



The **Nelrod** Company®

FAIR HOUSING FOR MAINTENANCE

Presented by Janice Gibbons

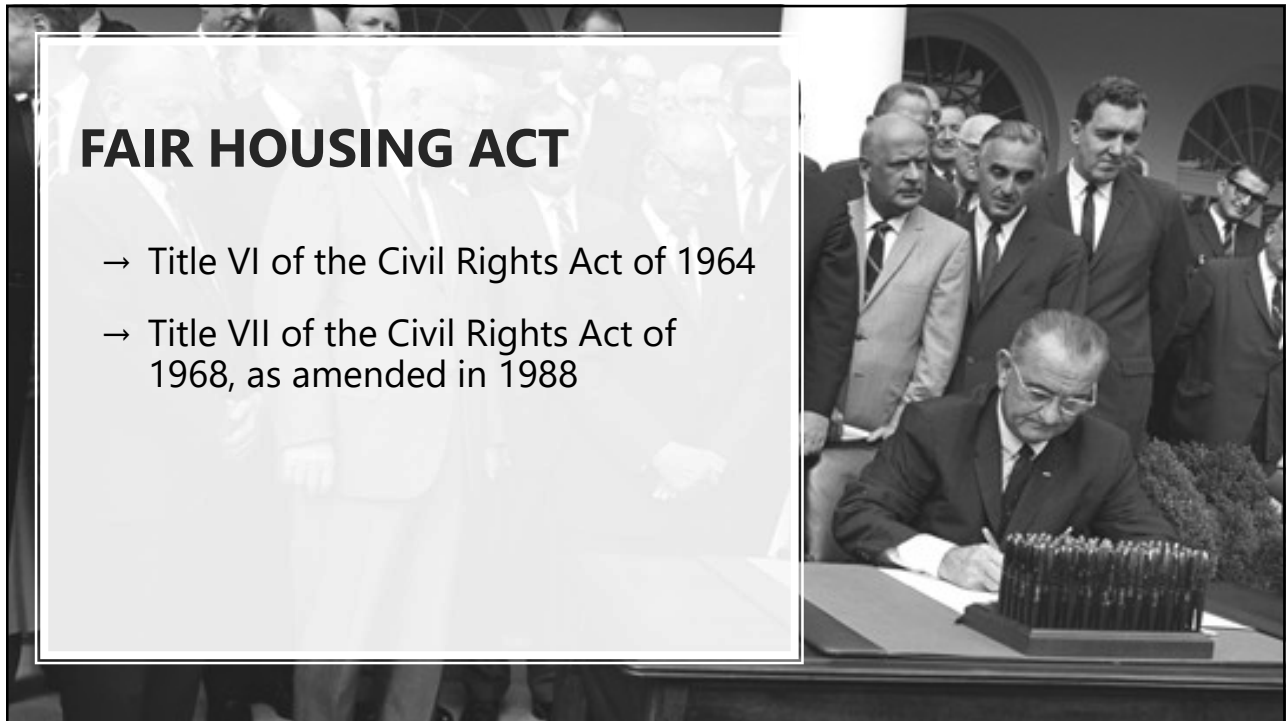
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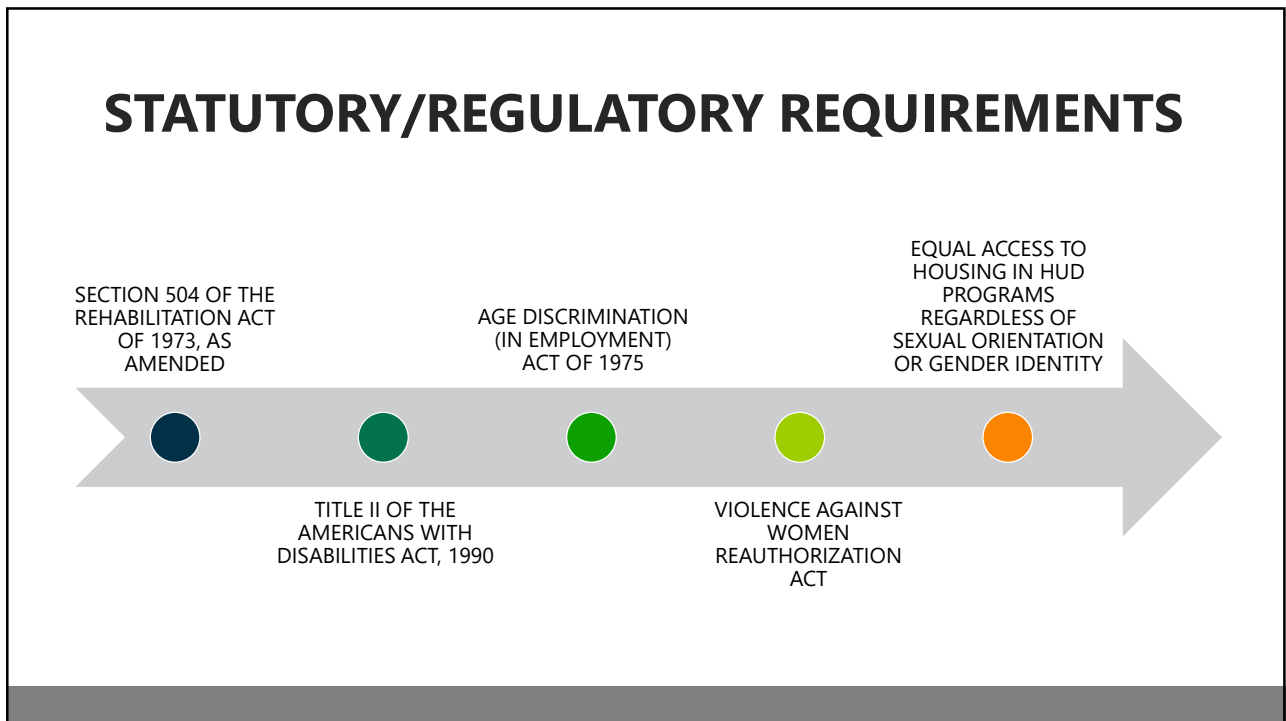


