

Fair Housing and Reasonable Accommodation

Fair Housing or Nondiscrimination Policy

Fair housing for all is the law and Doty Property Management policy.

The owner/agent and employees of Mainlander Property Management are forbidden from discriminating against any applicant/tenant because of race, color, religion, national origin, sex (gender), familial status (presence of children under 18 in the household), disability (including physical, mental and developmental disabilities), marital status, source of income, sexual orientation or gender identify. Applicants/tenants may not be denied housing, treated differently than others, harassed, or evicted from housing based on any of these discriminatory criteria. The owner/agent will consider all applications for rental housing and will provide all services equally without regard to any of these criteria listed above. Further, the owner/agent will not make or publish any discriminatory statements or advertisements.

Reasonable Accommodation

Under the Fair Housing Act, individuals with disabilities have the right to make reasonable accommodation and modification requests. The Fair Housing Act only applies to an individual's residence. Other laws apply to employment, public accommodations, and government services. Often, individuals with disabilities have a difficult time finding housing that meets their unique needs. The right to request reasonable accommodations allows individuals with disabilities to identify specific individual housing needs created by their disability and ask housing providers to meet those needs. The goal is to provide individuals with disabilities with as many housing options as possible. Reasonable accommodation requests can also serve as a communication tool and a way to educate housing providers about the need of individuals with disabilities.

Requests are limited only in that the change requested must be reasonable. What is reasonable varies depending on the particular housing situation, the housing provider, and the individual making the request. Housing providers can deny a request if the request 1) creates an undue financial and administrative burden or 2) fundamentally alters the nature of the housing provider's business. What is reasonable is discretionary; therefore, it may be uncertain whether a court or administrative agency will enforce the request.

What is a reasonable accommodation?

Individuals with disabilities have the right to request exceptions to their housing providers' rules, policies, and practices. An individual must establish that he/she has a disability that substantially limits a major life function, and the accommodation or exception requested is necessary because of his/her disability. The accommodation requested must be necessary to access housing, maintain housing, or have full use and enjoyment of an individual's current housing.

What is a reasonable modification?

Individuals with disabilities also have the right to request reasonable modifications to the structure of their residence. The modification must be necessary because of the individual's disability. In addition, private landlords can require the individual with a disability to make the modification and pay for it. Private landlords may also request that when the individual moves out, if he/she restores the premises to its original condition and pays for any damage caused by the modification.

When is it appropriate to request a reasonable accommodation or modification?

Individuals with disabilities must make a verbal or written request for modification. Requests must be reasonable, related to the individual's disability, and further the individual's ability to get or keep his/her housing. The request may be made while applying for housing or at any time during the tenant's occupancy. Requests may be made after the tenant receives a notice or warning, and often tenants are not aware that there is a potential problem until they receive a warning or notice from the landlord. However, to prevent stress and conflict, the tenant should make the request as soon as he or she perceives a need.

Verification from a qualified individual may be necessary.

Housing providers have the right to ask for verification from a qualified Third Party that the tenant is disabled and the change or modification is necessary because of the disability. A qualified individual is anyone with expert knowledge in the area, who has knowledge of the individual's disability and needs. Although an individual needs verification that the request is related to his disability, this does not mean a tenant is required to provide a doctor's prescription for the requested change. If it is possible, the tenant should have the verification available when he/she makes the request.

How do I make a reasonable accommodation request?

The request may be made verbally or in writing. In general, it is a good idea to document the person requesting a reasonable accommodation's interaction with the housing provider. Therefore, it is preferable to put the request in writing and to keep a copy of the request on record. Please request a copy of the appropriate form from Doty Property Management. The individual requesting the reasonable accommodation should be very clear that the needed reasonable accommodation is connected to his or her disability, and that the change is necessary to live in his/her housing.

If the housing provider ignores the request, the individual can pursue an enforcement action because a time limit has been set, and if there is no response by the end of the time period the individual with the disability may proceed as if the housing provider denied the request. The request should not threaten the housing provider with the possibility of a formal complaint.

Under what circumstances can a reasonable accommodation request be denied?

Individuals with a disability have the right to determine which change or exception would best meet their needs. However, once a disabled individual establishes that he/she is disabled and the request is necessary because of his/her disability, a request may be denied for two reasons:

- 1) The change or exception would create an **undue financial and administrative burden**,
- 2) The change or exception would **fundamentally alter the nature of the landlord's business**.

The landlord may not deny a request merely because it creates financial expense or requires the landlord to do extra paperwork. The expense or the administrative work must be undue. The same is true if the change requires the landlord to change the way they conduct their business. Most reasonable accommodation requests will require the landlord to change the way he/she conducts his/her business, however for the landlord to deny the request, the change must be fundamental such as requiring the landlord to wash the tenant's laundry or requiring the landlord to walk the tenant's service animal.

What does a tenant do if the reasonable accommodation request is denied?

If the request meets the above criteria and the housing provider denies or ignores the request, the individual requesting the reasonable accommodation may pursue enforcement action by filing an agency complaint with either the Federal Department of Housing and Urban Development (HUD) or the Oregon State Bureau of Labor and Industry (BOLI), or you may file a lawsuit. For an appropriate referral, please call the Fair Housing Council of Oregon at 503-223-8197 or 1-800-424-3247.

