



Welcome to the ADA Legal Webinar Series

A collaborative program between the Southwest ADA Center, Great Lakes ADA Center and members of the ADA National Network

The Session is Scheduled to begin at 2:00pm Eastern Time
We will be testing sound quality periodically

Audio and Visual are provided through the on-line webinar system. This session is closed captioned. Individuals may also listen via telephone by dialing 1-712-432-3066 Access code 148937 (This is not a Toll Free number)

The content and materials of this training are property of the presenters and sponsors and cannot be used without permission. For permission to use training content or obtain copies of materials used as part of this program please contact us by email at webinars@ada-audio.org or toll free (877)232-1990 (VTTY)



Listening to the Webinar



- The audio for today's webinar is being broadcast through your computer. Please make sure your speakers are turned on or your headphones are plugged in.
- You can control the audio broadcast via the Audio & Video panel. You can adjust the sound by "sliding" the sound bar left or right.
- If you are having sound quality problems check your audio controls by going through the Audio Wizard which is accessed by selecting the microphone icon on the Audio & Video panel



2

Listening to the Webinar, *continued*



If you do not have sound capabilities on your computer or prefer to listen by phone, dial:

712-432-3066
Pass Code:
148937
This is not a Toll Free number

3

Listening to the Webinar, *continued*



MOBILE Users (iPhone, iPad, or Android device (including Kindle Fire HD))

Individuals may listen** to the session using the Blackboard Collaborate Mobile App (Available Free from the Apple Store, Google Play or Amazon)



**Closed Captioning is not visible via the Mobile App and limited accessibility for screen reader/Voiceover users

4

Captioning



- Real-time captioning is provided during this webinar.
- The caption screen can be accessed by choosing the icon in the Audio & Video panel.



- Once selected you will have the option to resize the captioning window, change the font size and save the transcript.

5

Submitting Questions



- You may type and submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area
- If you are connected via a mobile device you may submit questions in the chat area within the App
- If you are listening by phone and not logged in to the webinar, you may ask questions by emailing them to webinars@adaconferences.org



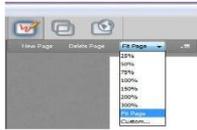
Please note: This webinar is being recorded and can be accessed on the www.ada-legal.org within 24 hours after the conclusion of the session.

6

Customize Your View



- Resize the Whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is “fit page”



7

Customize Your View *continued*



- Resize/Reposition the Chat, Participant and Audio & Video panels by “detaching” and using your mouse to reposition or  “stretch/shrink”. Each panel may be detached using the icon in the upper right corner of each panel.

8

Technical Assistance



- If you experience any technical difficulties during the webinar:
 1. Send a private chat message to the host by double clicking “Great Lakes ADA” in the participant list. A tab titled “Great Lakes ADA” will appear in the chat panel. Type your comment in the text box and “enter” (Keyboard - F6, Arrow up or down to locate “Great Lakes ADA” and select to send a message); or
 2. Email webinars@ada-audio.org; or
 3. Call 877-232-1990 (V/TTY)

9



Fair Housing and Access For People with Disabilities

George Powers, JD
Legal Specialist
Southwest ADA Center



This presentation is intended to be informal guidance and not legal advice

- I'm a lawyer but not your lawyer



11

Housing and Access

- Rights of those with disabilities in housing
- Housing providers' duties
 - Reasonable accommodations
 - Reasonable modifications
 - Assistance animals

12

Anderson v. City of Blue Ash

- Miniature horse that provided equine or hippotherapy to a child with disabilities at her home
- City zoning prohibited horses
- Neighbors complained of smell and waste
- City sought to have the animal removed
- FHA and Title II of the ADA applies

13

The Fair Housing Act

- “Protects people from discrimination when they are renting, buying, or securing financing for any housing.”
 - Renting: relationship between landlord and tenant
 - People with disabilities

14

The Fair Housing Act

- What does it apply to?
- Single family homes
 - Exemption:
 - Seller or landlord does not own more than three houses at one time
 - And does not use a real estate broker or use discriminatory advertising

15

The Fair Housing Act

- Multifamily dwellings
 - Exemption:
 - Seller or landlord lives in a building with four or fewer units

16

The Fair Housing Act

- Accessibility design requirements for new multifamily buildings
 - In buildings with four or more units that were first occupied after March 13, 1991
 - Fair Housing Design Manual
 - www.huduser.org/portal/publications/dstech/fairhousing.html
 - No “readily achievable barrier removal” standard or equivalent

17

Fair Housing Rights Center in Southeastern Pennsylvania v. Post Goldtex GP

- Developer converted a 1912 factory into apartments
- Did not comply with the FHA design requirements
- Do the design requirements apply?