WHAT IS FAIR HOUSING?

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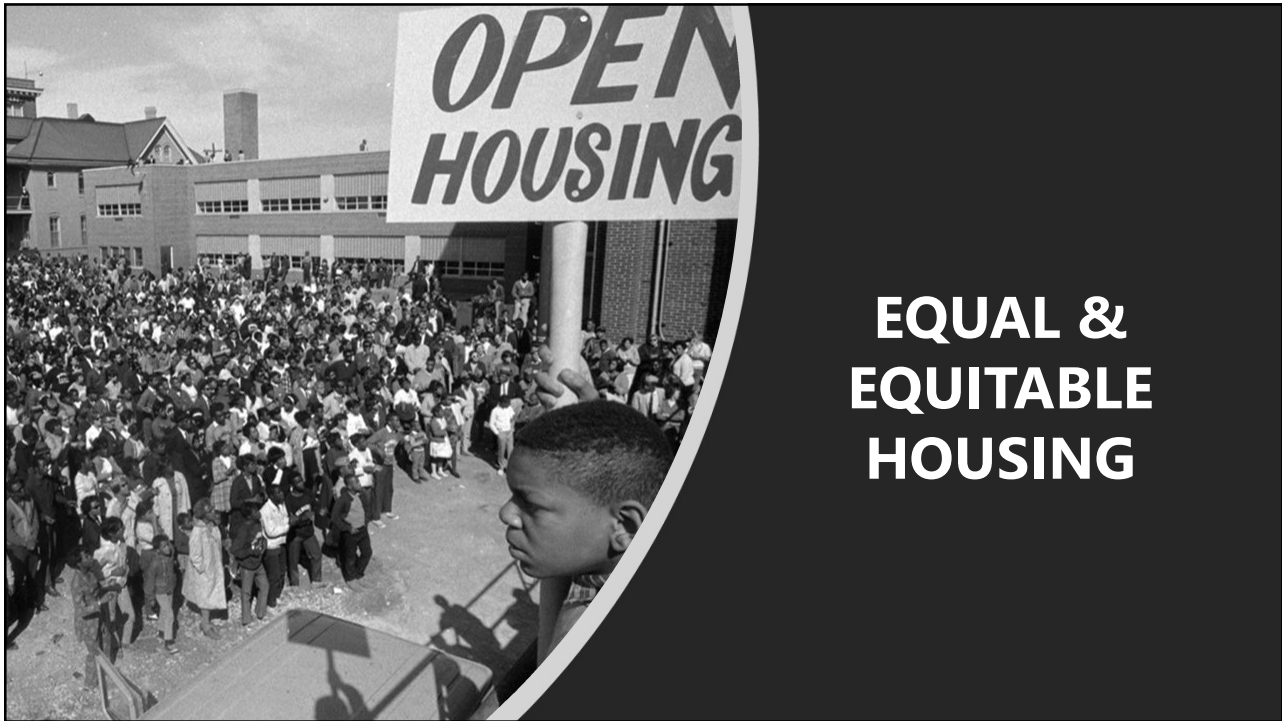


