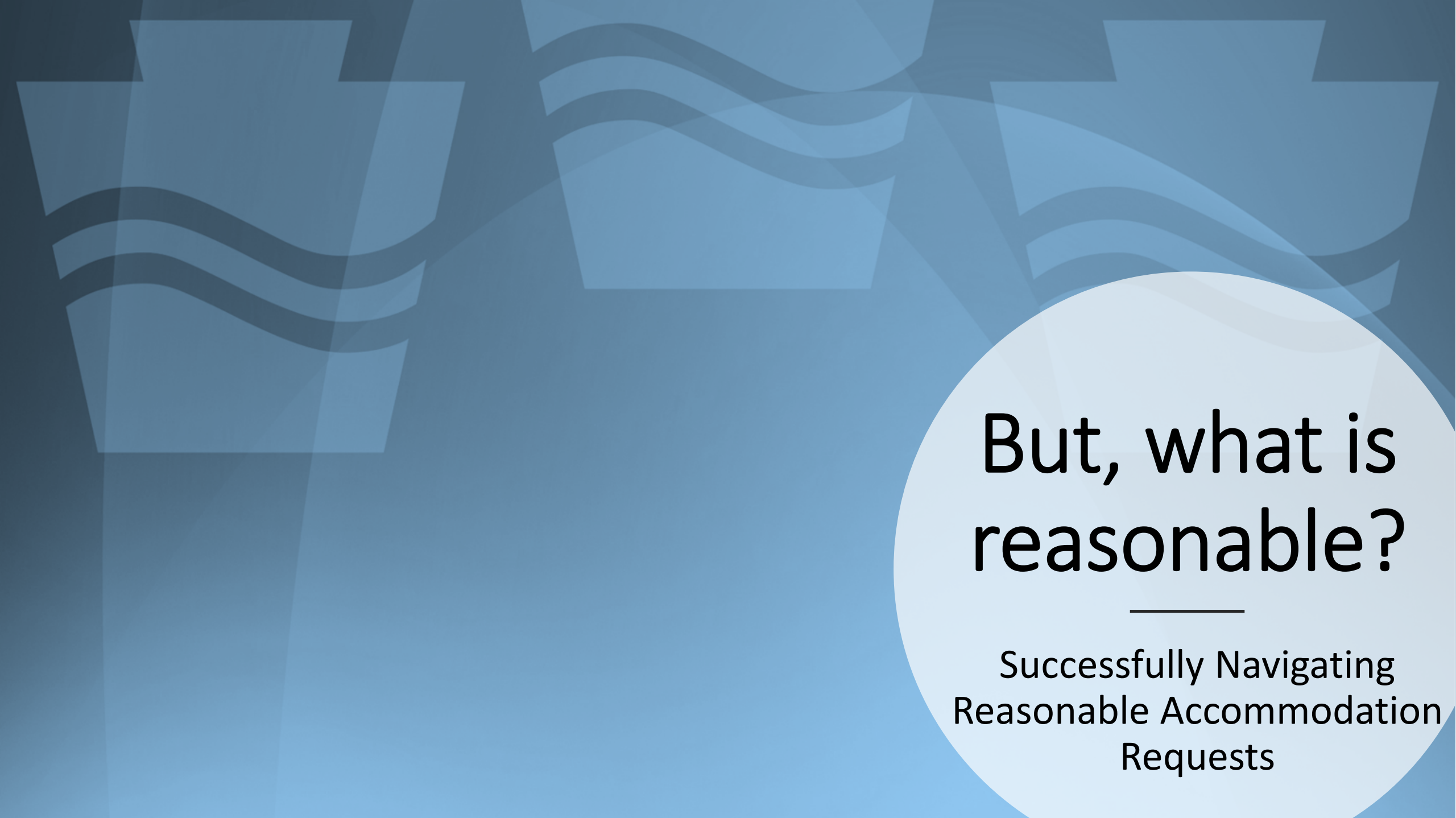




But, what is
reasonable?

Successfully Navigating
Reasonable Accommodation
Requests

Fair Housing in
Pennsylvania:

It's Your Right!



Training Goals

1. Provide an overview of the Pennsylvania Human Relations Commission
2. Discuss relevant fair housing laws, protected classes & discriminatory practices
3. Explain how to navigate reasonable accommodation and modification requests
4. Discuss common reasonable accommodation requests: assistance animals, hoarding, and parking requests
5. Share about the fair housing complaint process
6. Answer your fair housing questions

