



LEGAL AID
SOCIETY OF HAWAII



Fair Housing Enforcement Program

November 2014

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Aloha!

We hope everyone had a safe and happy Halloween.

This month we have provided you with a Question and Answer fact sheet on Reasonable Modification Requests.

Next month we will be providing a fact sheet on evictions and lease terminations. Be sure to check out our [website](#) for more program updates and resources!

Recent Fair Housing News

The United States Department of Housing and Urban Development recently settled a case with Noristown, Pennsylvania when ordinances were adopted which encouraged landlords to evict tenants for "disorderly behavior", which included domestic violence incidents. A female tenant who was evicted for receiving three violations stemming from domestic violence incidents was a party to the case. As part of the settlement, Noristown repealed the ordinance and paid the victim \$495,000. For more information, [click here](#).

HUD recently settled another case against a 500-unit HUD-subsidized housing development for failing to meet the needs of individuals with disabilities, failing to provide accommodations, and for retaliating against individuals for requesting reasonable accommodations. The housing provider agreed to pay \$255,000 to settle allegations with two individuals and a fair housing organization who filed complaints against the housing provider. For more information, [click here](#).

Q&A: Reasonable Modification Requests

Q: I rent a unit from a private landlord. My disabled mother will be moving in with me within the next few months and I would like to make some modifications to my unit so that she can access the bathroom and

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About Us

The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

All people in Hawaii have the right to make housing choices without regard to race, color, religion, national origin, sex, disability, familial status, age, gender identity or expression, sexual orientation, marital status, or HIV infection.

If you believe you have been denied access to housing because of discrimination, you may call the FHEP Hotline at **808-527-8024** or from the

shower. Can I ask my landlord to make these modifications to my unit?

A: The Fair Housing Act makes it unlawful to refuse to permit reasonable modifications of existing premises if the modifications may be necessary to afford a disabled person full enjoyment of her unit. Reasonable modifications are any structural changes to interiors and exteriors of dwellings as well as common and public use areas, such as widening doorways or installing grab bars in bathrooms. The individual requesting a modification usually bears the cost of the modification.

Q: I am disabled and use a wheelchair in my unit. I recently asked if I can lower the kitchen cabinets so I can reach the cabinets from my wheelchair. My landlord approved my request, but he insists that I use his contractor. He is also saying that I have to restore the unit to its original condition when I move out. Can he require that I use his contractor and that I restore my unit when I move out?

A: A housing provider cannot insist that a particular contractor do the work. However, your landlord can require that you ensure that the work be performed in a workmanlike manner. This usually includes providing a description of the proposed modification, proof that your contractor is licensed, and requiring that any and all necessary building permits be obtained prior to starting on your modification project.

Your landlord can require that you restore your unit to its original condition. A landlord can require this only when it is reasonable to do so. Lower kitchen cabinets may affect your landlord's ability to rent out his unit in the future so he can most likely require that your unit be restored. There are some modifications that can be made to a unit where it would be unreasonable to require restoration, such as requests to widen doors.

Q: I own a condo and have trouble accessing my unit from my parking stall. I want to ask the Association of Apartment Owners to put in ramps and curb cuts around the property. Would the Association be required to make these changes or would I have to pay for the modifications myself?

A: With a few exceptions, multifamily housing consisting of four or more units with an elevator, which were built for first occupancy after March 13, 1991, must comply with the Fair Housing Act's design and construction requirements. If your condominium project fits that description, they may be required to meet certain standards which include accessible routes (usually provided by ramps and curb cuts) though the housing complex and into your unit.

Neighbor Islands,
866-527-3247. Leave a message and our Intake Specialist will call to schedule an interview. One of our staff attorneys will then review your case and determine whether we will be able to provide assistance.

If you live in building built before for first occupancy before 1991, you may need to request a modification for curb cuts and ramps. You would have to bear the cost of the modifications. You are not, however, responsible for restoring the property upon move-out and your Association will be responsible for the upkeep and maintenance of the modifications.

Q: I live in an older building and there are no handicap accessible parking stalls on the property. I would like to request an accessible stall. This would require my housing provider to provide a new stall and create an access aisle. Can I make this modification request?

A: The U.S. Department of Housing and Urban Development, the Department of Justice, and courts throughout the United States have found that requests for parking stalls are considered reasonable accommodation requests. For more information on accommodation requests for parking stalls, [please click here.](#)

For a PDF version of our Q&A on Reasonable Modification Requests, [please click here.](#)

Upcoming Training Sessions

There will be two tester training opportunities for Oahu in November. The first option is on Wednesday, November 5th in Honolulu from 11:45 a.m. - 1:15 p.m. The second option is on Thursday, November 6th from 4:00 p.m. - 5:30 p.m. in Honolulu. For registration information, please call the Investigation Coordinators at (808) 527-8017 or (808) 527-8078 or complete the pre-screening questionnaire by [clicking here.](#)

Outreach Events in November 2014



AmeriCorps Advocate, Andi Edmunds helped pass out brochures and flier at an outreach event we attended at the University of Hawaii-Manoa to recruit volunteer testers.

Weekly Outreach at St. Elizabeth Episcopal Church

The Fair Housing Enforcement Program along with Legal Aid's Healthcare Kokua Connector will be at St. Elizabeth's Episcopal Church in Kalihi on Thursdays from 10:30 am to 1:00 pm.

If you or anyone you know has a fair housing issue and is interested in applying for Legal Aid services, feel free to come down. A Chuukese interpreter will also be available.

For more information on this outreach, please contact Madonna at 808-527-8083.

Training to Property Management Companies and Tenant's Rights Organizations

The Fair Housing Enforcement Program will be providing two trainings, one to a property management company and one to a group of tenants living in elderly housing. If you would like to schedule a training, please contact Madonna at 808-527-8083.

Legal Aid Society of Hawaii | info@fairhousinghawaii.org | <http://www.fairhousinghawaii.org>
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Please forward this email to other interested parties

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