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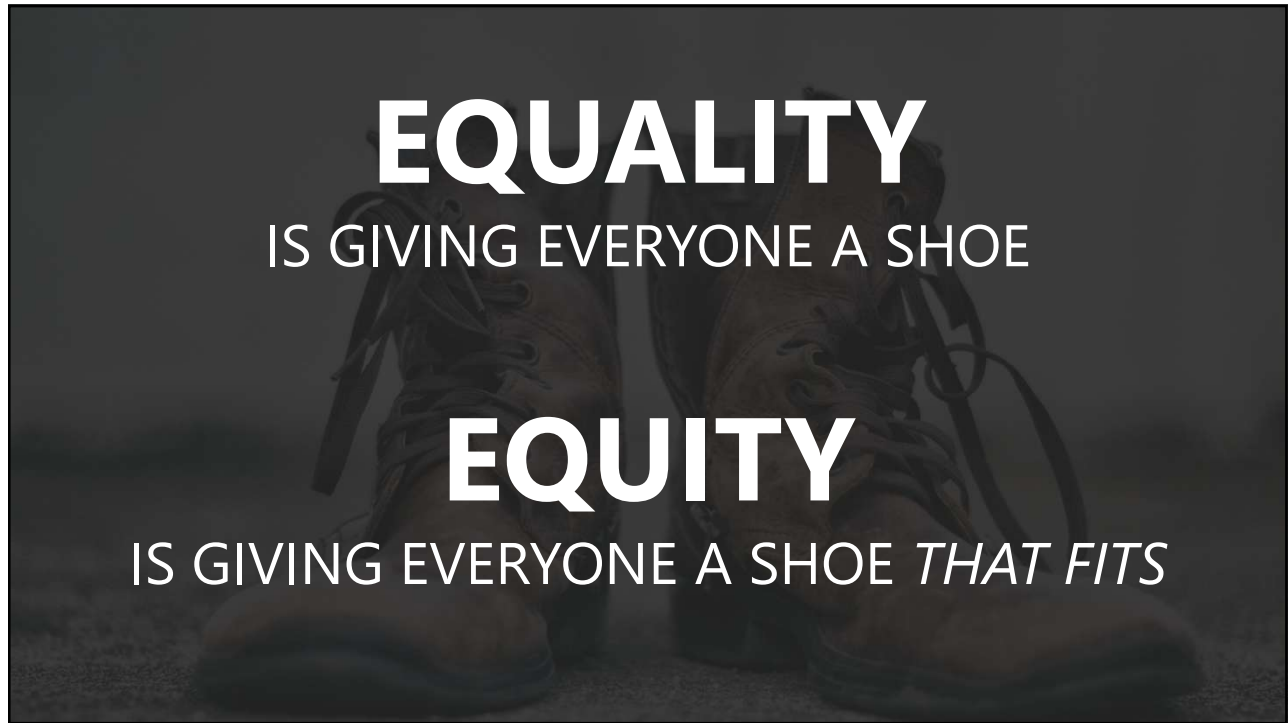
**MUST COMPLY WITH ALL
STATUTORY/REGULATORY
REQUIREMENTS**

