



54 SAWYER AVENUE, ATKINSON, NH 03811 • TEL. (603) 362-5333 • FAX (603) 362-4936

Notice of Right to Reasonable Accommodation

A Reasonable Accommodation is intended to provide persons with disabilities equal opportunity to live in and enjoy our housing communities. Lewis Builders is obligated to make an accommodation that is reasonable, unless doing so would result in an undue hardship or fundamental alteration in the nature of our operations.

If you are a person with a disability, and if your request is reasonable, we will make an effort to accommodate your request. Lewis Builders will respond within 30 days. To obtain a copy of our Reasonable Accommodation Policy or a Reasonable Accommodation Request form:

- Call 603-362-5333.
- Visit Lewis Builders Office, 54 Sawyer Ave, Atkinson, NH.
- Write to Lewis Builders, 54 Sawyer Ave, Atkinson, NH
- Visit our website at: www.lewisbuilders.com

If you need assistance filling out a Reasonable Accommodation Request form, or if you would like to submit a request in some other way, please let us know. Any information you provide will be kept confidential.

REASONABLE ACCOMMODATION POLICY

A. Introduction

1. The Reasonable Accommodations Policy applies to all Lewis Builders, LLC.(LB) rental properties.
2. LB does not discriminate on the basis of race, sex, color, religion, national origin, ancestry, sexual orientation, age, familial status, marital status, or physical or mental disability in the access or admission to its programs or employment, activities, functions or services.
3. LB is covered by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Titles II and III, the Fair Housing Act and New Hampshire RSA 354-A as well as other federal, state and local fair housing laws, regulations, and policies which require reasonable accommodation to persons with disabilities as defined in those laws.
4. A Notice of the right to reasonable accommodation is posted or included in the following locations:
 - a. Management office offices,
 - b. All applications for housing programs,
 - c. Lease violation notices,
 - d. Eviction notices/voucher termination notices,
5. Notices shall be in large print and posted or included in a manner that is readily seen by persons with all disabilities. Such notices will also be available in other formats for persons who cannot read them.
6. This Notice and these Policy and Procedures shall also be posted on LBI's website (www.lewisbuilders.com) and be made available, without charge, to anyone upon request.
7. Notices of denial shall include the reason for the denial and the right to request a reasonable accommodation.
8. LB residents should contact the Property Manager for more information about this policy at 54 Sawyer Avenue, Atkinson, New Hampshire 03811 603-362-5333.

B. What Is A reasonable Accommodation/modification?

1. A reasonable accommodation is a change of LBI's policies, practices, or procedures for people with disabilities that is necessary to insure equal access to LBI's premises, amenities, services, and programs.
2. A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with disability, in order to afford such person full enjoyment of the premises.
3. The definition of a person with a disability for purposes of a reasonable accommodation or modification follows the definition in Section 504 of the Rehabilitation Act, the American with Disabilities Act, the Federal Fair Housing Act, New Hampshire RSA 354-A and any other applicable statutes:
 - a. "Disability" means a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
 - b. Major life activities include, but are not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning, working, thinking, eating, standing, lifting, concentrating, communicating, and sleeping.
4. Exceptions:
 - a. The term disability does not include current use or current addiction to illegal drugs. "Current" means:
 - i. It occurred recently enough to justify a reasonable person to believe that the use is current; or
 - ii. That continuing use is a real and ongoing problem.
 - b. Marijuana used medicinally or otherwise is an illegal substance under federal law and is not permissible under Reasonable Accommodation.
 - i. Use of an FDA-approved synthetic medical marijuana product, for example Marinol, as prescribed by a medical professional authorized under NH law does not constitute illegal drug use.
 - c. Where there is evidence of prior use of illegal drugs and the requester contends he/she is not engaged in current use, the requester must provide evidence of recovery and be willing and able to be lease compliant.
5. An individual is not eligible for a reasonable accommodation if;

- a. The individual poses a direct threat to the health or safety of other individuals and this cannot be mitigated by a reasonable accommodation; or
- b. The individual would cause substantial damage to property; or
- c. The individual is not otherwise qualified for a rental unit from LB and this cannot be mitigated by a reasonable accommodation.
- d. Reasonable accommodations will be made up to the point of undue financial and administrative burden, or requiring changes fundamental in accordance with the provisions of outlined in part 4 of the “Reasonable Accommodations/Modification Evaluation Criteria” section of this policy, below.
- e. Reasonable modifications will be made up to the point of structural infeasibility, or undue financial and administrative burden.

C. Reasonable accommodation/modification evaluation criteria

LB will evaluate requests for accommodation or modification by determining if the requests satisfy all of the following four criteria.

- 1. Request
 - a. LB must receive a request for the accommodation or modification.
 - b. The request does not have to come from the disabled person in question. Any person may make the request on behalf of the disabled person.
 - i. LB may request the tenant’s concurrence in cases where the person requesting the accommodation or modification is not legally authorized to do so on behalf of the tenant.
 - ii. The request does not have to be in any particular form nor do the words “reasonable accommodation” need to be used.
 - iii. The request may be verbal, although LB prefers written requests.
 - iv. The request may be presented at any point in time during application or tenancy,

CI. Disability

- a. The accommodation or modification must be for a person who has a condition that meets the definition of disability. Such persons include the head of household as well as any household members.
- b. It is not necessary for LB to know the details of a disability.

