

ARMED FORCES HOUSING ADVOCATES

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DISABILITY RIGHTS IN MILITARY HOUSING



PREPARED AND PRESENTED BY

CEASARAE GALVAN, NOELLE PAUL, & KATE NEEDHAM
ARMED FORCES HOUSING ADVOCATES

ABOUT ARMED FORCES HOUSING ADVOCATES



A LITTLE BIT ABOUT OUR NONPROFIT

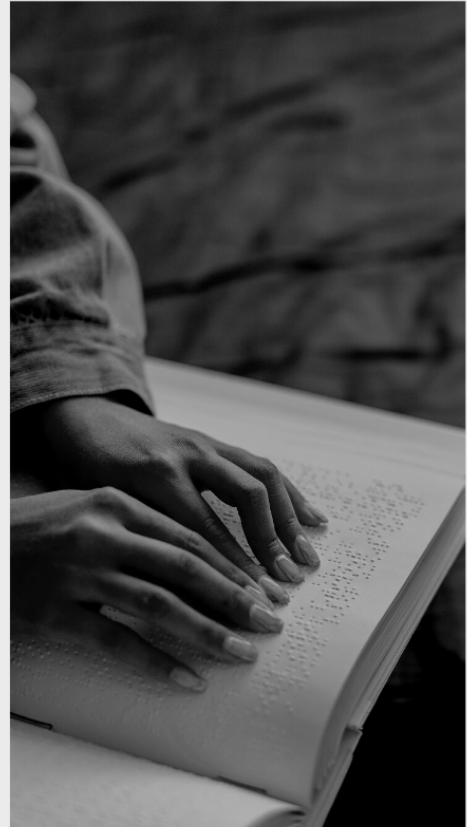
Armed Forces Housing Advocates serves military families of every branch across the continental US, Hawaii, and Alaska. We seek to empower 700,000 families living in privatized military housing through our direct advocacy services. Since May 2021, our advocates have helped 1,300 families across the nation with issues such as mold remediation, asbestos and lead exposure, window safety, ADA compliance, gas leaks, sewage leaks, and PCS homelessness. We provide direct advocacy services to educate families on their rights and empower them to become their own advocates to seek dispute resolution. **Readiness starts with a safe home.**

FAIR HOUSING ACT

- **Requires MHPI companies to make reasonable accommodations to policies to allow current and prospective tenants equal access and enjoyment.**
 - Reserved parking space near the home for a tenant with mobility issues that does not have a private driveway.
 - Placing a family in a home that is rated for a higher rank or larger family size than they would normally qualify for due to lack of availability or need for additional space due to medical necessity.
 - Waiving fees associated with: assistance animals (service and emotional support), transfers to a more suitable home, or upgrading to a larger home (also known as a buy-up fee).
 - Allowing assistance animals (service and emotional support) in pet-free homes.
 - Providing a single level home with no steps.
 - Other accommodations as needed.

AMERICANS WITH DISABILITIES ACT

- **Provides equal access and enjoyment to any services and amenities available to the public** (This includes neighborhoods on base that can be accessed by military families who do not reside within the neighborhood).
 - Sidewalks
 - Leasing offices
 - Any amenities that can be used by individuals who do not live in the neighborhood without the need for an escort.
 - Website accessibility



FAIR HOUSING ACT

...CONTINUED

- **Requires MHPI companies to ensure all services and amenities are accessible to tenants.**
 - Leasing offices
 - Pools/Gyms/Clubhouses
 - Playgrounds (Must be accessible, such as a paved pathway to reach the playground by wheelchair, but are not required to include adaptive equipment such as wheelchair swings)
 - Accessible options for rent payments, maintenance request forms, etc.
 - All other amenities and services
- **Requires MHPI to make reasonable modifications to homes and amenities to ensure full access and enjoyment**
 - Wheelchair ramps
 - Accessible showers
 - Removing carpet
 - Roll up counters
 - Grab bars
 - Visual doorbells
 - Additional locks on points of entry
 - Fences
 - Other modifications as needed

SECTION 504



- **Requires MHPI companies to provide the most suitable housing possible to tenants with disabilities.**
 - Allowing a family with a disability to “jump the list” and be offered a suitable home, when all families above them on the waitlist do not require accommodations.
 - Allowing a family with no accommodations to move into an accessible unit, with an agreement that they will move to a new unit if a family with a disability requires their accessible unit.
 - Allows families to decline a unit that does not meet their needs without being penalized or moved down on the waitlist.
- **Requires MHPI companies to provide accommodations and modifications at no cost to the tenant.**
 - Accommodations and modifications both inside the home and in common areas of the neighborhood must be fully funded by the company.
 - Tenants can not be charged fees or additional/higher deposits related to any accommodations or modifications, or be required to purchase their own adaptive items.

NDAA

FISCAL YEAR 2022

- Prevents MHPI companies from charging tenants for accommodations and/or modifications.
 - FY22 NDAA: Section 2813 clarifies that MHPI companies must provide disability required home accommodations and/or modifications at no cost to the tenant.