MOST STRINGENT APPLIES

5



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IT IS **ILLEGAL** TO
DISCRIMINATE IN HOUSING
ACTION ON THE BASIS OF RACE,
COLOR, NATIONAL ORIGIN,
RELIGION, SEX, FAMILIAL
STATUS, OR DISABILITY

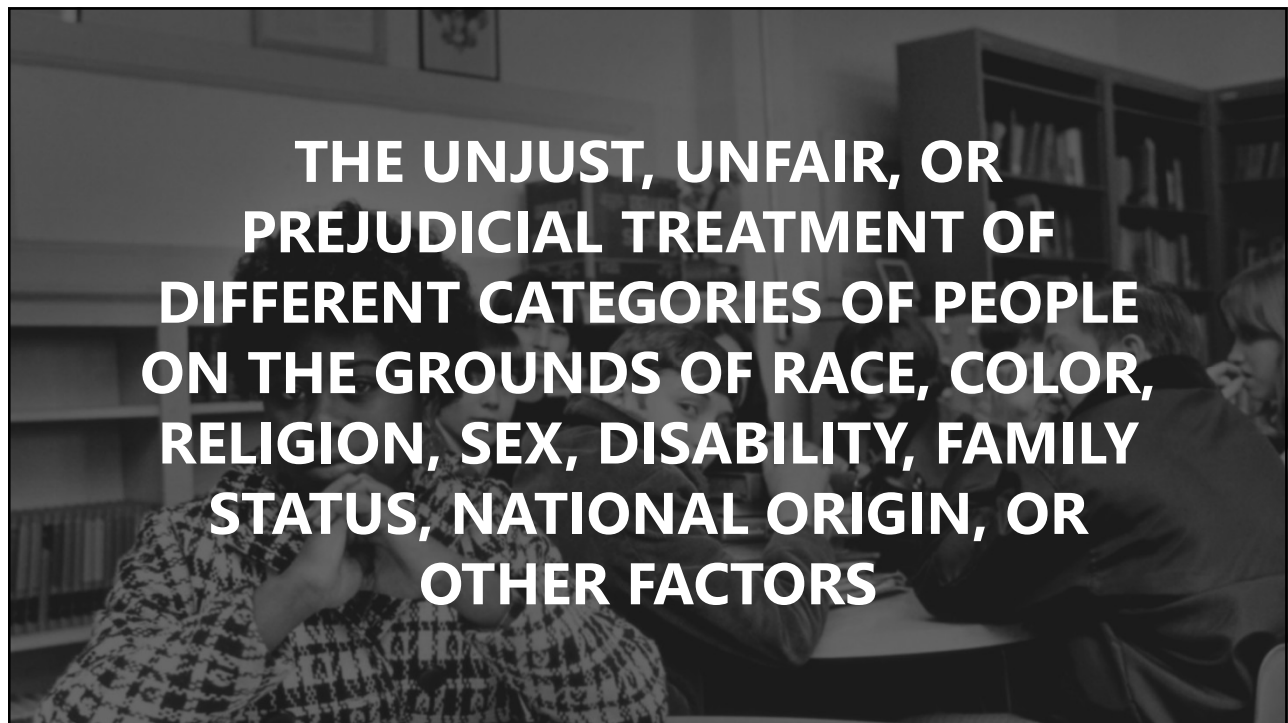
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DISCRIMINATE IN THE
TERMS, CONDITIONS, OR
PRIVILEGES OF SALE OR
RENTAL OF A DWELLING, OR
IN THE PROVISION OF
SERVICES AND FACILITIES IN
CONNECTION THEREWITH