The Pennsylvania Human Relations Commission

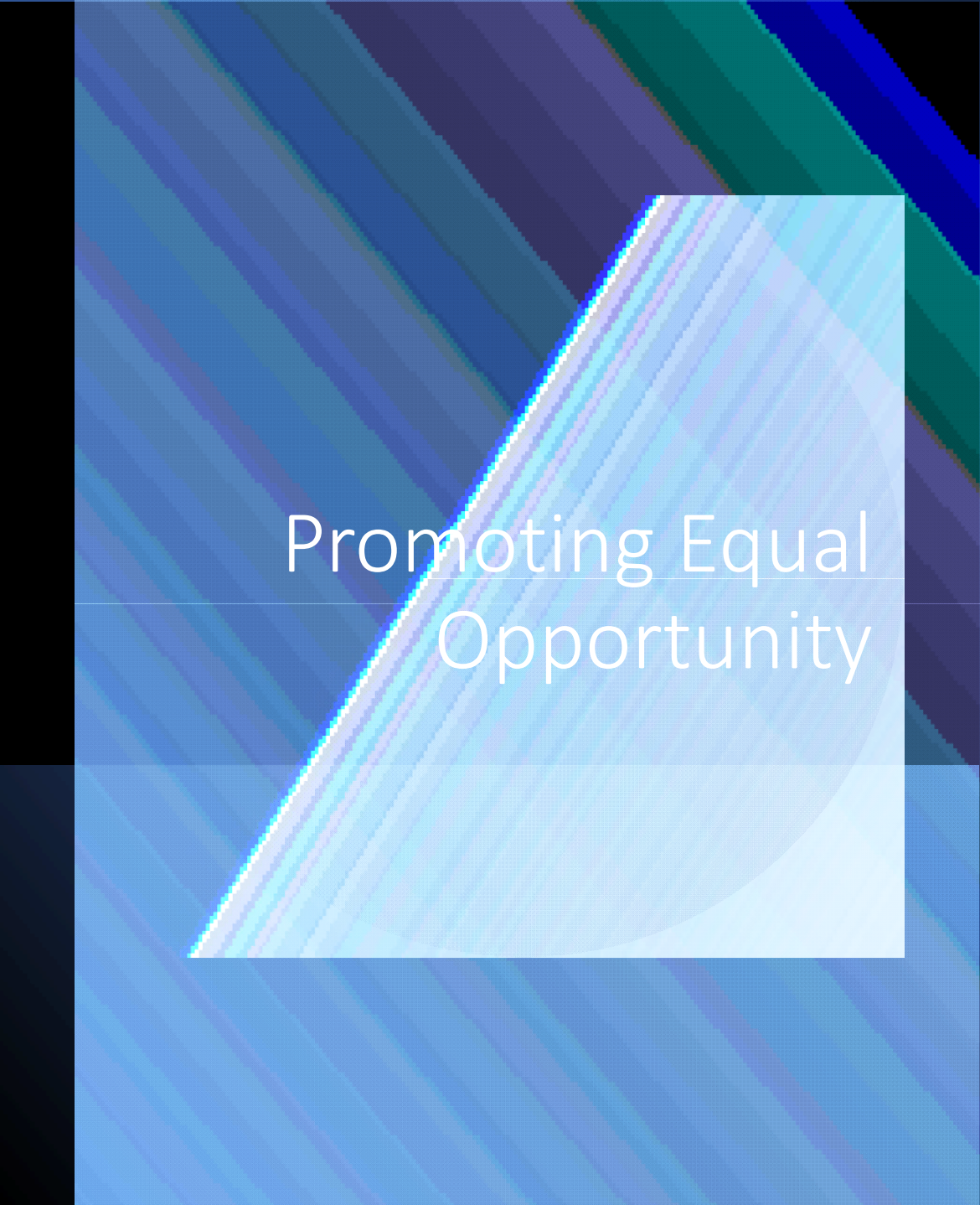
Two-Part Mission:

1. Enforce PA Non-Discrimination Laws
 - Pa Human Relations Act
 - Pa Fair Educational Opportunities Act
2. Promote Equal Opportunity for ALL in PA

Promoting Equal Opportunity

Key Partnerships:

