

FAIR HOUSING

Know Your Rights



Fairfax County Office of Human Rights and Equity Programs
Reasonable Accommodations and Modifications Self-Advocacy Toolkit

The purpose of this toolkit is to provide you with the tools necessary to recognize the barriers that may prevent you from the full use and enjoyment of your home and what you can do to eliminate them.

Fairfax County Office of Human Rights and Equity Programs
12000 Government Center Parkway, Suite 318
Fairfax, VA 22035-0093
Tel: 703-324-2953, TTY 711
fairfaxcounty.gov/humanrights



A Fairfax County, Va., Publication

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services, and activities. Reasonable ADA accommodations and alternative information formats will be provided upon request.



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About the Authors

Fairfax County Office of Human Rights and Equity Programs

The Fairfax County Office of Human Rights and Equity Programs (OHREP) is charged with eliminating discrimination in employment, housing, public accommodations, private education, and credit by utilizing its enforcement powers under the Fairfax County Fair Housing Act and Human Rights Ordinance. Under the Fairfax County Fair Housing Act, it is illegal to discriminate on the basis of race, color, religion, national origin, sex, elderliness (age 55 or older), familial status (families with children under the age of 18), marital status, sexual orientation, gender identity, status as a veteran, source of funds, or disability.

In housing, the Fairfax County Fair Housing Act prohibits discrimination in the sale, rental, financing, or advertising of housing. In addition, the accessibility components of the federal Fair Housing Act (FHA) include specific accessibility requirements for “covered” newly constructed multifamily housing dwellings completed for first occupancy after March 13, 1991. In buildings consisting of four or more residential units with an elevator, all units are covered and must comply with fair housing accessibility requirements; in buildings with no elevator, all ground floor units must comply. Examples include apartment complexes, condominiums, cooperatives, and assisted living facilities. The FHA accessibility requirements also apply to common use areas and access routes throughout the complex.

OHREP receives and investigates complaints filed by any person who believes they have been subjected to discrimination within the County. The agency also provides educational services regarding compliance with the Fairfax County Human Rights Ordinance and the Fairfax County Fair Housing Act to members of the public, employers, organizations, businesses, and the housing industry operating in Fairfax County. The County provides these services at no cost.

For more information, contact the agency or visit its website at: fairfaxcounty.gov/humanrights.

The Equal Rights Center

OHREP produced this publication in conjunction with The Equal Rights Center, a national nonprofit organization dedicated to advancing civil rights for all.

To learn more about The Equal Rights Center, visit: equalrightscenter.org.



Introduction

The federal Fair Housing Act (FHA) requires property owners to allow reasonable modifications and reasonable accommodations to persons with disabilities so that they can have full use and enjoyment of the property where they reside. The accessibility laws under the FHA ensure that, either through structural changes to the building (generally referred to as “reasonable modifications”) or changes in rules and policies (generally referred to as “reasonable accommodations”), people with disabilities have equal access to and enjoyment of their homes as do non-disabled persons.

If you are a person with a disability, you have the legal right to obtain a modification or accommodation to your dwelling, if it is a reasonable request and it is necessary to afford you access to and equal enjoyment of the property. This request can be made prior to moving into the unit or any time during your tenancy. This toolkit is designed to help you assert your civil rights and request a reasonable modification or a reasonable accommodation from your housing provider.

This toolkit includes:

- Information about your legal rights.
- Steps that will help you request a reasonable modification or accommodation.
- Templates for writing a request for a reasonable modification/ accommodation.
- How and where to turn for help.
- Additional resources.

If you have questions or believe you need help dealing with a compliance issue associated with a request for a reasonable accommodation or modification, please contact the Fairfax County Office of Human Rights and Equity Programs at:

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Know Your Rights

Fair housing law requires property owners to allow reasonable modifications and reasonable accommodations to persons with disabilities so that they can have full enjoyment of the property.

A **reasonable modification** is generally a structural change to an interior or exterior of a dwelling or to common or public use areas, and the cost of making the modification may fall on the person making the request.

A **reasonable accommodation** is generally a change in or exception to a rule or policy. The housing provider is generally responsible for costs associated with this change.

In order for a requested modification or accommodation to be considered reasonable: (1) there must be an identifiable relationship between the requested accommodation and the individual's disability, and (2) the request must not impose an undue financial or administrative burden on the housing provider.

The following are examples of reasonable modifications:

1. A tenant has mobility/balance issues and wishes to install grab bars in their shower to provide stability. Since there is a relationship between the tenant's disability and the requested modification, and the request is reasonable, the housing provider must allow the tenant to make the modification at the tenant's expense.
2. If a housing complex is inaccessible, a new tenant in a wheelchair may request that a ramp be installed to provide access through a doorway or to a specific facility, such as the leasing office or laundry room. Who pays for the modification can depend on whether or not the building falls under the design and construction requirements of the FHA (whether it was built "for first occupancy" after March 13, 1991). If so, the housing provider may be responsible for the costs; if not, the tenant is responsible for the costs.



