

South Carolina



Planning Education Advisory Committee

Committee Members:

Stephen G. Riley, Chairman
Representing MASC
Term Expires: 2017

Phillip L. Lindler
Representing SCAC
Term expires: 2015

Cliff Ellis
Representing Clemson
University
Term expires: 2016

Dennis Lambries
Representing USC
Term expires: 2016

Wayne Shuler
Representing SCAPA
Term expires: 2018

May 11, 2015

Dean Campbell, Deputy Attorney
Greenville County
301 University Ridge, Suite 2400
Greenville, SC 29601

Dear Mr. Campbell:

Re: *Fair Housing Seminar*

On April 24, 2015 I received the Program Materials you submitted for accreditation of the Continuing Education Course detailed above. Upon receipt of your application, I sent an email to confirm receipt by all Committee members.

Under the "no objection policy" your request is considered approved. Your signed "Notice of Decision" is attached. Formal, after-the-fact approval will be handled as part of a Consent Agenda at the regular quarterly meeting of the Committee, which is scheduled for July 20, 2015.

Thank you for your efforts to help make this program a success.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Riley".

Stephen G. Riley, ICMA~CM
Chairman

cc: Phillip Lindler, Cliff Ellis, Dennis Lambries and Wayne Shuler

South Carolina Planning Education Advisory Committee (SCPEAC)

NOTICE OF DECISION

12. The following action has been taken by the SCPEAC on this application:

ACCEPTED WITHOUT OBJECTION Date: May 11, 2015

REVIEWED BY FULL COMMITTEE Date:

a) X ACCREDITED for 1 CE credits

b) DENIED ACCREDITATION

i. Reason: _____

c) RETURNED for more information

13. If accredited:

a) Authorized Course No.: 2015-04

b) Date of accreditation: 05-11-2015

Signature of SCPEAC Representative: 

**For further information, contact Mr. Stephen Riley, Chairman,
843-341-4701 or steve@hiltonheadislandsc.gov**

**APPLICATION FOR ACCREDITATION
OF A CONTINUING EDUCATION PROGRAM**

Note: This certification form, together with the required information referenced therein, shall be submitted to the Committee. If no objections are raised by a member of the SCPEAC within 10 working days of receipt, the continuing education program shall be considered accepted. If an objection is raised, a teleconference meeting shall be scheduled, with appropriate public notice, as soon as reasonably possible, to review the application.

Applications are due no later than 30 days prior to the first scheduled presentation of a program or class. The Committee will consider extenuating circumstances where the 30 day deadline cannot be met.

1. Name and address of organization providing or sponsoring the orientation program:

a. Organization Name: Greenville County Attorney's Office

b. Address: Suite 2100, 301 University Ridge

c. City: Greenville

d. State: South Carolina

Zip Code: 29601

e. Telephone: 864-467-7110

f. Email: jogregory@greenvillecounty.org (Jo Anne Gregory)

2. Contact Information:

a. Name of Contact Person: Mark Tollison Dean Campbell

b. Title: County Attorney Deputy County Attorney

c. Telephone: 864-467-7110

d. Email: mtollison@greenvillecounty.org dcampbell@greenvillecounty.org

3. Information on orientation program:

a. Title of Program:

Fair Housing Training For Planning Commission and BZA members and staff

b. Date(s) and Location(s) of Program:

Suite 400, 301 University Ridge, Greenville, SC 29601

c. Brief description of the program and its content:

Best practices for compliance with the Fair Housing Act; trends in enforcement activity.

4. Method of presentation (check all that apply. All sessions must have a Coordinator present):

a. Presentor(s) in room with participants



- b. Live presentation via close circuit TV, video conferencing, or similar; Coordinator present
- c. Videotape or CD/DVD presentation; Facilitator present
- d. Webinar or similar; Coordinator present
- e. Other (describe) _____

5. Description of materials to be distributed (check/fill in all that apply):

a. Powerpoint handout:	<input checked="" type="checkbox"/>	number of slides:
b. Other handouts:	<input type="checkbox"/>	total pages:
c. CD/DVD:	<input type="checkbox"/>	
d. Other (describe)	_____	
e. None:	<input type="checkbox"/>	

6. When are materials distributed?

- a. Sent before the program:
- b. Handed out at the program:
- c. Other (describe) _____

7. Required attachments (5 copies distributed as described below):

- a. Course description and outline including estimated time per section
- b. Brochure, if available
- c. Course Presenter(s) and credentials (include brief resumes and qualifications)
- d. Copies of all handouts and course materials
- e. Evaluation Form and method of evaluation (each program must be evaluated)

8. Instruction Time:

- a. Indicate the total minutes of instruction time: 60 minutes

Note: Breaks, meals and introductions should not be counted. A reasonable period of Q and A should be included and counted.

