rent -- their lease says the rent is due on the first of the month, no exceptions, but your consumer's disability check is deposited in their account on the 4th day of the month every month, so you could ask for an accommodation for your consumer to pay their rent on the 5th of the month once that -- once their check has deposited in their account. So the accommodation is a change to the rule that the payment is due on the first of every month to its do on the 5th of the month, and the reason is based on when that disability check
is. So it's deposited. So it's directly related to the disability.
I've given a wide range of examples, covering not just ren dull properties -- rental properties, but housing authorities, homeless shelters, and assisted living and rehab facilities because I think sometimes we think too much -- too specifically about rental housing when we're looking at fair housing or looking at accommodations, and these rules apply to all housing or all housing services. So you just kind of want to open it up a little bit to other providers.
And often when I'm working with consumers that have housing issues, it seems like more often than not there is some sort of accommodation that can make a difference in their housing. I don't say that so that we exploit using reasonable accommodations. There always has to be a disability-related need for any accommodation. There has to be a relationship between the person's disability and what they're requesting, but I want to kind of broaden our thinking a little bit to what kind of accommodations can we ask and in what circumstances would someone maybe benefit from an accommodation. With housing authority, the common one is the live-in aide accommodation. A lot of the bigger housing authorities tend to have written policies and procedures for live-in aides. Some of the smaller ones, if you make a request for a live-in aide, it might be the first time they've ever heard it. So just be assured a live-in aide, the accommodation there is that the aide is not part of
the household, the aide's income doesn't affected the tenant's household income for their eligibility for either public housing or the housing choice voucher through Section 8. And while the housing authority is able to do -- you know, their usual criminal background checks on a live-in aide, they can't screen the aide in any other way. Other request for housing authorities might be an extension if someone is looking for a Section 8 rental property and is unable to find an accessible apartment in the amount of time given. Of course, you would document the efforts, document that you have been looking and all the papers and Craigslist and the reason you're not able to find housing is because there's such limited accessible housing options in your community and, therefore, you would require an extension to the time period allowed to find housing. Or in certain cases an increase in the amount of money that the housing authority will spend on your particular size unit, and
those, of course, have to be very well documented to show that you had made the effort and there just isn't the availability in your community because of the accessibility requirements that you are looking for.
With the homeless shelters, lots of homeless shelters have requirements for people being able to do activities of daily living or being able to take their own medication with no assistance. So you might just kind of work with the landlord -- or work with the homeless shelter, work with the employees there about what acall daitions could you make for someone who needs prompting to take their medicine, or somebody that needs a caretaker or a personal attendant just for specific activities of daily living. You know, how can you make arrangements for that person to receive that assistance, not from the homeless shelter employees but from either -- either from your CIL or from another service agency.
When we're looking at accommodations for previous conduct or behavior, I see this a lot and seeing this more and more, someone with a mental health disability who had in the past had a minor run-in with the law, and now that is prohibiting them -- they're not passing the criminal background checks for the housing authority or for the rental property that they are looking at. We can make an accommodation to show that the person's actions at the time that they committed that act was a direct result of their disability, and they are receiving a new treatment or they're on a specific new treatment plan now, and if we have documentation from the treating physician or agency that there is no expectation that this person would repeat that behavior, we can ask for an accommodation -- not that we dismiss their criminal history but we look at the picture of the person as a whole and who they are today when we consider them for meeting the requirements for that program or for that housing.
And the same thing with people who may have committed an act under the influence of drugs or alcohol. If we can show that that person has completed a rehabilitation program, they are no longer using drugs or alcohol, and there's no expectation that that behavior is going to happen now, that they are -- have been through this process of rehabilitation, again, we can ask that the landlord or housing authority or housing provider look at the bigger picture of who the person is today, what they're doing today, rather than looking at their past history. But, of course, we don't make those accommodation requests for people who have violent or sexual assault kind of backgrounds. It's just for those -- those would be excluded that from kind of accommodation.
But just to kind of summarize, those are some examples. Reasonable accommodations are as vast and unique as there are individuals. So every individual and every situation could have a different accommodation. And I think now we're going to move into questions.
>> TIM FUCHS: That's right. We're going to open it up for questions again, and I see we have a number of great questions already lined up here. So I'm going to dive right in. The first question in this break is from missy Boothroyd and missy is asking if claustrophobia would be covered under the definition of disability from HUD's perspective?