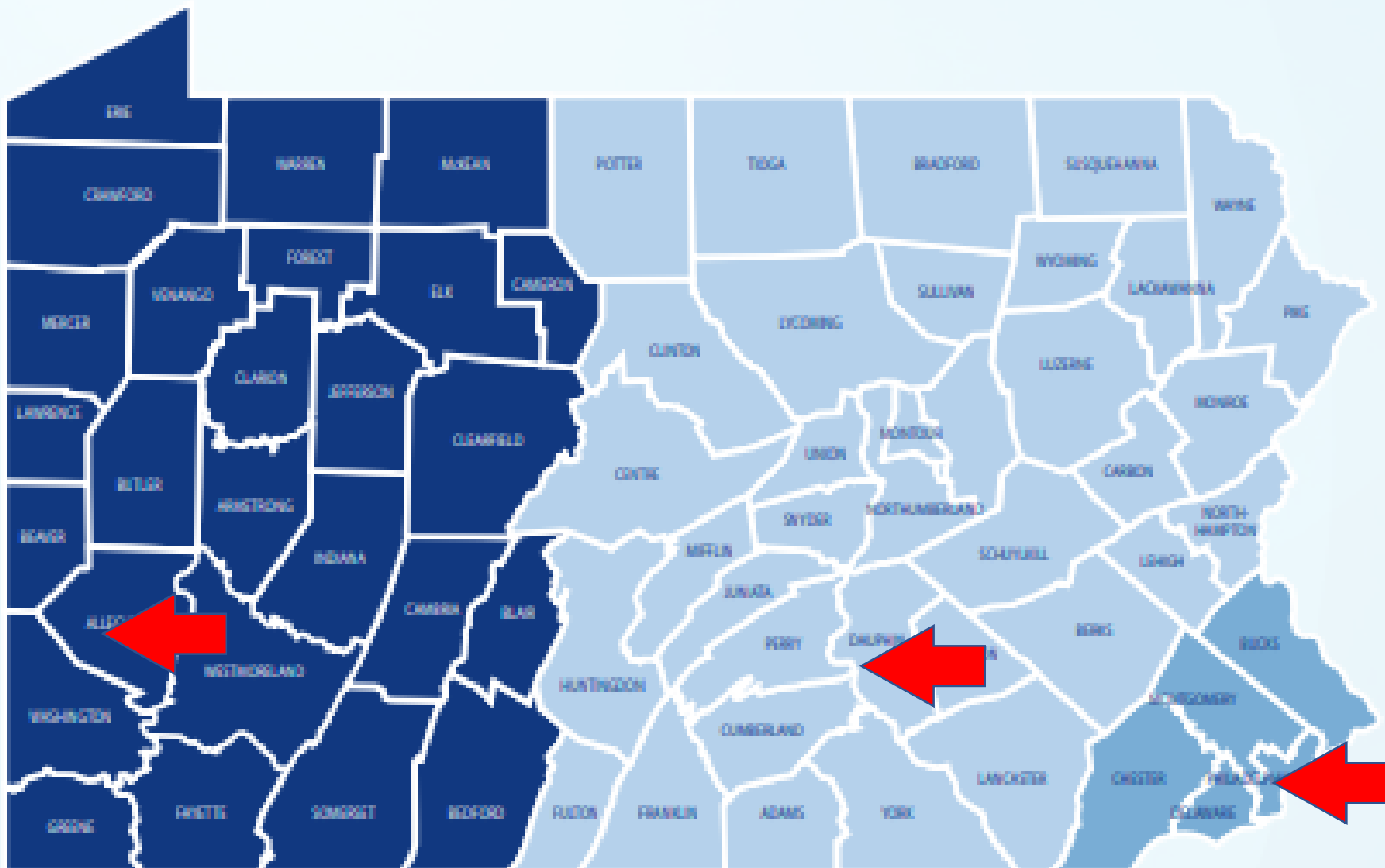
1. Community Relations & Activities Taskforce
2. PHRC Advisory Councils
3. Local Human Relations Commissions
4. Affirmatively Furthering Fair Housing Taskforce
5. Housing Advocacy Groups



Promoting Equal
Opportunity

Fair Housing Training

Housing providers,
local officials, realtors,
lenders, disability
advocates, community
members, and more!



Non- discrimination Laws in Pennsylvania

PA Human Relations Act

- Employment
- **Housing**
- Commercial Property
- Public Accommodations
- Primary & Secondary Education

PA Fair Educational Opportunities Act

- Post-Secondary Education

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Fair Housing Laws

Fair Housing Laws

Goal #1 – End Housing Discrimination

Goal #2 – Promote diverse, inclusive communities

Affirmatively Furthering Fair Housing

[T]aking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics



What do fair housing laws cover?

- **Sale**, and **rental** of housing, and **housing-related transactions**
- Types of housing: apartments, single family homes, mobile home parks, condominiums, public housing, nursing homes, dormitories, & more.
- **Disparate treatment** – treatment that directly discriminates against a member of a protected class
- **Disparate impact** – a policy that impacts members of a protected class

Fair Housing Laws

- Federal: Fair Housing Act of 1968,
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- State: Pennsylvania Human Relations Act
- Local: Check your local ordinances!

Housing Jurisdiction

	Fair Housing Act	Pennsylvania Human Relations Act
Housing that is covered by the Act	Housing providers with 4 or more properties (unless they publicly advertise vacancies or receive federal funding)	Housing providers with 1 property
Filing timeline	365 days from the date of the last harm	180 days from the date of the last harm

Fair Housing Act

Race

Color

National Origin

Familial Status

Religion

Sex

Disability

Pennsylvania Human Relations Act

Race

Color

National Origin

Familial Status

Religious Creed

Sex

Disability

Age 40+

Ancestry

Use, handling, or training of Support Animals for Disability

Familial Status

- Families with children under the age of 18 living with parents or legal custodians
- Pregnant persons
- People securing custody of children under the age of 18
 - Foster Children included



Age-Related Exemptions to Familial Status Protections



Housing for Older Persons Act

- 55 and Over Communities
 - 80% of units must be occupied by at least one person who is 55 and older to maintain their status
 - Must advertise and market as 55 and older
 - Only one resident needs to be 55 or older however age limitations can be placed on other tenants
 - Can deny residency and/access to facilities/services to children and those under 55 however need to be consistent in their application of the rules
- 62 and Over Communities
 - Must be certified by the government
 - Must be age 62 to live there.
 - No one under 62 is permitted.