9. Method of Advertisement:

- a. Describe the ways in which you intend to let potential attendees know about this orientation program:

All member and staff of the BZA and Planning Commission will be notified at the next regular meeting and by email

10. Certification. By Submitting this application, the applicant agrees to:

- a. Allow in-person observation, without charge, of the Program by the SCPEAC Committee members. Any food, travel or lodging costs will be the responsibility of the Committee member(s).

b. The applicant acknowledges that its approval for this Program may be withdrawn for violations of the regulations or failure to comply with the agreements and representations contained herein and as may be required by the SCPEAC.

i. Name of Organization: Greenville County Attorney's Office

ii. Name of Representative: Dean Campbell

iii. Title: Deputy County Attorney

iv. Phone: 864-467-7110

v. Email: dcampbell@greenvillecounty.org

vi. Signature: 

vii. Date: 4/24/2015

Application and all Materials may be submitted in one of the following means:

1. Electronic submission to each of the committee members listed below via email; or
2. Hardcopy via U. S. Mail, 1 copy each to each committee member; or
3. Electronic submission of the application via email to all committee members, and submit hardcopy supporting materials via U.S. Mail to each member, if materials not available electronically.
4. Please cc all applications to the Chairman's assistant, Vicki Pfannenschmidt at vickip@hiltonheadislandsc.gov

To access committee members email and postal addresses visit the link below:
<http://www.scstatehouse.gov/scpeac/members.htm>

Fair Housing Compliance Seminar for BZA and Planning Commission members

Presented by Sharon Smathers

Scheduled for one hour

Course Description:

- Fair Housing Basics – 10 minutes
- Reasonable accommodations and modifications – 10 minutes
- Accessibility information – 10 minutes
- VAWA and Domestic Victim protection – 10 minutes
- Latest Fair Housing trends for Government Agencies and HUD subsidized and insured properties – 15 minutes
- Q & A session – 5 minutes or more, as needed

Sharon Smathers

164 Packs Mountain Ridge Road. Taylors, SC 29687
(864) 420-6886

Ms. Smathers served twenty-five years in public service as the Director of the Human Relations Commission of Greenville County, South Carolina. In that position, she developed and managed award winning fair housing programs, provided professional trainings on the federal Fair Housing Act and conducted research and analysis addressing impediments to fair housing choice in Greenville County.

Earlier in her career, Ms. Smathers worked in real estate development and as a real estate broker. She taught Fair Housing for the Greater Greenville Association of Realtors. She received numerous awards in her professional life, including "Excellence in Fair Housing" from the Department of Housing and Urban Development (HUD) and for "Promoting Successful Public/Private Partnerships" from the National Association of Realtors and the National League of Mayors. She is held in high regard by private and public sector industry professionals across the state.

After retiring from Greenville County in January 2015, Sharon now serves as a consultant and professional trainer for local government and the non-profit community across the state.

Professional Licensures and Certifications:

- South Carolina and North Carolina Real Estate Broker Licenses
- GRI Real Estate Professional Designation
- Certified Housing counselor
- Loss Mitigation Counselor
- Certified Circuit Court Civil Mediation
- Employment and Housing Investigation
- Human Resources Management
- Grant writing
- Fair Housing Compliance
- Financial Literacy Education Instruction
- Advanced Foreclosure Prevention

Boards and Professional Affiliations:

- Graduate Furman University's Riley Institute for Diversity Leadership (DLI)
- Greenville Health System, Advisory Board for Diversity Recruitment
- Upstate Homeless Coalition – former Board of Directors
- Greater Greenville Homeless Coalition – Past President
- South Carolina Council for Conflict Resolution
- Upstate Foreclosure Prevention Collaborative - Chair
- Greater Greenville Affordable Housing Roundtable – Past President
- Senior Action – former Board of Directors
- South Caroling ETV Advisory Board
- South Carolina Community and Human Relations Association
- Palmetto Housing Forum – instructor

Education

Eastern Michigan University
Bachelor of Science with major in Business, 1971

EVALUATION FORM

COURSE TITLE: FAIR HOUSING SEMINAR PRESENTED BY THE GREENVILLE COUNTY ATTORNEY'S OFFICE

LOCATION: SUITE 400, COUNTY SQUARE, GREENVILLE, SC

COURSE DATE: JUNE 5, 2015

We appreciate our participants sharing their reactions to this program. Please complete this form and return it to us.