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TYPES OF DISCRIMINATION

<p><u>DISPARATE TREATMENT</u></p> <p>TREATING SOMEONE DIFFERENTLY BECAUSE THEY ARE A MEMBER OF A PROTECTED CLASS</p>	<p><u>DISPARATE IMPACT</u></p> <p>OCCURS WHEN POLICIES, PRACTICES, RULES OR OTHER SYSTEMS THAT APPEAR TO BE NEUTRAL RESULT IN A DISPROPORTIONATE IMPACT ON A PROTECTED GROUP</p>
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 <p>HOSTILE ENVIRONMENT</p>	 <p>QUID PRO QUO</p>
 <p>BULLYING</p>	 <p>SEXUAL HARASSMENT</p>

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**AN AGENCY CAN BE HELD
EQUALLY
LIABLE FOR ITS
FAILURE TO ACT
AS IT CAN FOR DIRECT OR
INDIRECT DISCRIMINATION**

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**WHAT'S THE
WORST THAT
COULD HAPPEN?**

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VS

 <p>SERVICE DOGS Any dog trained to perform tasks for an individual with a disability.</p>	 <p>EMOTIONAL SUPPORT DOGS Medically prescribed animals providing therapeutic benefit through dedicated companionship.</p>
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PETS

24 CFR PART 5, SUBPART C

- ✓ PH Project designated for elderly or persons with disabilities at its inception
- ✓ Projects/Buildings in which the PHA gives preference to elderly or disabled families

24 CFR PART 960, SUBPART G

- ✓ All PH Developments except those designated as Elderly/Disabled

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PETS

- Definition of common household pet
- Limitations on size and breed
- Pet Deposits
- Limitations on number of pets
- Establish standards of care and handling

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ASSISTANT ANIMALS

- Assistance animals are often referred as:
 - ✓ "Service" animals
 - ✓ "Support" animals
 - ✓ "Emotional Support" animals
 - ✓ "Comfort" animals
- Does not include therapy animals

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ASSISTANCE ANIMALS MAY...

- Work
- Provide assistance
- Perform tasks
- Provide emotional support that lessens the effects of the individual's disability

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ASSISTANCE ANIMALS VS. SERVICE ANIMALS

- HUD issued a memo stating "the DOJ 2011 amendments to its ADA regulations do not apply to reasonable accommodation requests under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1974"
- ✓ Applies primarily to public places, businesses, airlines, and state, federal and local governments
- ✓ Allows a person requiring a trained service animal to take the animal anywhere they go

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ADA - SERVICE ANIMALS

- The DOJ revised the ADA definition of service animals in 2011 to be:
 - ✓ Any **dog** that is **individually trained to do work or perform task** for the benefit of person with disabilities
 - ✓ Trained dogs (in very specific circumstances – trained miniature horses) are the only animals that qualify as service animals under the ADA

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ASSISTANCE ANIMALS VS. SERVICE ANIMALS

Disabled individuals under Section 504 may request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals

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SERVICE/ASSISTANCE ANIMALS

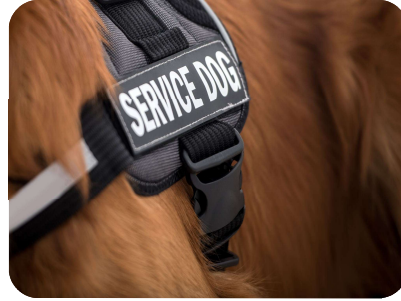
- Service/Assistance animal is NOT a pet
- Conventional Pet Policies do NOT apply to Service/Assistance animals
- All lease provisions relating to health and safety DO apply to assistance/service animals

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SERVICE/ASSISTANCE ANIMAL CONSIDERATIONS



Does the person have a disability?



Is there a disability-related need for the assistance animal?