Sex as a protected class under the PHRA



While LGBTQ+ is not considered to be a protected class under the PHRA, PHRC recently finalized regulations that establish that the term “Sex” may refer to:

- Pregnancy Status
- Childbirth Status
- Breastfeeding Status
- Sex Assigned at Birth
- Gender Identity or Expression
- Affectional or Sexual Orientation
- Differences in Sex Development

These regulations are utilized by the Commission in:

- accepting complaints,
- conducting investigations, and
- adjudicating cases

Defining Disability

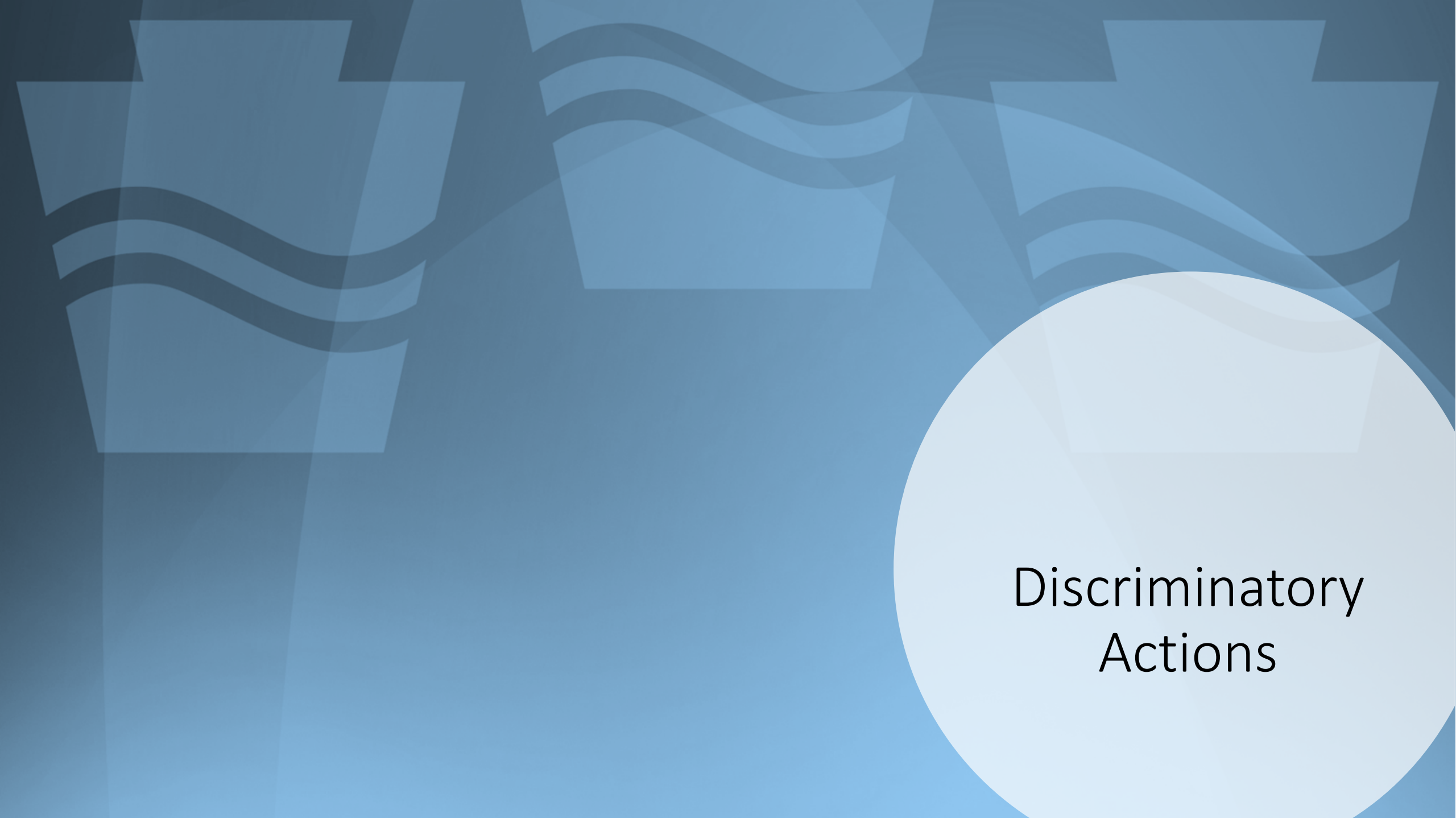
Examples:

- Caring for oneself
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

- A physical or mental impairment that substantially limits one or more of a person's major life activities
- The Fair Housing Act protects those:
 - Who have a disability
 - Who have a history of a disability
 - Who are perceived as having a disability

Disability- Related Exemptions

- Individuals who are currently using illegal drugs are exempted from disability-related protection
 - This does NOT include those who are in active recovery
- Individuals who pose a direct threat to the health and safety of others are also exempt from disability-related protection



Discriminatory
Actions



Discriminatory Actions

Discriminatory Statements

Discriminatory Inquiries

Steering

Refusal to sell, lease, or finance housing

Unfair appraisals

Predatory Lending

Discriminating in housing terms or conditions

Unequal provision of services & facilities

Sexual harassment

Refusal to provide reasonable accommodations & modifications

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Disability – Related Protections

According to data from 2022-2023, disability-related complaints made up 42% of all complaints filed with PHRC.



Modifications & Accommodations

An individual with a disability has the right to request a reasonable accommodation or modification that is needed to use and enjoy their housing.

Modifications & Accommodations

What's the difference?

A **reasonable modification** is a structural change made to the premises;

A **reasonable accommodation** is a change, exception, or adjustment to a rule, policy, practice or service.

Reasonable Modifications

It is discriminatory to refuse to allow a person with a disability permission to modify and pay for changes to enable them to use a facility

- A housing provider may require the resident to restore interior to original condition at the end of tenancy, minus wear & tear
- NOTE - If the housing provider receives federal funds they are required to pay for the modification not the resident.