Please circle "Yes" or "No"

Did this program meet your education objectives?	Yes	No
Were you provided with substantive written materials?	Yes	No
Did the course contain significant professional content?	Yes	No
Was the environment suitable for learning?	Yes	No

Evaluation Rating Scale: Excellent – 5 Good – 4 Satisfactory – 3 Below Average – 2 Poor – 1

PRESENTER: Sharon Smathers _____

OVERALL RATING OF THE COURSE: (PLEASE CIRCLE ONE)

Excellent – 5 Good – 4 Satisfactory – 3 Below Average – 2 Poor – 1

Comments:

NOTICE OF DECISION

11. The following action has been taken by the SCPEAC on this application:

<input type="checkbox"/> ACCREDITED for	_____ CE credits
---	------------------

DENIED ACCREDITATION

RETURNED for more information

i. Reason: _____

12. If accredited:

Accredited Course No: _____

a. Date of accreditation: _____

b. Certification is valid until: _____

Signature of SCPEAC Representative: _____

**For further information, contact Mr. Stephen Riley, Chairman,
843-341-4701 or stever@hiltonheadislandsc.gov**

Greenville County FAIR HOUSING COMPLIANCE 2015



SHARON SMATHERS
Fair Housing Trainer/Consultant

Agenda for Today

- FAIR HOUSING BASICS
- REASONABLE ACCOMMODATIONS AND MODIFICATIONS
- ACCESSIBILITY INFORMATION
- VAWA AND DOMESTIC VICTIM PROTECTION
- LATEST FAIR HOUSING TRENDS FOR GOVERNMENT AGENCIES AND HUD SUBSIDIZED AND INSURED PROPERTIES

2010 Enforcement Actions

- 28,851 Total Number of FH Cases
- 41% Disability
- 34% Race
- 18% Familial Status
- 8% National Origin
- 3 % Sex
- ≤ 1% Color
- 8% Other – Retaliation, State and Local Categories

Who Can be Liable?

- OWNERS
- MANAGERS
- LEASING AGENTS
- MAINTENANCE STAFF
- NEIGHBORS
- CONTRACTORS
- MORTGAGE COMPANIES
- INSURANCE COMPANIES
- GOVERNMENT AGENCIES

Best Practices to Avoid Enforcement Actions

- BE CONSISTENT
- HAVE WRITTEN POLICIES AND PROCEDURES
- BE PARTICULARLY CAREFUL PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION
- REVIEW COMPLIANCE OF STAFF AND SUBORDINATES
- DOCUMENT INCIDENTS AND KEEP RECORDS (3 YEARS +)
- UPDATE TRAINING THROUGH IN HOUSE AND THIRD PARTY TRAINING

Incident Reports

- ENCOURAGE ALL STAFF TO DOCUMENT SITUATIONS WITNESSED
- REPORTS SHOULD INCLUDE DATE, PERSONS PRESENT, AND FACTS OF SITUATION
- DO NOT INCLUDE EVALUATIONS OR PSYCHIATRIC DIAGNOSIS
- FOLLOW UP WITH LATER REPORTS

Fair Housing Act

- APPLIES TO ALMOST ALL HOUSING (FEW EXCEPTIONS)
- ALL INCOME LEVELS AND FUNDING SOURCES
- APARTMENTS, CONDOS, SINGLE FAMILY, MANUFACTURED HOME COMMUNITIES, ASSISTED LIVING, NURSING HOMES, COLLEGE APARTMENTS
- INCLUDES REQUIREMENTS FOR AFFIRMATIVELY FURTHERING FAIR HOUSING BY GOVERNMENT FUNDED ENTITIES

What is Discrimination?

- TREATING PEOPLE DIFFERENTLY
- EVERYONE DISCRIMINATES
- NOT ALL DISCRIMINATION IS ILLEGAL
- THE LAW DEFINES WHAT IS ILLEGAL

Principle Fair Housing Laws

- 1968 FEDERAL FAIR HOUSING ACT
- 1988 FEDERAL FAIR HOUSING AMENDMENTS ACT
- SECTION 504 (DISABILITY ONLY) 1974
- TITLE VI (INCLUDING LEP) 1964
- ADA (DISABILITY ONLY) 1991
- VIOLENCE AGAINST WOMEN ACT 2006
- HUD REGS PROHIBITING DISCRIMINATION AGAINST GLBT 2011



FAIR HOUSING BASICS

Protected Categories

- RACE
- COLOR
- RELIGION
- NATIONAL ORIGIN
- SEX
- FAMILIAL STATUS
- DISABILITY

Discriminatory Statements

- STATEMENTS OR COMMENTS THAT INDICATE A PREFERENCE OR LIMITATION BASED ON A PROTECTED CATEGORY
- AVOID COMMENTS ABOUT THE RACIAL, ETHNIC OR RELIGIOUS MAKE UP OF YOUR PROPERTY – IN WRITING, OVER THE PHONE OR IN PERSON.