>> SUSAN CRAWFORD: It might be. If it's diagnosed as a mental impairment that substantially limits a major life activity. I don't know if we're talking about agoraphobia. I think it could be.
>> TIM FUCHS: Could be if it meets that definition.
>> SUSAN CRAWFORD: If it rises -- if the impairment, if if the -- substantially limits a major life activity, and so it's what activities would be limited as a result of having the condition of claustrophobia.
>> TIM FUCHS: Okay. Good. Thank you.
Claire Vince is asking about whose responsibility it would be if a toilet is too low. If a toilet is too low, does the landlord have to install a 17-inch high toilet? Would that be the landlord's responsibility?
>> SUSAN CRAWFORD: Well, it's going to depend on whether the dwelling was -- first had occupancy before the Fair Housing Act design and construct rules went into effect. If it's before that, then the tenant would have the responsibility for that, and it might be just putting in a raised toilet seat, which you can buy, that that might meet the need, ratd than replacing the entire toilet. And if it's construction that was done under Section 504 or the ADA, then the requirement is -- then it's new construction, it would be the raised toilet seat requirement, it would be the higher toilet seat.
>> TIM FUCHS: Okay. Thanks.
Okay. Let's see. Next question comes from Maisoon who asks, you touched on shelters and having a PA come in periodically. But she asks what is the law for a live-in caregiver if someone is living in a shelter? Is there any law stating a person cannot have a live-in aide?
>> CLAIRE CHANTLER: There's no law that says you cannot have an aide. This would be -- the thing about accommodations is that it should be an interactive process. So when you make a request, it is illegal for the housing provider, landlord just to say no. But there are reasons that they can -- that you can be denied, and that's if it presents an undo financial burden or fundamental alteration to their program. I say that, because when we look at a live-in caregiver in a shelter, they're going to have probably some pushback -- I don't know about space, you know, being able to accommodate a certain number of people if they're full. So I mentioned the interactive process because a lot of time accommodations, modifications aren't black or white and there is no easy answer. You want to make sure you engage with the housing provider so that you can talk about what your needs are, what your consumer's needs are, and what are different ways that you can make this
accommodation work. Now, it is always the person with the disability who needs to decide what is actually going to work for them. The housing provider can make suggestions, but they ultimately don't nope what is going to work for the -- don't know what is going to work for the vid. I know that's a very round about way of not answering the question. But there is no law that says you cannot have a live-in aide. It would be an accommodation request and the details would just need to be worked out with the shelter to see if it is feasible.
>> TIM FUCHS: Okay. Great. Thanks.
A lot of questions. I'm going to keep this moving. Missy has asked -- she has a consumer she is working with that is unable to open or close her windows due to recent back surgery, and can she ask for an accommodation of new windows that she is able to open and close? Would that be a reasonable accommodation?
>> SUSAN CRAWFORD: It would be considered a reasonable modification, and I'm not sure that that would be considered -- I'm not sure how that would be decided. Depends on how many windows we're talking about. That would be something that the landlord would consider. There may be another alternative the landlord could explore under the Fair Housing Act. If a landlord is refusing to make a modification because it constitutes financial and undue burdens, then the landlord is required to engage in an interactive process to -- with the individual to see if there are any other alternatives which would meet the needs of the individual and at the same time not be an undue financial administrative burden.
>> TIM FUCHS: Good. Thank you.
Okay. A question about background checks that you touched on, Claire. What accommodations can be made if a client or consume inner this case passes the housing authority's background check but then does not meet a background check that an apartment complex or landlord might run?
>> SUSAN CRAWFORD: It would depend on the reason that we didn't -- the person didn't meet the apartment complex's, I guess, rules for back ground check, and I mean if it was -- if it was something like I mentioned that there was a disability-related reason that the person didn't pass the background check then you would make an accommodation directly to the -- request directly to the apartment and see if you could work it out with them.
>> TIM FUCHS: Okay. Good.
Sandra was wondering, Claire, if you could give an example of a reasonable accommodation that might be made at an assisted live young or rehab facility.