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SERVICE/ASSISTANCE ANIMAL POLICY

- Resident Responsibility?
 - ✓ Certain lease provisions
 - ✓ All local/City animal ordinances
 - ✓ Waste removal
 - ✓ Damages

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SERVICE/ASSISTANCE ANIMAL POLICY

- Cannot require animal to bear special means of identification
- Cannot impose size or breed limitations
- Multiple assistance animals

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PSYCHIATRIC SERVICE DOGS

Fear of leaving home

Hallucinations

Disorientation or confusion/anxiety

Difficulty in initiating movement

Memory Loss

Social Withdrawal

Dissociative Fugue

Autism

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MINIATURE HORSES

- Long lifespan
- Cost effective
- Better acceptance
- Calm nature
- Great memory
- Excellent vision
- Focused demeanor
- Safety conscious
- High stamina
- Good manners



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PARROTS & OTHER SPECIES OF BIRDS

- Can sense stress, tension, anger and distress in their owners
- Can be trained to use these abilities to help individuals with psychological or emotional disabilities



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CAPUCHIN MONKEYS

Helps persons with spinal cord injuries and other mobility impairments

Can be trained to assist with grasping of items and performing manual tasks



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BOA CONSTRICTORS & FERRETS

Can alert the person to impending seizures

Said to also help people with Bipolar Disorder, Obsessive Compulsive Disorder and Panic Disorders



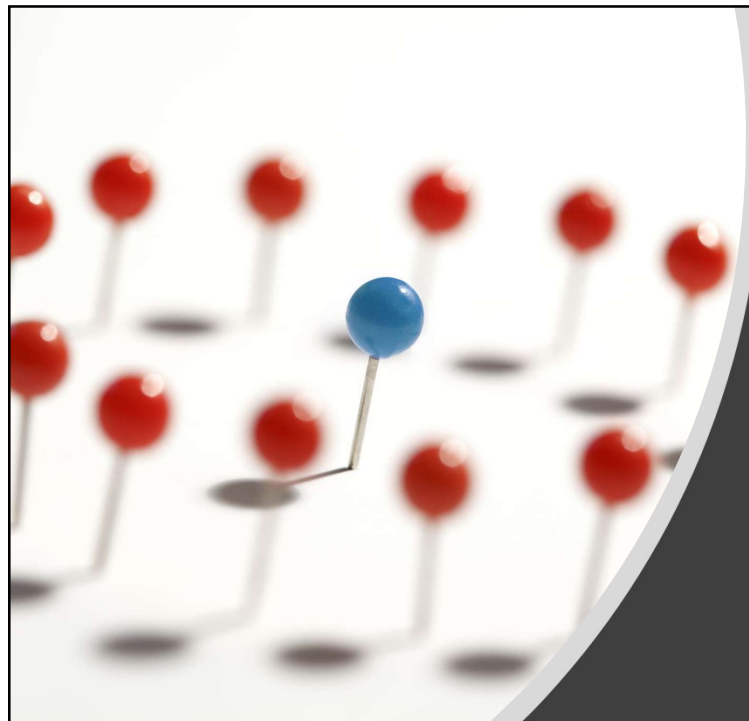
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POT BELLED PIGS

Can be trained to perform many of the same functions that an assistance dog would



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SEXUAL HARASSMENT, BULLYING & HOSTILE ENVIRONMENT

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OTHER TYPES OF ILLEGAL HARASSMENT BASED ON:

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

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TWO KINDS OF SEXUAL HARASSMENT



Hostile Environment



Quid Pro Quo

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WHAT IS HOSTILE ENVIRONMENT?

Subjecting a person to unwelcome conduct that interferes with or deprives them of the right to use and enjoy housing

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**HOSTILE
ENVIRONMENT
BEHAVIOR**



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**HOSTILE
ENVIRONMENT
& THE FAIR
HOUSING ACT**



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**QUID PRO
QUO
"THIS FOR
THAT"**



Subjecting a person to unwelcome request/demand and making submission a condition of housing

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**Sexual
Harassment
in Housing**



*Fair Housing Act parallels Title VII (EEOC)
Regulations specifically prohibit sexual harassment*

44

**AN AGENCY CAN BE HELD
EQUALLY
LIABLE FOR ITS
FAILURE TO ACT
AS IT CAN FOR DIRECT OR
INDIRECT DISCRIMINATION**

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**EXAMPLES FROM RECENT
PUBLIC HOUSING CONSENT DECREES**

- Entering homes without permission or notice
- Coercing female tenants to engage in unwelcome sexual acts
- Failing to maintain or repair units based on sexual harassment complaints
- Receiving complaints and failing to take appropriate steps to remedy or stop it

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A COMPLAINT IS RECEIVED...

