



FAIR HOUSING

April is Fair Housing Month, which serves as a reminder of the importance of ending housing discrimination. Fair Housing Law requires housing providers to accommodate a person with a disability by changing or modifying a rule, policy or practice when the accommodation is necessary to allow that person an equal opportunity to use and enjoy a dwelling and the request does not impose either an undue financial and administrative burden, or a fundamental alteration to the nature of the operations of the person receiving the request. Housing providers are allowed to deny a request under limited circumstances but must enter into a good-faith interactive process to determine if there is an alternate accommodation that would effectively address the disability-related needs of the requester.

This case study highlights the importance of engaging in that interactive process when a tenant requests an accommodation that the housing provider is unable to accommodate.

THE SITUATION:

Ms. Rebecca Cody entered into a year-long lease for an apartment on February 1, 2018. Ms. Cody was the primary tenant, and her eight-year-old daughter was listed as an authorized occupant. The housing complex was owned by West Creek Properties, Inc., and managed by Mr. James Hobbs, a licensed real estate agent who worked with Property Management Solutions, LLC, a brokerage firm specializing in property management.

While residing at the property, Ms. Cody's daughter witnessed a traumatic event outside of their apartment, and was diagnosed with Post-Traumatic Stress Disorder in July 2018. In August, Ms. Cody asked Ms. Hobbs to move the family to a different housing complex because of her daughter's diagnosis.

Mr. Hobbs denied Ms. Cody's request. Ms. Cody filed a complaint alleging a violation of the Fair Housing Laws because Mr. Hobbs failed to provide her with a reasonable accommodation.

THE INVESTIGATION:

Investigators determined that Mr. Hobbs responded to Ms. Cody's request for an accommodation in a timely manner and in addition to offering to move the family into a different unit, also provided the option of releasing the Cody family from their lease and waiving the early termination fees.

Mr. Hobbs reported that although Property Management Solutions, LLC managed many properties in the area, the owner of this particular property did not own any other housing complexes. West Creek Properties, Inc. owned the one apartment complex which was where Ms. Cody and her daughter lived. Therefore, he was unable to provide them with housing at a different housing complex. He stated, "It was impossible for me to accommodate her request, so I made two other offers to try to accommodate the child's medical diagnosis."

THE RESULT:

The Board determined that there was no reasonable cause to find that Mr. Hobbs violated Fair Housing Law and discriminated against Ms. Cody and her daughter by refusing to make a reasonable accommodation based on disability.

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