>> CLAIRE CHANTLER: I think a lot of these that are on here could be applied to one of those facilities. I guess they wouldn't have the same restrictions as shelters with activities of daily living. I'm thinking -- I should have probably put one on here. I apologize. I'm trying to think. A lot of places have very restricted visitor hours. So if there was some reason you needed an outside person to come in that didn't meet their visitor hours, you will could ask for an acall daition for that person to come in. That's the first one I can think of. But if someone has a situation in one of these facilities and wants to talk specifically about an accommodation, I'm happy -- my contact information is on the presentation, so I would be happy to go through it with them individually.
>> TIM FUCHS: Great. Thanks.
When you were talking about modifications that may need to be reversed when a -- when somebody moves out, when a tenant moves out, is lowered cabinets and counter-the kind of thing that might need to be reversed to be put back when that tenant leaves?
>> SUSAN CRAWFORD: This is Susan. I would say that might be one -- that might be covered, yes. Again, if the landlord requests it and it's reasonable to do so. That's the test.
>> TIM FUCHS: Good. Thank you.
Okay. Let's see. We only have time for a couple more questions. I'm going to try to -- this is packed. And if we need to move on with the presentation, we'll do our best to address all of these at the final Q&A break.
Let's see. If -- there was -- there's been a lot of discussion about people's applications for housing, and Jody is asking if we could address prior evictions. Many of her consumers are discouraged from applying for housing because of previous evictions. Do you all have -- starting with Claire -- do you have any tips for folks in that position and have you had success getting consumers with evictions on their -- in their history housing?
>> CLAIRE CHANTLER: Sure, I'll give you an example. I'm working with a consumer now who was evicted last year from a public housing program for -- she violated her lease, disturbing other tenants, yelling, things -- she definitely violated her lease. At the end of her tenancy there when she was evicted, she was admitted to the state psychiatric hospital, received care, and has now been -- now left that facility, and the only housing that she can afford in this rural community is through the housing authority, and they have a five-year ban on anyone that is evicted, has an ea Vic thun, whether from -- eviction, whether from them or private housing. So right now we're looking at five years before she can participate in their program. But she disntd want to leave the community. So I'm working with the housing authority now and what we're saying is her actions that actually violated her lease was under -- was directly related to her mental health. She received treatment and she's
on the -- on a new treatment plan, there's no expectation that she will conduct that behavior again that led to hurry Vic shun. So we're working with the housing authority and they're being very cooperative and saying, you know, if we can have a few more months of showing that -- this behavior is not recurring, then they will let her reapply. That's an example of an eviction where it was directly related to the disability and we can -- in that instance we can ask for the accommodation. Now, that's not going to work for all evictions. You have to really understand the circumstances that led to the eviction.
>> TIM FUCHS: Okay. Great. Thanks.
I realize that a few of you are still waiting for answers, but this is really packed. So we're going to get back to the presentation, talk some about the verification of disability and assistance animals, and then I imagine we'll have plenty of time then in the final Q&A at the end of the call to address all those questions and any additional ones that might come up. So I've now gone to slide 29 and Claire is going to talk about verification of disability.
>> CLAIRE CHANTLER: This is one of the issues when we start asking for accommodations. I said it has -- accommodation has to be directly related to a person's disability. So if a disability is obvious, you have somebody using a wheelchair or somebody with a seeing eye dog, the disability is very obvious, a housing provider cannot request information about the disability. If a disability is not obvious, then the housing provider can just request information to verify that the person meets the definition of disability. So the person is covered as a person with a disability under the Fair Housing Act. They can also request documentation to describe the needed accommodation or modification or to show the relationship between what you're asking for and the disability. So there are two links there to HUD and Department of Justice, joint statements, both on reasonable accommodations and reasonable modifications, and this language on the slide is taken right out of
those joint statements. One of the examples they use in those joint statements is the tenant who makes a modification request for red shingles or something. The tenant is a person using a wheelchair. So the disability is obvious, but the landlord says r "I don't understand how the red shingles relate to your disability." "How does the red shingles relate to the fact you use a mow wheelchair for mobility." So there has to be that nexus, relationship to the disability, and if that connection is not obvious, then a housing provider can request verification that what you're asking for is necessary and how it is directly related to the disability. In that instance with the red shingles there is no relationship, so that wouldn't be a valid request.
Next slide, please.