Examples:

- Not allowing a resident to install grab bars in bathroom
- Not allowing a resident in a wheelchair to construct a ramp

Reasonable Accommodations

It is discriminatory to refuse to make reasonable accommodations in rules, policies, practices or services necessary to afford equal opportunity for a person with a disability to use and enjoy a housing accommodation

Examples:

- Not allowing a person with disability income to pay their rent on a different date than other tenants
- Not designating reserved parking for an individual with a disability who needs it to access their housing
- Not allowing a person with a disability to have a service animal when there is a no pet policy

Handling a Reasonable Accommodation Request

- The request can be made at any point in the tenancy
- The request may be made in writing (strongly recommended) or verbally
- The request needs to be reasonable and necessary for the resident to use and enjoy the property
- The housing provider has the responsibility to treat residents making these requests fairly, and to respond in a timely manner

Requesting Information

When presented with a reasonable accommodation or modification request, a housing provider should establish two criteria:

1. Does the person seeking the accommodation fall under the protected class of disability?
2. Does that person have a disability-related need for the accommodation?

If the answers to both are yes, then...

Grant the
request!



Yes



No

Documentation

A Housing provider CAN:

- Ask for proof of need (if the disability is not observable)
- Medical note of need does not need to be from primary physician
- Alternative documentation establishing disability includes:
 - A determination of disability from a governmental agency
 - Receipt of disability benefits or services
 - Eligibility for housing assistance because of a disability

What is Reasonable?

Assessment on a case-by-case basis

Factors to consider:

- The cost of the accommodation requested
- Financial resources of the provider
- Benefits of the requested accommodation to the person making the request
- Availability of alternatives to the accommodation requested

A housing
provider may
not ask:

- The nature or severity of the disability
- Questions that lead the tenant to disclose privileged medical information
- To see medical records
- If the tenant is able to live independently

Potential Reasons for Denial

A Housing provider CAN deny the request in a few situations:

- If documentation is not provided
- If the specific request poses a direct threat to the health or safety of others (cannot be speculative)
- If the request would cause substantial physical damage to the property
- If the request would place an undue burden on the provider
- If the request would fundamentally alter the nature of the provider's operations

If a reasonable accommodation or modification request cannot be granted, the housing provider must then engage in the interactive process to assess if there are reasonable alternatives that may meet this individual's needs.

- This discussion should happen in a timely manner
- This may take some negotiation and/or conversation to determine an effective resolution
- This should be fully documented and saved in the housing provider's records and sent to the tenant as well.

The Interactive Process

A service animal is generally trained to perform a specific task. A service animal generally supports someone with a physical disability which may or may not be obvious. A service animal is typically a dog.

Examples include:

- **Pulling a wheelchair**
- **Providing mobility support**
- **Guiding individuals with vision impairments**
- **Detecting and alerting individuals of oncoming seizures**



Service & Support Animals: What's the difference?

A support animal (ESA) may not have any special training but instead serves a function for the individual with a disability. A support animal can be any common household animal.

Examples include:

- Alleviating an individual's anxiety
- Reducing an individual's depression
- Keeping an individual calm
- Making an individual feel safe

They are often helping the person manage a condition that we cannot see and is not obvious.

Assistance and Service Animal Integrity Act:

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&session=0&act=118>



Service & Support Animals: What's the difference?

Licensure & Certification



- No certification or license is required
- Animal does not need vest or special tags
- Many fraudulent sites that make people believe that certifications or vests are needed – they are not!

“Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee....In HUD’s experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person’s health care professional that confirms a person’s disability and/or need for an animal when the provider has personal knowledge of the individual.”

FHEO-2020-01

[HUDAsstAnimalNC1-28-2020.pdf](#)

Emotional Support Animal Home Letter

Did you know that with a signed ESA letter from us you will be allowed to have your animal with you wherever you choose to live*, even if there are restrictions for pets at your complex or rental... and with an ESA letter your monthly "pet" fee can be waived? So stop paying \$500-\$1000 a year in "pet" fees, or living without your ESA and get an Emotional Support Animal letter for your landlord.

Get Started Now For Free

We do not charge your card until the licensed mental health professional approves your assessemnt and your letter is provided to you!

Service & Support Animals: Online Letter Providers

A Housing provider CAN:

- Require that all individuals with animals follow state and local regulations (such as requiring licensing or vaccinations as applicable)
- Issue violations if the animal's conduct violates the rules of the housing provider
- Hold a tenant responsible if the animal causes physical damage to the housing unit

A Housing provider CAN'T:

- Put limits on breeds or impose weight limits on assistance animal requests. Even if a property has these restrictions for pets they must be waived for assistance animals
 - A housing provider should be cautious about citing insurance policy cost as undue burden
- Pass along additional expenses by charging extra fees, rent, or require additional security deposits



Hoarding

Hoarding Disorder: A mental disorder marked by:

- An obsessive need to acquire (and failure to use or discard) a significant amount of possessions, even if the items are worthless, hazardous, or unsanitary.
- Perceived need to save items; distress with discarding them
- Accumulation of possessions that congest & clutter active living spaces
- Clinically significant distress or impairment in social, occupational, or other important areas of functioning
- This is not attributable to another medical condition or explained by symptoms of another mental disorder