3. If a housing unit has cabinets under the kitchen sink that do not allow a wheelchair user to fully use the sinks or countertops, the tenant may ask for permission to remove the cabinets for greater accessibility. However, it is reasonable for the housing provider to require the tenant to replace the cabinets when terminating tenancy.

The following are examples of reasonable accommodations:

1. A tenant with a mobility disability lives in a large apartment community with a first-come, first-serve parking policy. Often the tenant must park their car far from their apartment and navigate a considerable distance to reach their apartment. The tenant may request a reasonable accommodation to be assigned a parking spot closest to their apartment. Because the request is reasonable, the housing provider must comply.
2. A housing provider has a “no pets” policy in their apartment complex, but someone applies who has a visual disability and a service dog and asks for an exception to the policy. The request would be deemed reasonable, and the housing provider must make an exception to the complex policy and allow the animal.

When requesting an accommodation or modification, you may need to provide documentation confirming that you are a person with a disability and that the modification is needed because of that disability. Such documentation can be provided through various sources that include, but are not limited to, doctors, nurses, caseworkers, and advocates.

You are not required to provide detailed medical information or even a diagnosis, as long as you make clear the existence of a disability and the link between the disability and the request.



How to Protect Your Rights

If you need a reasonable modification or accommodation in order to live in your home, the first thing for you to consider is a plan of action. The following are steps that you should take to request a modification or accommodation.

8 Steps to Protect Your Rights

- 1 Identify the problem.** Clearly identify barriers that prevent you from fully enjoying your home. To help identify the issue, you may want to take pictures of any physical barriers, make a written description, or obtain a copy of any policies from the housing provider concerning the things that you need changed. It is important to remember to make your request clear and specific.
- 2 Consider the solutions.** What do you need in order to make your living environment accessible? For example: does the no pets policy need to be waived to allow you to have your service animal? Do you need an accessible parking space close to the entrance to the building? Do the cabinets under the sinks need to be removed to allow wheelchair clearance underneath? Have specific details for your proposed solutions. When someone asks you, “What do you want me to do about it?” have an answer for them.
- 3 Understand your legal rights.** See pages 4–5.

TIP! If a doorway in the lobby of your building is hard to get through in your wheelchair, explain exactly what happens when you try to get through the doorway. Is the doorway too narrow? Is the door too heavy? Is there a sequence of two doors you cannot easily open because the space between the doors is too small?



- 4 **Determine who should receive your request.** Although not required, it is preferable to submit your request in writing. You should send the request for a reasonable accommodation or modification to the owner of the property, property manager, or administrative office. You may want to ask the leasing agent where you should send the request or if there are specific forms that are normally completed for a request.
- 5 **Be persistent.** In your initial written contact, make sure that you include a date by which you expect a response (see sample requests on pages 9–10). If you do not hear back from the person you originally contacted, try to follow up with a phone call. If the housing provider continues to refuse to speak to you, then you may have to involve a third party.
- 6 **Be polite but firm.** Although you may feel anger or frustration with people who do not understand your request, it is extremely important that you stay calm.
- 7 **Keep all documentation.** This really does mean ALL documentation, however trivial it may seem at the time. If your request is denied or ignored and you enlist the help of a third-party agency like OHREP, the agency will need this information.
- 8 **Know when to get outside assistance.** If you cannot reach a resolution with the property owners, contact OHREP.

TIP! Do not be alarmed if the leasing agent asks you questions regarding your request. You should be open about the specifics of what you need, but you do not need to answer any questions concerning the origin of your disability. You may also refer them to your written request. Remember to always keep a copy of your request.

TIP! The agency receiving your complaint will need as much information as you can provide: every piece of correspondence between you and the housing provider, business cards, tickets, receipts, records of phone conversations, emails, texts, etc. It can be helpful to keep either a file or a small box in which to store everything.

How to Communicate Your Issue

When submitting a request, you should clearly state four things:

1. State that you, or someone else living in the unit, are a person with a disability.
2. State that because of the disability, a reasonable accommodation or modification is needed.
3. Describe the accommodation or modification you are requesting.
4. Explain why having the accommodation or modification would make the property more livable.

LETTER TEMPLATE

The following are a letter template and two written examples that can be used as a guide for your request.

Your Address

Your City, State Zip Code

Date

Name of Contact Person

Title (if available)

Company Name

Street Address

City, State Zip Code

Dear (Contact Person),

On (date), I filled out an application to move in/moved into Unit (#) at (Property Name) located at (Property Address).

I have (disability). In order to access/use (part of the property needing modification), I need (requested modification/accommodation). Having (disability) requires that I (your personal need), and in order to use/access (relevant space) it needs to be changed by (modification). I need the modification/accommodation completed by (date).

Thank you for your attention to this matter. I look forward to hearing from you by (two weeks from the day you send the letter).

Sincerely,
(Your Name)



SAMPLE LETTER #1

Reasonable Modification to Common Area of Apartment Building

Jane Doe
5565 Greenwood Place
Fairfax, VA 22031

July 17, 2020

John Smith, Manager
XYZ Apartments
2555 Woodlawn Drive
Fairfax, VA _____

Dear Mr. Smith,

I am writing in regard to the lack of wheelchair accessibility into your apartment buildings. I hope that this is something we can remedy prior to my moving in on September 4, 2020.