So if the disability is not obvious, what can we use to verify a disability? It could be a statement from the individual, a statement from a doctor, a peer support group, some service provider, counselor. It could be a receipt that shows Social Security disability payments. Or a statement from a reliable third party. And I often have landlords ask me why can't I demand a seeing that it's from a doctor? And my response to that is because fair housing is all about increasing housing choice. If we think about trying to get to your doctor, sometimes it's difficult, costly, it's prohibitive for some people to get to their doctor in order to get these notes. From personal experience trying to get verification from people for modifications and accommodations, some doctors charge for letters of this kind to verify a disability or a need for an accommodation. And sometimes, as you all probably know, the doctor doesn't know our consumer and their needs as well as a family
member or a friend or a case manager or somebody that works with that person on almost a daily basis. Or you as their advocate at the CIL. So the law intentionally leaves this open in order that people have the opportunity and the most choice and that it's not restricted to just a doctor. So any of these could be used as a verification of someone's disability.
Next slide.
Over to you, Susan.
>> SUSAN CRAWFORD: Forgot to take my mute off. This is Susan.
Now we're getting into assistance animals. Now, the ADA, under the ADA, the term that's used is "service animals" to be able to accompany an individual with a disability and to state and local government areas and public accommodations. In the housing context the term is "assistance animals," and it's a specific term that's used. Sometimes therapy or companion animal is used. But I've used the term assistance animals. This is -- the assistance animal is an animal that works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more of the symptoms or effects of persons with disability. And assistance animal is not a pet. So the -- what is required in the house young context is that, of course, the individual have a disability, a covered disability, and that the assistance animal provides disability related assistance. So that's what's required. And specifically to note that when we're talking
about emotional support, it's considered that all pets provide emotional support, but for an animal to be an assistance animal, the emotional support has to be related to the individual's disability and it must alleviate a symptom or effect of an individual's disability. Now, under the ADA service animals are now defined as dogs, and there's some separate category for miniature horses, but basically we're talking about dogs. Under the Fair Housing Act, an assistance animal is not restricted by species. So an assistance animal may be a dog. It may also be a cat or a rabbit or some other animal, specifically when we're talking about emotional supported.
Now, what Claire was just talking about in terms of verification really comes into play when we get into the topic of assistance animals, and the law requires that if a disability is obvious or known and if the need for an assistance animal is obvious or known, then the housing provider may not ask any questions at all. So if an individual is using a wheelchair and has a dog that is retrieving objects, the house young provider may not ask any questions of that individual. Because the housing provider would already know that the individual has a disability and that the animal is an assistance animal. So we go back to the verification information that Claire talked about previously. If if the disability is not known, then it may just be that the individual themselves can provide that information or provide any of the documentation that Claire talked about. And likewise, to establish that there is a nexus or a disability-related need for the assistance animal. And once
that's provided, then a person with a disability may be accompanied by the assistance animal. Of course, throughout the interior of their dwelling, but also in had all of the common areas of the housing. Moreover, if the assistance animal is also covered under the ADA as a service animal, then the individual and the animal are permitted in all of the areas that the public generally would be able to go into, such as the sales office and leasing offices and the like. So that basically is the background on assistance animals, and we're going to get into some of the particulars in the next slide.
So when can there be a denial made? When can a landlord deny an assistance animal? So we've gone through the part where the landlord may ask for information to establish that the individual is -- has a disability and that the animal is performing tasks or work or is an emotional support animal if it alleviates one or more of the symptoms of a disability. Beyond that if the animal would -- if it would constitute financial and administrative burdens on the landlord, then it may be denied. And I guess -- I mean, that's pretty rare, but I guess we can think of some unusual examples for that. But it's pretty rare. And then the next one, which is also quite rare, actually, is a direct threat of harm or substantial physical damage to the property that cannot be mitigated by the provision of another reasonable accommodation. So those are the two areas where a landlord, housing provider may deny an assistance
animal, that the person have an assistance animal on the premises.
Next slide.
Just give me a minute here, please.
If a housing provider is thinking about or denying a request for reasonable accommodation, accommodation to use an assistance animal in housing, they have to -- they're required to conduct an individualized assessment on objective evidence and on the specific animal's actual behavior, not on mere speculation or fear, stereotypes or information about harm or damage that oopt animal has caused. It has to be an individualized assessment based on actual information about that animal. Okay? And that's pretty straightforward. Also important to note that, as I mentioned before, assistance animals are not limited to just dogs. They can be cats or rabbits or other animals. There's also no limitation on breed, size and weight of the animal. Those restrictions are not allowed. And also other conditions and restrictions that a house young proceed viewedder may -- housing provider may impose on tenants who have pets, those may not be applied to individuals who have service
animals.