Source: DSM-5



Clutter vs. Hoarding

Impacts of Hoarding

Individual:

- Conflict with loved ones
- Health and safety risks
- Unable to prepare and store food
- Unable to have people visit
- Risks of losing housing and/or utility shut-off
- Financial problems
- Mental health problems
- Shame, embarrassment, defensiveness, stigma, trauma

Community:

Landlords & neighbors: disrepair; maintenance hazards, infestations, citations
Code enforcement: structural damage, blocked exits, citations, condemnation
Emergency Responders: fire hazards, lack of access for medical personnel
Health Department: infestations; health hazards
Senior Services: removal of older adults; discharge from hospitals
Child Protective Services: removal of children
Animal Protective Services: removal of animals

Source: Philadelphia Hoarding Task Force

Hoarding

Best Practices

- A housing provider may enforce lease terms. It's the resident's responsibility to ask for help and/or reasonable accommodations.
- Prioritize safety first, before more cosmetic issues
- If a resident has outside supports who can assist them with addressing the issue, invite the tenant to include them on discussions and communication.
- Ensure that expectations are clearly defined for both parties and state what is expected and the outcomes of non-compliance
- Communicate in writing for clear records
- Be conscious of individuals' attachment to items and use neutral language
- Understand that accommodations in this area may be long term and that it will take continued efforts to address this issue

CLUTTER-HOARDING SCALE® (C-HS®)

QUICK REFERENCE GUIDE

	Structure and Zoning	Animals and Pests	Household Functions	Health and Safety	Personal Protective Equipment (PPE)
LEVEL I	All doors, stairs and windows accessible; plumbing, electric and HVAC operational; fire and CO detectors installed and functional	Normal animal control (behavior/sanitation); approved number of animals; no evidence of rodents or insects	No excessive clutter; all rooms properly used; appliances functional; good housekeeping and maintenance	Safe, sanitary; no odors; medication control OK	OPTIONAL
LEVEL II	1 major exit blocked; 1 major appliance or HVAC device not working for longer than one season; some plumbing or electrical systems not fully functional; fire or CO detectors non-existent or non-functional	Evidence of inappropriate animal control; visible or odorous pet waste; visible pet fur/hair/feathers; light to medium evidence of common household pests/insects	Clutter beginning to obstruct living areas; slight congestion of exits, entrances, hallways and stairs; some household appliances not functional; inconsistent housekeeping and maintenance	Diminished appropriate sanitation; odors from dirty dishes, food prep, laundry, toilets; mildew present; medication control questionable	LIGHT PPE Medical or work gloves; caps (baseball or poly bouffant); first aid kit; insect repellent; hand sanitizer
LEVEL III	Outside clutter of items normally stored indoors; HVAC devices not working for longer than one season; fire or CO detectors non-existent or non-functional; one part of home has light structural damage (occurring within past six mos.)	Animal population exceeds local regulations; inappropriate animal control; inadequate sanitation; audible evidence of pests; medium level of spiders; light insect infestation such as bed bugs, lice, fleas, roaches, ants, silverfish, spiders, etc.	Clutter obstructing functions of key living areas; building up around exits, entrances, hallways and stairs; at least one room not being used for intended purpose; several appliances not functional; inappropriate usage of electric appliances and extension cords; substandard housekeeping and maintenance; hazardous substances in small quantities	Limited evidence of maintaining sanitation (heavily soiled food prep areas, dirty dishes, mildew); odors obvious and irritating; garbage cans not in use or overflowing; dirt, dust and debris; dirty laundry throughout house; Rx and OTC medications hazardous control (re children, pets, mentally impaired)	MEDIUM PPE Face masks or N95 respirator masks; eye protection; gloves; disposable coveralls; poly caps; work shoes/boots; first aid kit; hand sanitizer, insect repellent
LEVEL IV	Excessive outdoor clutter of items normally stored indoors; HVAC devices not working for longer than one year; CO detectors non-existent or non-functional; structural damage to home lasting longer than six months; water damaged floors, damaged walls and foundations, broken windows, doors or plumbing; odor or evidence of sewer backup	Animal population exceeds local ordinances; poor animal sanitation; destructive behavior; excessive spiders and webs; bats, squirrels, rodents in attic or basement (audible and visible); medium insect infestation	Diminished use and accessibility to key living areas; several rooms cluttered to extent they cannot be used for intended purposes; clutter inhibits access to doorways, hallways and stairs; inappropriate storage of hazardous/combustible materials; appliances used inappropriately; improper use of electric space heaters, fans or extension cords	Rotting food, organic contamination; expired, leaking cans or bottles, buckled sides and tops; dishes and utensils unusable; no linens on beds; sleeping on mattress; chair or floor; infestation of bedding and/or furniture; medications Rx and OTC medications easily accessible to anybody	FULL PPE Face masks or N95 respirator masks; safety goggles, medical or industrial grade latex or nitrile gloves; heavy duty work gloves; disposable coveralls; caps, work shoes/boots; first aid kit; hand sanitizer; insect repellent; headlamp or flashlight
LEVEL V	Extreme indoor/outdoor clutter; foliage overgrowth; abandoned machinery; ventilation inadequate or nonexistent; HVAC systems not working; water damaged floors, walls and foundation; broken windows, doors or plumbing; unreliable electrical, water and/or septic systems; odor or sewer backup; irreparable damage to exterior and interior structure	Animals at risk and dangerous to people due to behavior, health and numbers; pervasive spiders, cockroaches, mice, rats, squirrels, raccoons, bats, snakes, etc.; heavy infestation of insects such as bed bugs, lice, fleas, cockroaches, ants, silverfish, etc.	Key living spaces not usable; all rooms not used for intended purposes; entrances, hallways and stairs blocked; toilets, sinks and tubs not functioning; hazardous conditions obscured by clutter; appliances unusable; hazardous and primitive use of kerosene, lanterns, candles, fireplace/woodstove as primary source of heat and/or light	Human urine and excrement present; rotting food; organic contamination; cans or jars expired, leaking or buckled; dishes and utensils buried or nonexistent; beds inaccessible or unusable due to clutter or infestation; pervasive mold and/or mildew; moisture or standing water; Rx and OTC medications easily accessible to anybody; presence of expired Rx	FULL PPE REQUIRED N95 respirator mask or mask with organic filter(s); safety goggles; medical or industrial grade latex, or nitrile gloves; heavy duty work gloves; disposable coveralls, poly caps, work shoes/boots; first aid kit hand sanitizer; insect repellent; headlamp or flashlight

