

# Reasonable Accommodation or Modification Request Flow Chart

Has an individual requested a reasonable accommodation or modification? Such request is considered made if a reasonable person would understand that the person is requesting a change in rules, policies, practices or procedures, or a physical change to the property, because of a disability.

*A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.*

*A reasonable modification is a structural change made to existing dwelling units, common areas, or public use areas, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.*

**NO**

**YES**

Request the individual complete the "Reasonable Accommodation/Modification Request Form." Please note you **cannot** require the requester complete the form. VAMA recommends as a best practice management and the requestor complete the form together, or that management complete the form if the requestor refuses or fails to do so.

This Form applies for any reasonable accommodation or modification request made by:

*Any applicant or resident who has a physical or mental impairment that substantially limits one or more major life activities or has a record of such impairment. Also, any person who meets the above criteria who is associated with the applicant or resident.*

*In general, a physical or mental impairment includes but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.*

Is the individual's disability obvious AND is the nexus between the disability and the request apparent?

**YES**

**NO**

Use the separate THIRD PARTY PROFESSIONAL REASONABLE ACCOMMODATION & VERIFICATION FORM to establish the requestor meets the federal definition of disabled and that a nexus exists between the disability and request being made.

Does review of the Reasonable Accommodation/Modification form indicate that the individual:

1. has a disability; AND
2. that a nexus exists between the disability and the need for the requested accommodation or modification?

**NO**

**YES**

Maybe / Not Sure

Management has the right to a "reliable verification" of the disability and the need for the accommodation/modification requested if the disability and/or the need is not "readily observable."

**YES**

In evaluating the reliability of the verification received does an objective reason exist to question the reliability and/or accuracy of the verification or the existence of the therapeutic relationship between the verifier and the requestor?

If questions remain about the reliability of the verification it is suggested as a best practice to initiate a phone call with the verifier to ask additional clarifying questions to assist in determining reliability of the verification.

For assistive animal requests please review the Virginia "DPOR Reasonable Accommodation Requests for Assistance Animals Guidance Document" for assistance with questions that may be used to evaluate the reliability of the verification received. Questions regarding the nature or severity of the disability, or regarding the specific medical treatment or services provided, should not be asked.

Does review of the verifier's verbal responses indicate that the:

1. Verification is reliable; AND
2. The Individual in question has a disability; AND
3. A nexus exists between the disability and the need for the requested accommodation or modification?

**NO**

**NO**

**YES**

**NO**

Does the accommodation/modification requested impose an undue financial and administrative burden on the housing provider or would it fundamentally alter the nature of the provider's operations?

*The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.*

*Also note that the fair housing rules contemplate an "interactive process" between the individual requesting the accommodation or modification and the landlord. So while an individual may request a specific change, the landlord may propose alternatives, which is permissible so long as the individual and landlord reach a mutual agreement on the details of the final accommodation or modification provided. Additionally, it should be noted that fair housing contemplates that a landlord may incur small cost to provide a reasonable accommodation without those cost posing an undue financial burden.*

**NO**

**YES**

**PENDING**

A Reasonable accommodation or modification is unable to be granted at this time as additional information is needed prior to granting the request. **This is the recommended action instead of a hard NO** as HUD advises housing providers engage in an "interactive" process with the resident when evaluating all requests.

Grant reasonable accommodation or modification request.

Request for change in policy or physical modification of the premises is not granted.