18

Questions

19

Reasonable Modifications

- Changes to the built environment/physical structure
 - Must be necessary for full and equal use and enjoyment of the housing
 - Must have a connection to person's disability
- Tenant is responsible for cost

20

Reasonable Modifications

- Usually comes up in multifamily dwellings (apartments, condos)
- Changes to inside and outside of dwelling
- Changes to common and public use areas
 - Gym, pool, mailbox area, laundry room...
- Upkeep/maintenance cost
- Restoration after moving out

21

Reasonable Modifications

- Single family homes
 - Homeowners association
 - Aesthetics vs utility/access
- Builders
 - Purchaser is responsible for additional cost

22

Reasonable Modifications

- Security Deposit
 - NO

23

Questions

24

Reasonable Accommodations

- Change to rules or policies
 - Must be necessary for a person to have full and equal enjoyment of the housing
 - Must have a connection to the disability
- Tenant is NOT responsible for cost
 - No deposit

25

Reasonable Accommodations

- Must be made by or on behalf of person with disability
- Must be REASONABLE
 - Is it an undue burden or a fundamental alteration?

26

Dempsey v. Housing Operations Management

- Tenant had alcoholism
 - Family member passed away and he relapsed
- Missed rent payments
- Argued that landlord failed to accommodate
- Was the request reasonable?



Reasonable Accommodation or Modification?

- Tenant that uses wheelchair wants carpet to be removed inside the apartment

28

Parking

- Subject to FHA design requirements
 - 2% must be accessible and on accessible route
- Not subject to FHA design requirements
 - No duty to restripe parking lot

29

Parking

- Reasonable accommodation
 - Tenant's with a disability related need for a parking space can request a reserved space
 - NO fee
 - Van accessible? Access aisle?

30

Questions

31

Assistance Animals

- Considered a reasonable accommodation
- Service animals (ADA) vs Assistance animals(FHA)
 - Dogs
 - Trained
 - Emotional support or therapy
 - Identification?

32

Chavez v. Aber

- Emotional Support Animal
 - Pit bull
- No pet policy
- Landlord tried to have her evicted
- Higher rent



33

Assistance Animals

- Fees and deposits
 - Cannot charge a pet deposit or fee
 - Damage to property
- Tenant is responsible for animal
 - Care of animal, keeping it under control and cleaning up after it

34

Service Dogs in Training

- FHA does not require that assistance animals be trained, so service dogs in training are permitted
 - The accommodation must be for the tenant with a disability

35

SERVICE ANIMALS, EMOTIONAL SUPPORT ANIMALS, PETS AND THE LAW

36

Assistance Animals

- Is there a limit to the number of assistance animals?
 - REASONABLE

37

Questions

38

Requesting Accommodations/Modifications

- No formalities required
 - Writing recommended
- Landlord must respond within a reasonable amount of time

39

Requesting

Accommodations/Modifications

- What information can the landlord request from a tenant?
 - Only if a request is made
 - Is the disability or disability related need for the accommodation or modification obvious?

40

Enforcement

- U.S. Department of Housing and Urban Development
 - http://portal.hud.gov/hudportal/HUD?src=/complaints_home
- State Protection and Advocacy Group
- Local Housing Authority

41

Resources

- Joint Statement on Reasonable Modifications
 - http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf
- Joint Statement on Reasonable Accommodations
 - http://www.hud.gov/offices/fheo/library/huddojs_tatement.pdf

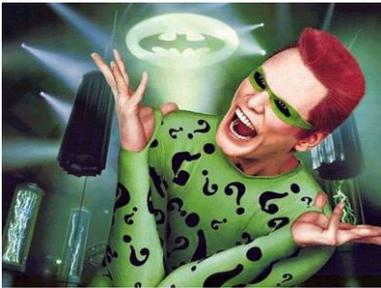
42

Resources

- Guidance on Assistance Animals
 - https://portal.hud.gov/hudportal/documents/hudoc?id=servanimals_ntcfheo2013-01.pdf
- Fair Housing Accessibility First
 - <http://www.fairhousingfirst.org/faq/parkingspaces.html>

43

Questions



44

Session Evaluation

Your feedback is important to us

You will receive an email following the session with a link to the on-line evaluation



45



Next ADA Legal Webinar Session

Top 10 ADA Legal Cases in 2016

January 18, 2017

Barry Taylor and Rachel Weisberg, Equip for Equality



National Network
Information, Guidance and Training on the
Americans with Disabilities Act

46