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Parking Accommodations

- A property may already have designated handicap parking spaces because of accessibility requirements
- This does not remove the obligation to make reasonable accommodation for a tenant that needs a different parking space or one that is reserved.

RESERVED
PARKING



Parking Accommodations

- If a tenant makes a request for a designated handicap parking space and provides supporting documentation, the housing provider is required to accommodate.
- Courts have found that housing providers are responsible for costs associated with making this accommodation.

Addressing Competing Disability Needs

Granting reasonable accommodation requests can impact other residents.

If another resident voices disability-related concerns, it is important to work to resolve these issues through the interactive process

Example: a resident requests an ESA, but another resident discloses that they are allergic to cat dander

Ask for help if you are having trouble navigating this situation

- Call PHRC's Fair Housing Line: 855-866-5718 or reach out to your local fair housing agency

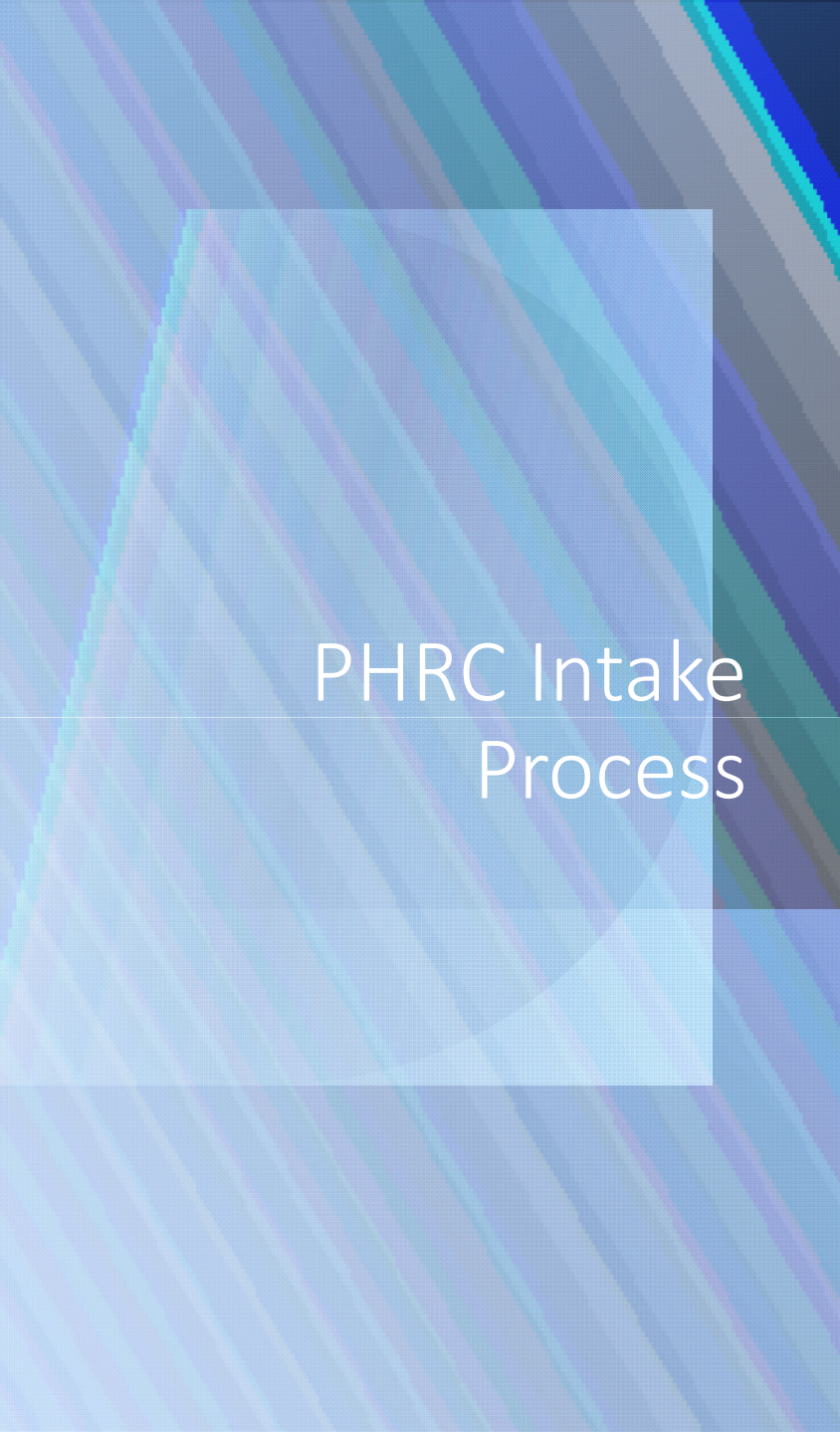
Best Practices for Reasonable Accommodation & Modification Requests