Sexual Harassment

- MORE CASES DURING PAST 5 YEARS
- DENYING OR LIMITING SERVICES OR FACILITIES IN CONNECTION WITH THE SALE OR RENTAL OF A DWELLING BECAUSE A PERSON FAILED OR REFUSED TO PROVIDE SEXUAL FAVORS
- HARASSING ENVIRONMENT

Can Arise on Allegation Against

- STAFF PERSON
- RESIDENT
- NEIGHBOR
- MANAGEMENT MUST TAKE REASONABLE ACTIONS TO RESPOND TO ALL CLAIMS OF HARASSMENT

Housing For Older Persons

- EXCEPTION TO FAMILIAL STATUS IN BOTH FEDERAL AND STATE LAW
- ALL PERSONS 62 OR OLDER
- 80% OF UNITS ARE OCCUPIED BY AT LEAST 1 PERSON 55 OR OLDER
- NOT AVAILABLE TO FEDERALLY FUNDED ELDERLY HOUSING

Limited English Proficiency

- PERTAINS TO FEDERALLY FUNDED HOUSING ONLY
- DERIVED FROM NATIONAL ORIGIN DISCRIMINATION PROHIBITED BY TITLE VI
- REQUIRES RECIPIENTS TO COMMUNICATE EFFECTIVELY WITH PERSONS OF LEP
- REQUIRES WRITTEN TRANSLATIONS OF KEY DOCUMENTS USING FORMULA IN GUIDELINES
- REQUIRES ORAL INTERPRETATIONS

Religious Discrimination Issues

- VERY SENSITIVE TOPIC FOR MANY PEOPLE
- COMMON TOPIC AND ACTIVITY FOR ELDERLY RESIDENTS
- KEEP RELIGIOUS CONVERSATIONS OUT OF WORK RELATED ACTIVITIES
- NO PROBLEM WITH RELIGIOUS ACTIVITIES ON PROPERTY IF PLANNED BY RESIDENTS
- STAFF SHOULD AVOID PLANNING OR ACTIVELY PARTICIPATING IN RELIGIOUS ACTIVITIES ON SITE
- NO PROBLEM WITH COMMERCIAL CHRISTMAS DECORATIONS

Disability Rights – Who Has these Rights?

- PERSONS WITH PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE FUNCTION
- REGARDED AS DISABLED
- RECORD AS DISABLED
- ASSOCIATES WITH DISABLED PERSON

Examples

- OBVIOUS PHYSICAL IMPAIRMENTS
 - SIGHT, HEARING, LOSS OF USE OF LEGS, ARMS, ILLNESSES, HIV/AIDS
- LESS OBVIOUS PHYSICAL IMPAIRMENTS
 - ALLERGIES, BREATHING IMPAIRMENTS, HEART LIMITATIONS
- OBVIOUS MENTAL IMPAIRMENT
 - DEVELOPMENTAL DISABILITIES, TOURETTE'S SYNDROME, SCHIZOPHRENIA,
- LESS OBVIOUS MENTAL IMPAIRMENTS
 - SEVERE DEPRESSION, BIPOLAR DISORDER, ANXIETY DISORDER, PERSONALITY DISORDER

Additional Considerations

- TEMPORARY IMPAIRMENTS – LESS THAN NINE MONTHS TO ONE YEAR - NOT COVERED
- IF IMPAIRMENT IS EFFECTIVELY MANAGED WITH MEDICATION OR MITIGATING MEASURES, RESIDENT IS STILL COVERED
- DISEASES THAT ARE EPISODIC OR IN REMISSION STILL COVERED
- INTERPRETED VERY BROADLY

Three Areas of Disability Rights

- NONDISCRIMINATION
- REASONABLE ACCOMMODATIONS AND MODIFICATIONS
- ACCESSIBILITY

Nondiscrimination

- CANNOT DENY HOUSING OR SERVICES
 - EXAMPLE – DENY MAINTENANCE SERVICES BECAUSE OF FEAR OF TRANSMISSION OF DISEASE
- CANNOT MAKE EXTRA CHARGES
 - CHARGE DAMAGES FOR DAMAGE DUE TO WHEELCHAIR USE
- DURING INTERVIEW OF DISCUSSION WITH RESIDENT CANNOT ASK ABOUT NATURE OR SEVERITY OF DISABILITY

Applications and Interviews

Can You Ask?

DO YOU HAVE A DISABILITY?

HOW LONG HAVE YOU BEEN DISABLED?

WHY DO YOU RECEIVE DISABILITY BENEFITS?

HAVE YOU EVER BEEN IN A DRUG OR ALCOHOL
TREATMENT PROGRAM?