- c. LB will not require access to confidential medical records in order to verify a disability.
- d. LB may request only information that is necessary to evaluate the disability-related need for the accommodation.
- e. The person providing documentation to verify the requester's disability must be from an appropriate third party, such as a medical provider, mental health provider, or other professional in a position to provide this verification.
- f. When a disability, as defined in part 4 of the "What is a Reasonable Accommodation/Modification" section of this policy, above, is obvious or known to staff, documentation of the disability will not be required.
- g. Examples of a "known" or "obvious" disability include, but are not limited to, inability to walk, blindness, deafness, a disability that has previously been documented, or where the person receives SSI or SSDI disability benefits.
- h. When the disability and/or need is not obvious or known to staff, requests will require verification that the individual meets the definition of disability, and when relevant, that the accommodation is likely to resolve the problem.
- i. If a disabled individual, who has lease violation, requests a reasonable accommodation in order to comply with LB lease requirements, LB must, in considering this request, determine whether non-compliance is likely to recur even with the accommodation sought.
 - i. LB may request that the individual provide appropriate information or verification, within a reasonable period, to establish that non-compliance is not likely to recur.
 - ii. If the requested accommodation is not likely to solve the lease violation, and continuation of the lease violation will pose a threat to the health or safety of others, unreasonably disrupt the quiet enjoyment of other tenants, or constitute a fundamental alteration in the program, the accommodation request may be denied.
 - iii. LB will rely on objective information, not mere speculation, to determine whether an accommodation will solve a lease violation or whether it is likely to recur in the future.

3. Necessity for Reasons Substantially Related to the Disability

- a. The requested accommodation or modification must be necessary for the disabled person's full enjoyment of LB premises; and
- b. The necessity must be substantially related to the requestor's disability.
- c. LB is not obliged to provide accommodations or modifications that may be necessary to the requester, but are for reasons that do not substantially relate to the disability.

4. Reasonableness

- a. The requested accommodation or modification must be reasonable. A request is not reasonable if any of the following are true:
 - i. Undue Financial and Administrative Burden on LB
 - ii. LB will determine on a case-by-case basis whether a request would impose an undue financial and administrative burden.
 - iii. Relevant factors include:
 - The administrative cost and burden of the requested accommodation in comparison with the administrative cost of regular operations;
 - Limits or availability of LBI's overall resources;
 - The benefits that the accommodation would provide the requester, and
 - The availability of other, less expensive, alternative accommodations that would effectively meet the requester's disability-related needs.
- b. Fundamental Alteration in the Nature of LBI's Premises: This means that the request, if granted, would require LB to provide a program or service that it does not normally provide, such as counseling services, medical services, or transportation services.

D. Reasonable accommodation documentation

1. When documentation is necessary, LB strongly recommends that applicants or residents use the LB verification form.
2. LB may require a Request for Reasonable Accommodation and Certification – Need for Reasonable Accommodation if other forms of documentation do not adequately document the need for accommodation.

3. LB may request only information that is necessary to evaluate the disability-related need for the accommodation. No additional documentation will be required where the disability and the related need for an accommodation are readily apparent or otherwise known to LB. All information gathered in this process must be kept confidential and must not be shared with other LB staff persons unless they need the information to implement the request.
4. LB shall limit any information available to a staff person implementing a decision to only the information that is necessary to take appropriate action.
5. It is the responsibility of the person requesting the accommodation to secure such documentation or to give LB the information necessary to secure such documentation. Documentation must come from a reliable source with sufficient professional and personal knowledge of the applicant/resident to answer the applicable questions.
6. LB has the right to sufficient documentation to make a decision, but does not have a right to diagnosis, medical history or treatment unless directly relevant to a reasonable accommodation request. For example, in response to a request for accommodating chemical sensitivity, LB could request a list of the specific materials to which an individual is sensitive.
7. If the Property Manager determines that the request is denied, LB must promptly notify the requester of the determination and the reason for such a decision. Any such decision shall be made in writing and shall explain its basis and shall state that the requester also has the right to file a fair housing complaint with HUD, NH Commission for Human Rights, or in a court of law.
8. Nothing in this Policy shall limit a person's rights to proceed with an administrative or court action relating to his or her disability. LB shall inform any individual in writing when their reasonable accommodation request is acted upon of their right to file a fair housing complaint, whether or not a review is pursued, with the following administrative agencies or in a court of law:

Department of Housing and Urban Development (HUD)

Office of Fair Housing and Equal

Opportunity 10 Causeway Street

Boston, MA 02222

Telephone 1 (800) 827-5005, or (617) 565-5308

TDD (617) 565-5453

NH Commission for Human Rights

2 Chenell Drive Unit 2

Concord, NH 03301-8501

Telephone: (603) 271-2767

Fax: (603) 271-6339

E-mail: humanrights@nhsa.state.nh.us

9. LB will not take adverse action against a requester with a pending reasonable accommodation request if the action relates to the pending request.
10. LB will take action against a requester with a pending reasonable accommodation if the requester presents a threat to the health and safety of other residents or tenants.

E. Third party representatives

1. Any individual with a disability who makes a reasonable accommodation request may authorize a third party representative to act on his or her behalf in dealing with LB.

- F. Upon presentation of appropriate authorization, a third party representative may fill out and sign the Request for Reasonable Accommodation form for an individual with a disability.
- G. Upon submission of a written request by an individual with a disability who has asked for reasonable accommodation, an authorized third party representative shall be given access to all documents in the individual's file which relate to his or her reasonable accommodation request.