Okay. Next.
I know we've gone through this hour and a half rather quickly and I just wanted to point out resources that HUD has available on its FHEO homepage, the fair housing and equal opportunity homepage. Claire also pointed out one of these as well. If you go to WWW.HUD.gov and go to the FHEO homepage there are a number of resources available. One is the joint statement of HUD and DOJ on reasonable modifications under the Fair Housing Act. Another one is the joint statement of HUD and DOJ on reasonable accommodations under the Fair Housing Act. And then the last one is service animals and assistance animals for people with disabilities under the Fair Housing Act. And those are resources that you might want to check. And also you could subscribe to HUD announcements and FHEO alerts there as well.
Next.
>> CLAIRE CHANTLER: Slide 35, right?
>> TIM FUCHS: Yes.
>> CLAIRE CHANTLER: So what do you do when you're assisting a consumer with and modification or accommodation request or a consumer comes to you and says they've been denied? My first advice would be make sure that the accommodation or modification being requested meets the three requirements for an accommodation or modification. Make sure that the person qualifies under the Fair Housing Act's definition of disability. Make sure that what they're requesting and what you're making the request for is necessary. And make sure that there is that relationship between what you are asking for and the disability. If all three things are true, make the request again in writing. I say that because whenever these complaints are filed the first thing that happens when a landlord is notified of the complaint is they say, I never said that. I didn't mind if they had their cat. You know, no problem. So make the request again in writing and ask for a
response in writing, and that just helps the paper trail. It helps documenting exactly what happened. And be aware that if you make a request in writing and you just don't get a response, you don't get a response for a week, 10 days, two weeks, three weeks, a month, you should be following up on these, but not responding or a substantial delay in responding to a request for an accommodation or modification, it's considered a denial. By just not answering they're basically saying no. So make sure -- I just want to make sure everyone understood that.
I suggest that you talk to the housing provider. When you're making these requests at first, you know, you want to educate them because most likely they don't know the law, which isn't an excuse for discriminating or not following the law, but try to educate them. Give them the benefit of the doubt. This is fair housing. This is what accommodations are. This is why we're requesting this. Help them engage in that interactive process that's required. Help them -- just try to engage them in that process. Like I said before, they can't just say no and not responding is basically saying no. But usually more often than not these things can be worked out if you can get that conversation, that dialogue going. And if not, if there's no response or if a lot of times with these assistance animal requests you just get someone who is going to dig in their heels, it's an animal, you have to pay the pet fee, you have to pay the pet deposit, those sorts of things, in that case
then you want to go straight to your fair housing organization, your local fair housing group, or HUD, or your local human rights commission or human relations commission and file the complaint, and it's helpful when you have documentation of the steps you've taken. But that's kind of the process I use. Review the circumstances of the consumer, make a request in writing, try to work with the housing provider, and if all that fails, certainly file, and Susan is going to talk a little bit about filing complaints.
>> SUSAN CRAWFORD: Okay. That's the next slide. If you have any questions, you wish to file a complaint, the toll-free number is on the screen, and that's 1-800-669-9777. And below that there is -- it shows the address. There's an online form. And you can file complaints in different languages. If the individual has -- is limited English proficient. Again you would basically go to HUD.gov/FHEO and proceed from there. And there's also the other toll-free numbers where one can contact the regional offices and file a complaint.
Now, you may file a complaint under the Fair Housing Act. It might also be the Fair Housing Act and Section 504. It might be the fair housing acted and Section 504 and Title II of the ADA.
And then the appropriate entity -- it might be a fair housing -- might be a FAP or it my be the regional office conducts an investigation. It's important to note that the remedies available when discrimination -- when there is a cause determination or a finding of are noncompliance with Section 504 that the housing provider is required to provide the remedies, the remedial actions. There may also be monetary compensation. In some cases there may be a civil penalty. HUD administratively enforces these laws. HUD may also refer cases to the Department of Justice for litigation. And when HUD issues a finding of noncompliance under Section 504, it's important to note that at that point the recipient's name is entered -- is listed on the thresholds list and that the recipient would not be eligible to receive discretionary federal funding under it resolves the violations to the satisfaction of HUD. So there are a number of different actions that may be taken when
discrimination is found, and I would courage you to call that 800 number if you have any questions. Again that's 1-800-669-9777.
