

Policy and Procedure for Disabled/Handicapped Owner, Tenant or Guest to Request a Reasonable Accommodation or Modification for Hammock Dunes Owners' Association, Inc.

Background: Under the federal and state Fair Housing Acts, an Owner, Tenant or Guest who is disabled/handicapped may request reasonable accommodation(s) to the Association's rules, policies, practices, or services when such accommodation(s) may be necessary because of his/her disability/handicap. For more information on the rules pertaining to requests for reasonable accommodation, please review the "Joint Statement of the Dept. of Housing and Urban Development and the Department of Justice on Reasonable Accommodations under the Fair Housing Act" at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf.

Under the federal and state Fair Housing Acts, an Owner, Tenant or Guest who is disabled/handicapped may request reasonable modification(s) to his or her home or the common elements when such modification(s) may be necessary to afford such person full enjoyment of the premises.

Objective: To establish policies and procedures for meeting the requirements of applicable state and federal law relating to disabled individuals and requests for reasonable accommodations and modifications.

Policy: The policy of the Board of Directors of Hammock Dunes Owners' Association, Inc., ("Association") is to make reasonable accommodations for disabled or handicapped Owners, Tenants and Guests, in accordance with applicable state and federal fair housing laws and to allow reasonable accommodations and modifications to the homes, common elements and Association property, at the expense of the person with the disability, in accordance with applicable state and federal law. The following are some common questions regarding reasonable modifications.

Accommodations:

What is a reasonable Accommodation?

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. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating

persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

Modifications:

What is a reasonable modification under the Fair Housing Act?

A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas such as the common elements.

To show that a requested modification is necessary, there must be an identifiable relationship, or nexus, between the requested modification and the individual's disability. Further, the modification must be "reasonable." A person with a disability must have the housing provider's approval before making the modification.

Who is responsible for the expense of making a reasonable modification?

The person requesting the reasonable modification is responsible for paying the cost of installing the modification. The person installing the modification remains responsible for upkeep and maintenance of a modification that is used exclusively by that individual.

Who qualifies as a person with a disability under the Act?

The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION AND/OR MODIFICATION

Submittal of Request: A disabled/handicapped Owner, Tenant or Guest must notify the Association of the request for a reasonable accommodation or modification and provide

adequate, reliable documentation supporting the request in compliance with the Florida and federal Fair Housing Acts. This applies to Owners, Tenants, and/or Guests visiting or residing on the property. It is the Owners' responsibility to ensure that Owner(s), Tenant(s), and Guest(s), advise anyone who may require a reasonable accommodation or modification to comply with the stated guidelines herein, prior to the granting of the accommodation or modification, and to provide the Association with sufficient time to conduct a meaningful review of the request. Unless the disability and need for the accommodation or modification is obvious, the requested information must include a statement from a health care practitioner stating that he/she is currently treating the requesting party, that the requesting party is physically or mentally disabled; explaining which major life activities are substantially impaired; explaining how the accommodation specifically ameliorates the limitations, symptoms and/or other effects of the disability and/or why the modification is necessary. If the requesting party receives Social Security Disability benefits, provide a copy of the summary page with personal information redacted reflecting whether the disability is mental or physical. Additionally, the requesting party is asked, but not required, to provide the signed acknowledgement on page five (5) of this document. The signed form and documentation should be delivered or mailed to management.

Procedure for Reviewing a Request for Reasonable Accommodation or Modification: Upon receipt of the requested form and documentation (or information supplied) for a disabled/handicapped Owner, Tenant or Guest's request for a reasonable accommodation(s) or reasonable modification(s), every effort will be made to have the request forms reviewed by the Association as expeditiously as possible and the Owner, Tenant or Guest will be notified in writing of the Board's decision. If additional information is required by the Association, the review may take longer, and the submitting Owner, Tenant or Guest will normally be so advised in writing. Additionally, it may be necessary for the Association's legal counsel to review the documentation submitted in support of a request for a reasonable accommodation or modification, which in turn, may require additional time to respond. The Association will engage in the interactive process to obtain the necessary information to conduct a meaningful review of all requests.

If the request is approved, any condition(s) of approval will be provided in writing. If disapproved, the reason for disapproval will be provided in writing.

Guidelines as to when medical documentation is required and what type of medical documentation is required. The Association is entitled to obtain information that is reasonably necessary to evaluate whether a requested accommodation or

modification is necessary because of the requesting party's disability/handicap (the Association is **NOT** requesting a diagnosis or medical records).

If a person's disability/handicap is obvious and if the need for the requested accommodation or modification is also apparent, then the Association will not normally request any additional information about the requester's disability/handicap or the related need for the requested accommodation or modification.

If the requester's disability/handicap is not obvious, after reviewing the submitted request form, the Association may request reliable information that is necessary to verify that the requester has a physical or mental impairment that substantially limits one or more major life activities (which is the definition of a "handicap" under the Fair Housing Acts) and an explanation of how the accommodation ameliorates the effects of the disability or the reason the modification is necessary. The requester's health care practitioner shall provide verification that the requesting party is disabled/handicapped, provide a description of the major life activities that are substantially impaired, and explain the nexus between the accommodation/modification and the disability/handicap.

If the requester's disability/handicap is obvious, but the need for the accommodation is not apparent, the Association will request information that is necessary to evaluate the disability/handicap-related need/nexus for the requested accommodation or modification. In this case, the Association will request reliable disability/handicap-related information from a health care practitioner that is necessary to evaluate the disability/handicap-related need for the accommodation or modification (the nexus).

The Association will not accept tags, certificates, or any other items purchased on-line, or from any other source, or a medical statement from a health care practitioner or company that advertises to write these letters after a one-time consultation or test.

The Association may request advice from legal counsel concerning any Owner's, Tenant's or Guest's request for a reasonable accommodation or modification. The requesting party consents to the disclosure of all documentation in support of the request to the Association's legal counsel.

With regard to modifications, in most situations, the Association is entitled to review plans or specifications and materials prior to approving a request. The Association is also entitled to require that the work be performed by a licensed and bonded professional and that all necessary licenses and/or permits be obtained and the work comply with the applicable Florida Building Code.

Additional Information

Confidentiality. All information received by the Association in conjunction with a disabled/handicapped owner's, resident's and/or guest's request for reasonable accommodation or modification will be kept confidential in compliance with Florida Statute section 720.303(5)(g) .5. If any other resident or owner inquires as to why an accommodation or modification appears to have been granted, the Association representative's response will be: "a reasonable accommodation or modification has been granted as a matter of law." No additional information will be provided regarding the nature of the disability/handicap.

Acknowledgement

I have received and read a copy of the Policy and Procedure for Disabled/Handicapped Owner or Resident to Request Reasonable Accommodations or Modifications and I agree to abide by the regulations. I bear full responsibility for the cost of any and all modifications. I bear full responsibility for damage caused by any and all accommodations and modifications, whether to person or property, whatsoever.

Requesting Party's Signature

Date

Printed Name of Requesting Party

Address

Email Address

Phone Number