ARE YOU ABLE TO LIVE INDEPENDENTLY?

You Can Also Ask

DO YOU MEET THE ELIGIBILITY REQUIREMENTS PERTAINING TO DISABILITIES?

CAN YOU VERIFY YOUR DISABILITY IF REQUIREMENT FOR ELIGIBILITY?

ARE YOU ASKING FOR THIS ACTION/EXCEPTION BECAUSE OF A DISABILITY?

IF A RESIDENT IS ASKING FOR A REASONABLE ACCOMMODATION YOU CAN ASK WHETHER HIS/HER DISABILITY IS PERMANENT

YOU CAN ASK THAT THE RESIDENT AND VERIFIER **DESCRIBE THE CONNECTION BETWEEN DISABILITY AND REQUEST**

Reasonable Accommodations

- TO BE GRANTED EXCEPTIONS TO USUAL RULES, POLICIES OR PROCEDURES
- EXCEPTION MUST BE NECESSARY TO PROVIDE A PERSON WITH A DISABILITY EQUAL ACCESS TO PROGRAMS, FACILITIES, AND ACTIVITIES, AND THE BUILDING ITSELF
- FEDERALLY FUNDED PROPERTIES MUST HAVE A WRITTEN REASONABLE ACCOMMODATIONS POLICY AND PROCEDURE
- USE OF FORMS – RECOMMENDED BUT CAN'T REQUIRE RESIDENTS TO USE THEM

Procedures and Forms

- REQUEST – CAN BE MADE TO ANY EMPLOYEE
- VERIFICATION AND FOLLOW UP
- ADDRESS IN A TIMELY MANNER
- DOCUMENT PROCESS AND OUTCOME
- RECOMMEND THAT EACH PROPERTY MAINTAIN AN ACCOMMODATIONS LOG

Verification

- ONLY APPLIES WHEN THE DISABILITY AND/OR THE NEED IS NOT READILY APPARENT (“VISUALLY OBVIOUS”)
- WHEN ASKED TO PROVIDE A REASONABLE ACCOMMODATION, HOUSING PROVIDERS CAN VERIFY (FROM A PROFESSIONAL THIRD-PARTY SOURCE)
 1. THAT THE INDIVIDUAL IS “DISABLED”
 2. THE CONNECTION BETWEEN THE DISABILITY AND THE REQUEST

When can a Request Be Denied?

- WHEN THE REQUEST IS NOT “REASONABLE”
- WHEN IT WOULD RESULT IN AN ADMINISTRATIVE AND FINANCIAL BURDEN
- WHEN IT WOULD RESULT IN A FUNDAMENTAL ALTERATION OF THE PROGRAM
- WHEN IT IS STRUCTURALLY INFEASIBLE

Finding Alternative Accommodations

- OUTSIDE FUNDING FROM A SOCIAL SERVICE AGENCY
- PROVIDER SHOULD ALWAYS CONSIDER THE PREFERENCES OF THE PERSON WITH THE DISABILITY
- ACCOMMODATION MUST BE EFFECTIVE - NOT NECESSARILY THE ONE THE PERSON WANTS

What to do if Request and Verification for Reasonable Accommodation Appear to Be Bogus

- FOLLOW UP WITH RESIDENT AND VERIFIER WITH MORE SPECIFIC QUESTIONS BASED UPON THE SPECIFIC FACTS PERTAINING TO THIS RESIDENT
- TO HAVE OPPORTUNITY TO FOLLOW UP OBTAIN INITIAL AUTHORIZATION FOR ORIGINAL FORM AND ANY FUTURE CONTACT NECESSARY
- REQUEST RESIDENT TO EXPLAIN NEED FOR ACCOMMODATION IN FURTHER DETAIL
- REQUEST VERIFIER TO EXPLAIN IN DETAIL THE CONNECTION BETWEEN THE DISABILITY AND THE ACCOMMODATION REQUESTED
- IF STAFF OBSERVATIONS DIFFER WITH INFORMATION VERIFIER PROVIDES, REQUEST THAT VERIFIER EXPLAIN CONTRADICTIONS

Disability Related Assigned Parking

- PARKING POLICES
- RELEVANCE OF THE “HANDICAPPED PLACARDS OR TAGS”
- PUBLIC ACCESSIBLE SPACES
- ASSIGNED ACCESSIBLE SPACES
- ASSIGNED STANDARD SPACES
- PARKING WAITING LISTS

ACCESSIBLE PARKING LOTS

- SECTION 4.1.1 UFAS (IDENTICAL TO ADAAG)
- NUMBER OF ACCESSIBLE SPACES (4%)

