

Set Written Policy on Reasonable Modifications for Individuals with Disabilities

Sites must consider requests for reasonable modifications not only to the interior of a unit, but also to lobbies, main entrances, and other public and common use areas of buildings. If your site is subject to Section 504, the owner must pay for the cost of modification. This is different from the duty of a private owner under the Fair Housing Act, where the resident is responsible for paying the cost of the modification. Be sure to check with your attorney whether your site is covered by Section 504, and if so, if any of the exceptions to paying for the modification applies.

You can adapt and use the following policy to apprise applicants and residents of your policy on requests for reasonable modifications for individuals with disabilities.

MODEL FORM

REASONABLE MODIFICATION POLICY FOR INDIVIDUALS WITH DISABILITIES

If a prospective resident, resident, or member of a prospective resident or resident's household has a disability, he or she may request reasonable modifications to the interior of units or the exterior and common areas of the site necessary to attain the full enjoyment and use of his or her home and the site.

Because our site is already in compliance with federal and state laws regarding the design and construction of apartments, any additions or changes usually must be made at the expense of the person with a disability. If the change or addition is one that will unreasonably interfere with a later resident's use and enjoyment of the apartment, the applicant or resident may also be responsible for the cost of restoring the unit to a useable condition. However, applicants or residents are not required to restore the exterior of the unit or common areas to their original condition.

Our site has the right to request and approve a description of the requested modifications, as well as how and when the work will be performed. All work must be performed in a workmanlike manner and in accordance with city, county, and state building codes or requirements. The plan or description does not have to be drawn by an architect, but must be complete enough for us to grant approval. If a building permit is required, the requester is responsible for obtaining it and all costs incurred. Any additions or changes made to the unit must fit in with the overall architectural look and design of the property.

You may use your own contractor to perform the work, provided we have approved the modification request and reached an agreement on how it will be performed. Or, if you like, we will have our contractor provide an estimate of the cost to perform the work before you finalize your decision on making the modification.

It is preferred that all reasonable modification requests be submitted in writing to [*insert name of site manager or designated employee*]. Request forms for reasonable modifications are available at the office. If a prospective resident, resident, or household member has difficulty filling in the form, [*insert name of site manager or designated employee*] will assist him or her in completing the form. Oral requests for reasonable modifications will be recorded and processed in accordance with this policy.

Once we have received a description of the requested modifications, we will review it and notify the requester of any additional documentation that is necessary for approval.

If the request is approved, the applicant or resident may be required to sign an agreement concerning how and when the modifications were completed. We will also need to know whether the requester would like for us to prepare or obtain an estimate of the costs to modify or restore the apartment.

If we cannot grant the request as made, [*insert site's name*] is open to discussions and will engage in an interactive process with the resident or prospective resident in an effort to provide an alternate modification that satisfies the request. In the event the interactive process is unsuccessful, resulting in a conditional denial of the request, an explanation of the basis for such denial shall be included in the written notification. We invite further input and discussions to work through your request.