>> TIM FUCHS: Great. Thanks, Susan. All right, we have about six minutes left and we're going to try to get through these questions. Don't be shy about sharing additional questions, too.
Going back to the ones we didn't have time for on the last break -- excuse me, let me pick up my handset so you can hear me better -- Missy asked, and we touched on this, but Missy asked about a particular consumer that has a 30-year-old arson felony and is in dire need of housing and has a serious health issue and really needs HUD. I assume maybe Section 8 due to the person's tight budget. Claire, you had mentioned that you had had some success with that in the past. Any success with felonies and things like that that are more severe?
>> CLAIRE CHANTLER: I have to say I personally wouldn't do an arson -- accommodation for someone with a history of arson. I mean -- but all these are on a case-by-case basis. We would have to look at all the details and facts for this individual. But it's just about when we're talking about reasonable accommodations, that word "reasonable" has been litigated, I know, back and forth I'm sure millions of times. But if I was a housing provider and you're asking me to accept this person into my property and they have a history of burning things down, I don't know, I think that's where that question of reasonable would be tricky. But certainly it's worth investigating.
>> TIM FUCHS: Okay. Thanks. Let's see. How about a family member as a live-in aide. Have you worked with consumers with that situation?
>> CLAIRE CHANTLER: Yes, family members can certainly be live-in aides. Usually a housing authority will have strict standards about when a family member can be a live-in aide. Usually what I've seen is the family member couldn't have been living -- unless circumstances change for the individual that needs the aide, which we know that people's circumstances change, but if there wasn't some new situation arising, it couldn't be someone who was living there as a household member and then just decided to be the live-in aide. That would be questionable. But not necessarily prohibited. Usually if the live-in aide is being paid through Medicaid waiver or something like that, then absolutely they can be the live-in aide.
>> TIM FUCHS: Okay., good. We have a lot of questions, not surprisingly, from folks that have real world examples they've worked through and they're wondering if they would be reasonable modifications or reasonable accommodations.
So a few of these. I'll begin with one that's general. Janet is wondering, Susan, if there's ever been a more concrete -- no pun intended -- definition of reasonable accommodation. Does it have to be under any certain dollar amount and is there any definition of undue financial hardship?
>> SUSAN CRAWFORD: Well reasonable accommodation doesn't structural. So the reasonable accommodation would be to policies, practices, rules and services. So earlier there was a question about asking a landlord to put in new windows as a reasonable accommodation. I'm not aware of that. Certainly as a reasonable modification a tenant to offer to put in new windows, but that's pretty prohibittive. I don't know that that would exist. But for reasonable accommodations -- why don't you just go through that question one more time so I make sure I'm answering it correctly.
>> TIM FUCHS: Sure. I was you are paraphrasing. The crux of the question is has there ever been a dollar amount applied to a -- a limit, a ceiling on reasonable accommodations.
>> SUSAN CRAWFORD: We're talking modifications?
>> TIM FUCHS: I believe they said both.
>> SUSAN CRAWFORD: Reasonable accommodations, those costs are borne by the housing provider and that's going to drntiond I imagine, on the case-by-case, the financial resources of the housing provider. Again, bear in mind, if it's an entity that's covered under Section 504, then a modification -- modifications are also paid by the housing provider. So for reasonable modifications of an entity just under the Fair Housing Act, those are borne by the tenant usually if the building predates -- the first occupancy predates the design and construct, then the obligation is borne by the tenant, and so when you ask if there's a limit, I guess I'm not quite sure how to answer that.
>> TIM FUCHS: Okay. Would you expect that someone with an allergy to carpeting, it would be seen as a reasonable accommodation to have the carpet removed?
>> SUSAN CRAWFORD: Yes, that would fall under reasonable modification requests.
>> TIM FUCHS: Thank you. Sandra bookman is wondering about accommodations specifically for places like battered women shelters as relates to undisclosed and confidential locations. For example, if a domestic survivor has -- needs to come in but is against shelter rules because of confidentiality, might that be expected to be covered under reasonable accommodations?