● 1-25	1	101-150	5
● 26-50	2	150-200	6
● 51-75	3		
● 76-100	4		
- ACCESSIBLE SPACES = 96" WIDE
- ADJACENT ACCESS AISLE = 60"
- WHERE PARKING IS PROVIDED FOR ALL UNITS, ONE ACCESSIBLE SPACE MUST BE PROVIDED FOR EACH ACCESSIBLE UNIT
- VISITOR PARKING – 2% OR ONE SHALL BE ACCESSIBLE

Assist Animals

- IT MAY BE A REASONABLE ACCOMMODATION TO PERMIT A RESIDENT TO HAVE AN ASSIST ANIMAL, EVEN IF THE ANIMAL VIOLATES PET OR SIZE RULES OR BREED RESTRICTIONS
- DO NOT CHARGE PET SECURITY DEPOSIT OR FEE
- PET RULES SHOULD CONTAIN AN EXCEPTION FOR ASSIST ANIMALS
- WHAT ABOUT MORE THAN ONE ANIMAL?
- WHAT ABOUT “DANGEROUS BREEDS”?
- ADA NO LONGER RECOGNIZES “COMFORT ANIMALS”

Live-in Aides

- FOLLOW REASONABLE ACCOMMODATION PROCEDURES
- CAN ASK ABOUT WHAT TYPES OF SERVICES AND HOW MANY HOURS A DAY THE SERVICES ARE NEEDED
- IN HUD OR RD SUBSIDIZED HOUSING CAN BE A FAMILY MEMBER BUT NOT THE SPOUSE
- CAN BE SCREENED FOR CRIMINAL AND RENTAL HISTORY, BUT NOT CREDIT OR INCOME
- INCOME IS NOT COUNTED EXCEPT IN HUD 202/8
- CAN REQUIRE AIDE TO AGREE THAT HE/SHE HAS NO RIGHT TO RESIDENCY IN UNIT

Live-in Aides (cont.)

- CAN BE RESTRICTED FROM BRINGING CHILDREN, OTHER FAMILY MEMBERS OR PETS INTO RESIDENT'S UNIT
- CAN REQUIRE AIDE TO BE CAPABLE OF PROVIDING ASSISTANCE AS DESCRIBED BY QUALIFIED PROFESSIONAL
- CAN REVIEW RESIDENT'S NEED FOR AIDE ANNUALLY (IF NOT OBVIOUS)

Reasonable Modifications

- CAN ONLY ASK RESIDENT TO PAY IF NO FEDERAL SUBSIDY
OR IF COST OF MODIFICATION CREATES AN ADMINISTRATIVE AND FINANCIAL BURDEN TO PROPERTY
- ADD GRAB BARS
- REMOVE BATHTUB AND INSTALL SHOWER OR VISA VERSA
- TUB CUTS
- REMOVE CARPET

Examples of Reasonable Modifications cont.

- WIDEN DOORWAY
- RAISE TOILET
- ADD CURB CUT
- INSTALL AUTOMATIC DOOR OPENER
- INDIVIDUAL RESIDENTS MAY NEED MODIFICATIONS TO STANDARD OR ACCESSIBLE UNITS
- BE SURE TO RESTORE ACCESSIBLE UNITS TO APPLICABLE ACCESSIBILITY STANDARDS

Other Considerations for Modifications

- IF RESIDENT PAYS AND MODIFIES UNIT, THEN RESIDENT MUST REPLACE ANY MODIFICATION THAT WOULD CREATE A PROBLEM FOR THE NEXT RESIDENT
- IF RESIDENT PAYS AND MAKES MODIFICATION TO THE COMMON AREAS HE DOES NOT HAVE TO REPLACE MODIFICATIONS
- MANAGEMENT CAN SET UP ESCROW TO ENSURE FUNDS WILL BE IN PLACE TO RESTORE UNIT AT END OF TENANCY

Responsibility for Providing Reasonable Accommodations to Housing Choice Participants

- HOUSING AUTHORITY OBLIGATIONS – SECTION 504 REQUIREMENTS
 - TO ENCOURAGE LANDLORDS WITH ACCESSIBLE UNITS TO PARTICIPATE IN HC PROGRAM
 - TO PROVIDE INFORMATION ABOUT ACCESSIBLE UNITS
 - TO EXPAND TIME TO FIND ACCESSIBLE UNITS
 - TO INCREASE SUBSIDY FOR ACCESSIBLE UNITS WHEN NEEDED
- LANDLORD'S OBLIGATIONS – ONLY FAIR HOUSING ACT REQUIREMENTS
- WHAT IF LANDLORD DOESN'T AGREE TO MODIFICATIONS