On July 1, 2020, I filled out an application to move into Apartment 109 in Building C at XYZ Apartments located at 2555 Woodlawn Drive, Fairfax, VA _____. My application was approved on July 7, and I plan on moving into XYZ Apartments in early September.

I am a wheelchair user. Getting to the door of Building C requires going up four steps from the sidewalk leading to and from the parking lot. In order for me to access Building C, it will be necessary to construct a ramp that leads from the sidewalk around the stairs and to the door of the building. Since I require the use of a wheelchair, a ramp must be constructed so that Building C is wheelchair accessible. I need this modification completed before I move in on September 4.

The Fair Housing Act requires that reasonable modifications to residential buildings subject to fair housing accessibility requirements be provided for persons with disabilities.

Thank you for your attention to this matter. I look forward to your prompt response by, but no later than, August 7.

Sincerely,
Jane Doe



SAMPLE LETTER #2

Reasonable Accommodation Request Regarding Pet Policy

Jack Doe
5565 Greenwood Place
Fairfax, VA 22031

August 12, 2020

Jane Smith
Property Manager
Graceland Condos
2222 Stonybrook Lane, Unit 1A
McLean, VA 22102

Dear Jane Smith,

I am writing to request a change to your pet policy as an accommodation to my disability. On November 8, 2019, I bought a condo in your building, and on January 1, 2020, I moved into Unit 5B at Graceland Condos at 2222 Stonybrook Lane, McLean, VA 22102.

The Fair Housing Act requires that reasonable accommodations be made to rules and policies of residential buildings, if necessary, for a resident with a disability. Due to the fact that I have glaucoma, I require the assistance of a service animal. I have recently discovered that I am eligible for a service dog. Graceland Condos' pet policy does not permit dogs over 15 lb. in the building. Service dogs are medium- to large-size dogs that exceed the condo's permitted 15 lb. limit. I am requesting that Graceland Condos make an exception to the pet policy based on my disability to allow me to have a service animal greater than 15 lb.

Thank you for your attention to this matter. I look forward to your prompt response by September 1.

Sincerely,
Jack Doe



What If My Request Goes Unanswered or Is Denied?

Contact OHREP.

If your request for an accommodation or modification goes unanswered or is denied, contact OHREP for more information or to find out how to file a complaint.

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Information About the Complaint Process

Any person who believes they have been subjected to unlawful discrimination in Fairfax County may file an official complaint with OHREP within 365 days from the date of the alleged discrimination. There is no cost to file a complaint with the agency. (You have two years if you wish to file a private fair housing lawsuit in a state or federal court, at your own expense.) You can obtain information about how to file a complaint with OHREP by contacting the agency in person, by telephone, or online.



When contacting OHREP or filling out the Discrimination Complaint Form, you will be asked to provide the following information:

- Your name, address, and other contact information.
- A short description of the alleged violation (the event that caused you to believe your rights were violated).
- Why you think you are the victim of discrimination.
- The name and address of the person(s) your complaint is against (the respondent).
- The address or other identification of the housing involved.
- The date(s) of the alleged discrimination.
- Other information that you believe necessary to support your complaint.

If asked to send copies of relevant documents, keep original documents—do not send them.

Take Note! Filling out the Intake Questionnaire Form is for informational purposes only and does not constitute filing a complaint. Your complaint is not considered “filed” until the agency contacts you, an OHREP staff member writes up the complaint, you have signed it, and OHREP has accepted and stamped the complaint with a file date.

Checklist

- ① Identify the problem.
- ② Consider the solutions.
- ③ Understand your legal rights.
- ④ Determine who should receive your request.
- ⑤ Be persistent.
- ⑥ Be polite but firm.
- ⑦ Keep all documentation.
- ⑧ Know when to get outside assistance.

If you have questions or need help, please contact us at:

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Additional Resources

Fairfax County Human Rights Ordinance and Fair Housing Act:
www.fairfaxcounty.gov/humanrights/sites/humanrights/files/assets/documents/pdf/human_rights_ordinance_and_fair_housing_act.pdf

The Fair Housing Act:
www.justice.gov/crt/fair-housing-act-1

Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations Under the Fair Housing Act:
www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf

Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Modifications Under the Fair Housing Act:
www.hud.gov/sites/documents/reasonable_modifications_mar08.pdf

Section 504 of the Rehabilitation Act of 1973:
www.hud.gov/programdescription/sec504
www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf
www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973

Fair Housing Accessibility First: FAQ regarding the Fair Housing Act's requirements for housing to be accessible:
www.fairhousingfirst.org/faq.asp

Architectural Barriers Act of 1968:
www.access-board.gov/the-board/laws/architectural-barriers-act-aba

Uniform Federal Accessibility Standards:
www.access-board.gov/buildings.html

Americans with Disabilities Act of 1990:
www.ada.gov/

Revised ADA Regulations Implementing Title II and Title III:
www.ada.gov/regs2010/ADAregs2010.htm

ADA Revised Standards for Accessible Design:
www.ada.gov/2010ADASTandards_index.htm



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