>> CLAIRE CHANTLER: This is Claire. I think their confidentiality provisions might overrule there just because -- it might be considered unreasonable to disclose the location of that shelter and put the other people at risk is what I would think.
>> SUSAN CRAWFORD: A fundamental alteration of the program, perhaps.
>> TIM FUCHS: Okay. Thank you. Okay. Let's see. Katherine Bennett asks, what if housing is funded only by the city or state. Are reasonable accommodations and reasonable modification rules only covered by fair housing and how would ADA Title II play a role in that?

>> SUSAN CRAWFORD: If the housing is funded by the state or local government, then the ADA would apply and Section 504 would apply. The Fair Housing Act still applies as well, but the coverage is far greater under 504 and the ADA.
>> TIM FUCHS: Great. Great.
Let's see. I think I just have one more. Regarding the denial tips that you gave Claire, would you recommend the same tactic -- not tactics -- but the same steps if someone were complaining about a group home, adult fleam home, assisted living facility, et cetera?
>> CLAIRE CHANTLER: Absolutely I would go through the same steps. And maybe reach out to your local fair housing group that may have more experience in doing these kind of different kinds of accommodations, reach out to HUD and ask, but, yes, I mean, these same rules apply regardless of who the housing provider is.
>> TIM FUCHS: One final question regarding assistance animals. I know we talked about ways to verify that, but have a specific question from one of our attendees wondering about -- wondering if there needs to be professional documentation such as we talked about with the verification of disability proving or noting that the animal is an assistance animal and not a pet?
>> SUSAN CRAWFORD: That's an excellent question, and the answer is, no, there is no certification required that the animal -- that the animal has to have. Because an animal might be performing -- providing emotional support. That might be the assistance ptd animal is providing. It mate need to be -- it may need to be documented that there's a disability related need for the animal and that the emotional support alleviates a symptom or disability, but there is no certification requirement for the animal itself.
>> TIM FUCHS: I'm going to sneak one more question in that just came through and we'll move to closing.
For a follow-up on the question about state and local housing, if it's state funding, then who would pay for reasonable modifications?
>> SUSAN CRAWFORD: If it's state funding -- if it's state funding, then you have either the ADA -- the ADA and/or Section 504 that covers federal financial assistance. Under 504, it's all Calderonable accommodations -- it's all Calderonable accommodations and it's paid for by the housing provider. So 504 covers new construction and alterations and reasonable accommodations. So if there's a structural change that's needed and a housing program many receives federal financial assistance, then the housing provider pays for that. And likewise, if it's covered under the ADA, then it may be that those features are required by the ADA standards for accessible design and would be required there. But if it's -- the time -- when a structural modification cost is carried by the tenant is when it is private housing where first occupancy predates the design and construct rules, 1991.
>> TIM FUCHS: Okay. Thanks. All right. We've got gone a couple minutes over and I appreciate you all staying with us. I wanted to make sure that we got through those questions. I've clicked over to slide 38, and Claire and Susan both have been generous enough to offer their contact information, and I'll remind all of mine, too. Mine is Tim@NCIL.org. So if you have questions about the broader training program or you don't have Claire and Susan's emails handy, you can send it to me and I'll pass it along.
Also, of course, for Susan, she referenced the hotline, which is so useful for getting answers about these regulations and tips from HUD. If you think that you might need to file a complaint.
And I'm going to go backwards one slide now to slide 37, and this is the evaluation form. So do know if you click on this eval form on that link it will take you out of the webinar. So I don't want you to be surprised about that. But when we conclude I hope you will click on that. If you're participating in a small group today, that's great, but I ask that you each fill one out. We really want to know what each individual thinks of our presentations so we can use that information. And if you prefer to do it later or if you're not on the webinar, of course, the evaluation link was sent to you in the confirmation email as well.
Well, I want to wrap this up and really I want to thank you, Claire and Susan, so much for putting this together. This has been a really important presentation and really, really helpful, and, again, for all of you, this will be archived on ILRU's Web site. So if you want to revisit this, if you want to share it with colleagues or consumers, you can do that. It will be up within fraitd hours. Claire and Susan, it's naught juses helpful for those of us on the call today but this will be online and an ongoing resource. And thanks to all of you, too. Had a great audience. I appreciate you being with us today. With that, we're going to close. I hope you have a wonderful afternoon. Take care. Bye-bye.