Priority for Occupancy of UFAS Accessible Units

- TRANSFER REQUEST BY RESIDENT WHO NEEDS “FULLY” ACCESSIBLE UNIT
- DIFFERENCE IN FULLY ACCESSIBLE OR NEED FOR ONLY A FEW FEATURES
- APPLICANT WHO NEEDS FULLY ACCESS HAS PRIORITY OVER OTHER APPLICANTS ON WAITING LIST FOR VACANT FULLY ACCESSIBLE UNIT

Occupancy of Accessible Units

- THIS DOES NOT APPLY TO PRIVATE MARKET HOUSING
- CORRECTION FOR PAST MISTAKES IN OCCUPANCY
- ADD ADDENDUM AT NEXT RECERTIFICATION
- MONITOR ASSIGNMENT OF NEW VACANCIES
 - IF NECESSARY MAINTAIN 2 TRANSFER LISTS AND 2 WAITING LISTS
 - CAREFUL MONITORING OF TRANSFER REQUESTS
 - PERIODIC REVIEW OF WAITING LIST FOR APPLICANTS NEEDING “FULLY” ACCESSIBLE UNIT
 - MAKE SURE FEATURES ARE DESCRIBED ON APPLICATION AND ON VERIFICATION FORMS

Accessibility Requirements Concerns

- MANAGEMENT STAFF NEEDS TO UNDERSTAND ACCESSIBILITY REQUIREMENTS FOR PROPERTY
- IF RESIDENTS REQUESTS A MODIFICATION TO A FEATURE THAT WAS REQUIRED TO BE ACCESSIBLE, STAFF SHOULD RECOGNIZE PROBLEM AND QUICKLY MAKE MODIFICATION

Comparison of Accessibility Standards

- UFAS = FEDERALLY FUNDED PROPERTIES
- FHA DESIGN AND CONSTRUCTION REQUIREMENTS = PROPERTIES BUILT AFTER MARCH 13, 2001
 - COMMON USE AREAS
 - ALL GROUND FLOOR UNITS IN NON ELEVATOR BUILDINGS
 - ALL UNITS IN ELEVATOR BUILDINGS
- ADA = ADAAG ONLY RENTAL OFFICE AND PARKING LOT
- NEW ADA REGS DO NOT APPLY TO MULTIFAMILY HOUSING POOLS OR PLAYGROUNDS

Fair Housing Act

Required Accessible Design Features

- ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS
- ALL DOORS INTO AND THROUGHOUT PROPERTY ARE ACCESSIBLE (32”) AND HAVE LEVERED HARDWARE
- ALL “COVERED” UNITS CONTAIN 4 FEATURES OF ADAPTIVE DESIGN

Fair Housing Act

Accessibility in Units

1. ACCESSIBLE ROUTE INTO AND THROUGH THE DWELLING
2. LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS
3. REINFORCEMENTS IN BATHROOM WALLS TO ALLOW LATER INSTALLATION OF GRAB BARS
4. USABLE KITCHENS AND BATHROOMS SUCH THAT AN INDIVIDUAL IN A WHEELCHAIR CAN MANEUVER ABOUT THE SPACE

504 Accessibility

- COMMON AREAS
 - UFAS COMPLIANCE IN ALL AREAS, REGARDLESS OF WHEN BUILT
- UNIT ACCESSIBILITY
 - REGS DIFFERENTIATE EXISTING VS. NEW CONSTRUCTION
 - 5% MOBILITY
 - 2% V/H
- ALL FACILITIES AND SERVICES, I.E., TRANSPORTATION

Section 504 Design Standards

- UFAS APPLIES
- DEPENDS UPON WHETHER BUILT BEFORE OR AFTER
 - HUD JULY 1988
 - RD 1982
- NEW CONSTRUCTION = 5% AND 2%
- EXISTING
 - SUBSTANTIAL REHAB = 5% AND 2%
 - OTHER ALTERATIONS = 5% AND 2%
 - REMAINING PROPERTIES = WHEN VIEWED IN THEIR ENTIRETY READILY ACCESSIBLE TO AND USEABLE BY PERSONS WITH DISABILITIES

Case Study

- RESIDENT LIVES IN WALK UP BUILDING
- DUE TO DISABILITY CAN'T USE THE STAIRS ANYMORE
- REQUESTS TO BE MOVED TO FIRST FLOOR
- WHAT ARE THE ISSUES?

Case Study 2

- RESIDENT HAS REQUESTED:
 - A ROLL IN SHOWER IN PLACE OF HER BATHTUB
 - MODIFICATIONS TO THE KITCHEN
 - ALL DOORWAYS BE WIDENED
- DO YOU NEED VERIFICATION?
- ARE THERE ALTERNATIVES YOU CAN OFFER?
- DOES IT MATTER WHEN THIS PROPERTY WAS BUILT?