A Housing provider should:

- Have an established policy
- Document everything in writing
- Limit information requested to what is needed to process the request
- Allow sufficient time for documentation to be submitted
- Respond in a timely manner (within 10 days)
- Engage in interactive dialogue to meet the needs of the tenant

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The Complaint Process



PHRC Intake Process

- If a tenant believes they have experienced housing discrimination, their first step is to connect with PHRC's intake team.
- A complainant has up to 180 days after the date of the last harm to file a complaint.
- They will be asked to fill out a housing questionnaire to provide contact information, what they experienced, and who they are filing a complaint against.
- The intake team will assess the information to see if this is a situation that PHRC can investigate under state law.
- If the complaint is jurisdictional and timely, the intake team will help to finalize the complaint, then the person who was filed against will be notified.



PHRC Investigative Process

- The complainant and respondent will be asked to provide information to a neutral investigator, who is responsible for investigating if there was a violation of the PHRA
- This investigator may ask for documents, interview witnesses, to hold a fact-finding hearing, or seek other ways of obtaining evidence.
- The investigator will also explore if it is possible to settle the case before a finding.
- If the case proceeds to a finding, there are two possible outcomes:
 - Probable Cause
 - No Probable Cause
- If probable cause is found, the case may be conciliated, advance to public hearing, or be filed in court. At this point, the goal is to seek a remedy for the discrimination that occurred.
- The amount of time it takes to investigate a case varies, based on the evidence, the speediness of responses, and other factors.

Potential Housing Case Remedies

Remedy	Impact
Purchase or lease home; stop eviction	Complainant is able to access their housing
Reasonable accommodation or modification is made	Complainant has disability-related housing needs met
Changes to lease and/or other policies	Complainant and other tenants will have fair lease terms and policies
Posting of Fair Housing Notices	Tenants and homebuyers will have knowledge of fair housing rights
Training for Respondents	Respondents will have knowledge of fair housing responsibilities
Reimbursement of fees and out-of-pocket expenses	Complainant is reimbursed for costs they should not have paid
Money for humiliation & embarrassment	Complainant receives compensation for other costs associated with discriminatory actions
Civil Penalties	Respondent pays cost for violating state law

Recent Housing Awards

\$1.5 million – Housing provider failed to provide accessible units and ignored requests for reasonable accommodations for tenants with disabilities

\$100,000 – Maintenance worker sexually harassed a female tenant

\$90,000 – Housing provider revoked lease and failed to address neighbor harassment based on race

\$77,000 – Housing provider made discriminatory statements and refused to rent to a household based on familial status

PHRC Fair Housing Resources

- PA Fair Housing Line: 855-866-5718
- Custom fair housing training & consultations
- Monthly Fair Housing Empower Hour webinars
- Brochures and fact sheets
- PHRC Speaks: Fair Housing in the 21st Century

Pennsylvania Human
Relations Commission

Fair Housing Resources


PHRC
Fair Housing is your
RIGHT

PHRC Speaks: Fair Housing In the 21st Century


pcntv.com

Topic: Expanding Housing
Protections for LGBTQ+
Pennsylvanians



Adrian Garcia, Show Host
Director, Fair Housing &
Commercial Property, PHRC



M. Joel Bolstein, Esq.
Commission Chair, PHRC
Partner, Fox & Rothschild,
LLC

www.phrc.pa.gov



SPRING 2023

PHRC Fair Housing Trainings



REDLINING: YESTERDAY & TODAY

April 26, 12-1 pm
Redlining is a 20th century practice that perpetuated racial housing inequalities. Although it is outlawed today, we still see its impacts. Learn more by registering for this training [here](#).



ACCESSIBILITY & FAIR HOUSING

May 31, 12-1 pm
The Fair Housing Act and Americans with Disabilities Act create protections to ensure individuals with disabilities can use and enjoy their housing. Learn more in this online training. Register [here](#).



FAIR HOUSING FUNDAMENTALS

June 28, 12-1 pm
Learn key information about fair housing laws in Pennsylvania, including residents' rights and housing providers' responsibilities. Register [here](#).



FREE VIRTUAL TRAININGS - ALL ARE WELCOME!

Questions? Email
info@phrc.pa.gov


pennsylvania
HUMAN RELATIONS COMMISSION

Site 1
www.phrc.pa.gov

Contact Us!

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