DoD Policy:

DoD 4165.63-M, DoD Housing Management (pg 22)

- **Special Needs.** No family shall be discriminated against in the assignment of DoD family housing because of disability requirements. At least 5 percent of the total military family housing inventory (no less than one house) at an installation shall be accessible or readily and easily modified for use by persons with disabilities. When needs exist, modifications to housing shall be accomplished on a high-priority basis (regardless of the inventory of accessible units in use) to ensure assignment of housing at least as soon as it would have been otherwise available. In addition, persons with disabilities must have access to programs and activities conducted in public entertainment areas of DoD family housing and in support facilities provided for DoD family housing occupants, in accordance with section 794 of title 29, U.S.C. (Reference (r)). In locations with more than one installation (e.g., joint bases), provisions should be made, where possible, to provide increased access to housing and related services to families with special needs.

EXCEPTIONS TO THE LAW

- **Accommodations and Modifications not connected to the disability**

- Housing companies are not required to provide accommodations and modifications that are not connected to a disability.
- For example, a housing company is not required to widen the doorways of a home for a disabled tenant that does not use mobility equipment and would have equal access and enjoyment of their home without the modification.

- **Significant change in services**

- Accommodations can be denied if they include a significant change in services.
- An example of this includes sending someone to take out the trash for a tenant who is unable to lift the lid of a metal dumpster.
- Alternative accommodations must be provided, such as leaving the dumpster lid open at all times.

- **Medical equipment**

- Housing companies are not required to purchase medical equipment such as a wheelchair or ceiling mounted lift for you to be able to access your home.
- They are required to purchase modification items such as wheelchair ramps to allow you to use your equipment.
- They are required to pay for a reasonable modification, such as the installation of a ceiling lift system that is provided by the tenant.

- **Undue financial burden**

- Accommodations and modifications can be denied if it presents an undue financial burden on the company.
- The burden of proof lies on the housing company. Very few requests will actually prove to be a burden on MHPI companies due to their size.



REQUESTING AN ACCOMMODATION OR MODIFICATION

- **Housing companies are required to accept requests in any form.**
 - Phone
 - In Person
 - Written/Email
 - With or without using the words “accommodation” or “modification”
- **Tenants are not legally required to use housing’s requested protocol such as:**
 - Accommodation/Modification request forms
 - Listing housing needs on EFMP paperwork
- **Housing companies can request documentation of the following things when it is not readily apparent:**
 - Documentation of a disability (Diagnosis is not required to be disclosed)
 - Connection to the request
- **Tenants are not required to provide documentation or a physician’s statement when the disability and connection to the request are readily apparent, such as:**
 - A wheelchair user requesting a single level home or ramp
 - A tenant with a form of dwarfism requesting lowered counters/cabinets
 - A blind tenant requesting to have a guide dog in a pet-free unit
- **Housing companies are required to respond to requests promptly,** and failure to do so is considered an illegal refusal to accommodate. Requests that are approved must be provided promptly.
- **When applicable, housing companies have the right to offer alternative accommodations** that provide the same access and enjoyment, such as:
 - Providing locks for all doors/windows instead of providing a fenced in front yard for a family member who elopes.
 - Providing an alternative entrance to amenities instead of installing a wheelchair ramp at the main entrance.
 - Replacing thick carpet with ADA carpet instead of smooth flooring, providing that the ADA carpet does not impair access and enjoyment.

POTENTIAL BARRIERS

- **Housing approves your request but says that you must pay for it.**
 - Remind them that under the NDAA tenants are not responsible for any portion of a reasonable modification, and that approval of your request acknowledges that it is reasonable so they must pay.
- **Housing is not responding to a request.**
 - If you've tried to follow up and still not received an approval a few weeks after submission send a follow up that includes your installation's government housing office representative.
- **My request was approved but the work hasn't been started/completed.**
 - Depending on the nature of the request and the scope of work completed the timelines can vary. If no progress has been made within a few weeks of approval, or the work was started and is not being completed in a timely manner, request a reasonable deadline in writing. If they are unable to provide one, contact your installation's government housing office in writing with your request.
- **I was denied a suitable home (or priority waitlist) because my EFMP paperwork is not up to date.**
 - Remind housing that they are legally required to accept these requests in any form, and that any policy requiring a specific form or procedure for these requests is illegal.

EXAMPLES OF MODIFICATIONS:

- Wheelchair ramps
- Removal of carpet for mobility aids or allergies
- Locks on doors or fenced yard for eloping
- Window guards
- Lowered or roll up counters/sinks/cabinets
- Accessible shower
- Visual doorbells, smoke, CO2 detectors
- Electric stair lift chair when placed in 2 story home
- Door levers instead of knobs
- Grab bars
- Handrails



DO YOU NEED HELP WITH YOUR DISABILITY RIGHTS IN MILITARY HOUSING?



**GET IN TOUCH WITH
AN ADVOCATE
FROM AFHA TODAY!**

No one should be denied their rights-if you need assistance navigating the system in your privatized military home, please contact AFHA today and we will connect you with an advocate to help you through the process within 72 hours. Readiness starts with a safe home! Go to www.afhousingadvocates.org and click on the link "Get Help" today.