VIOLENCE AGAINST WOMEN ACT

- VAWA 2005
- NOTICE IN 2008
- REGULATIONS 2010
- APPLIES TO RESIDENTS UNDER HUD'S PUBLIC HOUSING, SECTION 8, AND HOUSING CHOICE (SECTION 8 VOUCHER) PROGRAMS
- HUD HAS CHARGED A CASE OF A VICTIM OF DOMESTIC ABUSE AS SEX DISCRIMINATION UNDER "DISPARATE IMPACT THEORY"

VAWA Protections

- PROTECTS VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING
- HOUSING PROVIDERS CANNOT DENY ADMISSION TO PROGRAM ON THE BASIS THAT APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING
- HOUSING PROVIDERS CANNOT TERMINATE ASSISTANCE OR EVICT RESIDENT BECAUSE OF THE CRIMINAL ACTIVITY RELATED TO DOMESTIC VIOLENCE, DOMESTIC VIOLENCE OR STALKING BY A HOUSEHOLD MEMBER OR GUEST OF RESIDENT



The Latest Fair Housing Information

HUD's Reg Protecting GLBT

- March 2012 HUD's regulations prohibiting discrimination in HUD funded or insured housing based upon marital status, sexual orientation and sexual identity
- The reg prohibits inquiring about an applicant's or resident's sexual orientation or gender identity
- This regulation impacts only HUD funded and insured housing and not RD funded, market rate or tax credit

Changes HUD Definition of "family"

Many state and local laws also protect these groups

Discriminatory Impact or Effects

- Neutral Policy
- Discriminatory Impact on Protected Category
- Examples – Domestic Violence Situations, Criminal History Policies, Refusal to Permit New Multifamily Property through Application of Zoning Laws
- If discriminatory effect is shown, defendant can rebut by showing that policy has legally sufficient justification
- P can rebut by showing legitimate interests could be served by practice with less discriminatory effect

Affirmatively Further Fair Housing

- New Emphasis by HUD being motivated by fair housing advocates throughout country
- AFFH Requirement of FHA was supercharged after settlement of \$50 Million by fair housing advocates with Westchester County, NY because officials signed the county's AI and CP without adequate action to remedy the impediments – False Claims Act
- HUD provides Grants of \$\$ cities, counties, states, PHA's
- Grantee agrees to AFFH

AFFH cont.

- Must develop Analysis of Impediments to FH
- Thorough review of all protected categories and their opportunities for fair housing throughout jurisdiction
- Includes opportunity for recipients to participate in process and to be informed of their fair housing rights
- Results should be reflected in the grantees' Consolidated Plans, which should include plans with activities to address the identified impediments to fair housing

Section 3 – Economic Development

- The **Section 3** program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods
- Housing and Community Development Act of 1968
- Applies to PHA's, Grantees for housing rehabilitation projects, housing construction
- Receiving new emphasis by HUD's Office of FHEO



CASE STUDIES – TIME PERMITTING

Case Study 1

- Ms. Smith is 88 years old and lives by herself in an apartment building
- She uses a cane on good days, but most of the time she uses a walker
- Although Ms. Smith hasn't owned a car or even driven for many years, she is requesting assigned parking near the building entrance for her daughter that comes to visit, run errands with her, and take her to doctor's appointments 3 to 4 days a week.
- Her daughter does not have any mobility impairment, but Ms. Smith wants her to park close, so that when she is going out with her daughter, she can get to and from the car easily.
- What are the steps to addressing this reasonable accommodation request?
- Should the request be accommodated? How?

Case Study 2

- Ms. Reynolds lives in a family property and has 3 children, 13, 11, and 8
- She requests the nasty, old, worn-out carpet be removed from her apartment and replaced with nice tile or hardwood.
- She complains that the old carpet is impossible to keep clean and the dust and dirt that the children track in cause she and her youngest child to cough constantly when inside the apartment.
- Is this a reasonable accommodation?
- What questions should you ask?

Case Study 3

- Ms. Jackson just brought home a cute little 6-week old German Sheppard puppy named Fuzzy Bear
- She is so excited about it and is showing it off to her neighbors
- Your pet policy allows small dogs, under 40 lbs as adults, and you know German Sheppards are much larger than 30 lbs as adults
- She has not contacted the office to obtain permission to keep this dog.
- When reminded about the pet policy weight restriction, she produces an awkwardly worded doctor's letter that says Fuzzy Bear will be her companion animal and help her with her medications and depression
- How do you respond to this request?

**Questions????
Thanks for Your
Attention**

SHARON SMATHERS