WHAT DO YOU DO NOW?

HOW DO YOU DO IT?

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FIRST THINGS FIRST



Consult with an attorney



Initiate investigation

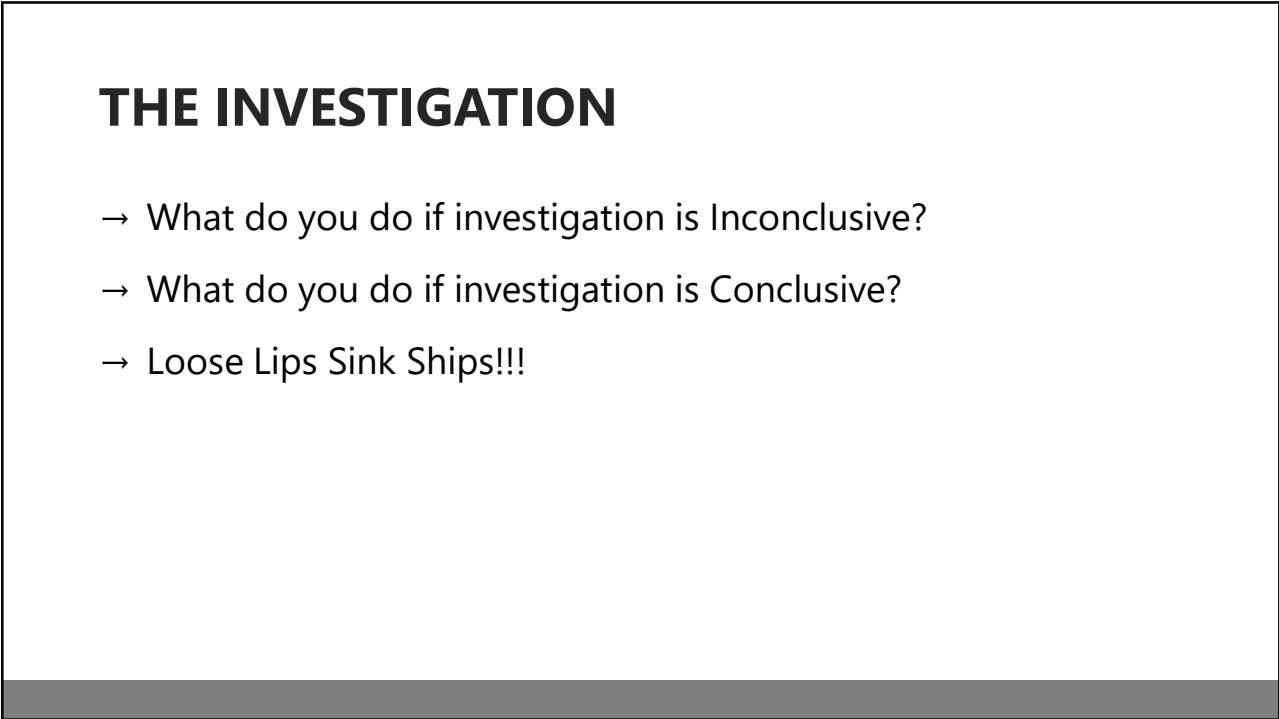


Take appropriate steps to stop any harassment that *may be* occurring

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PREVENTIVE ACTIONS

- Harassment avoidant training to **ALL** staff
- Written harassment policies
- Effective investigation process

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DISABILITY RELATED STATUTES

- The Fair Housing Act, as amended
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act

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KEY FEATURES OF THE FAIR HOUSING ACT

- Reasonable Accommodations
- Reasonable Modifications
- Requirement that housing be designed and constructed to offer a minimum level of accessibility

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OTHER KEY REQUIREMENTS

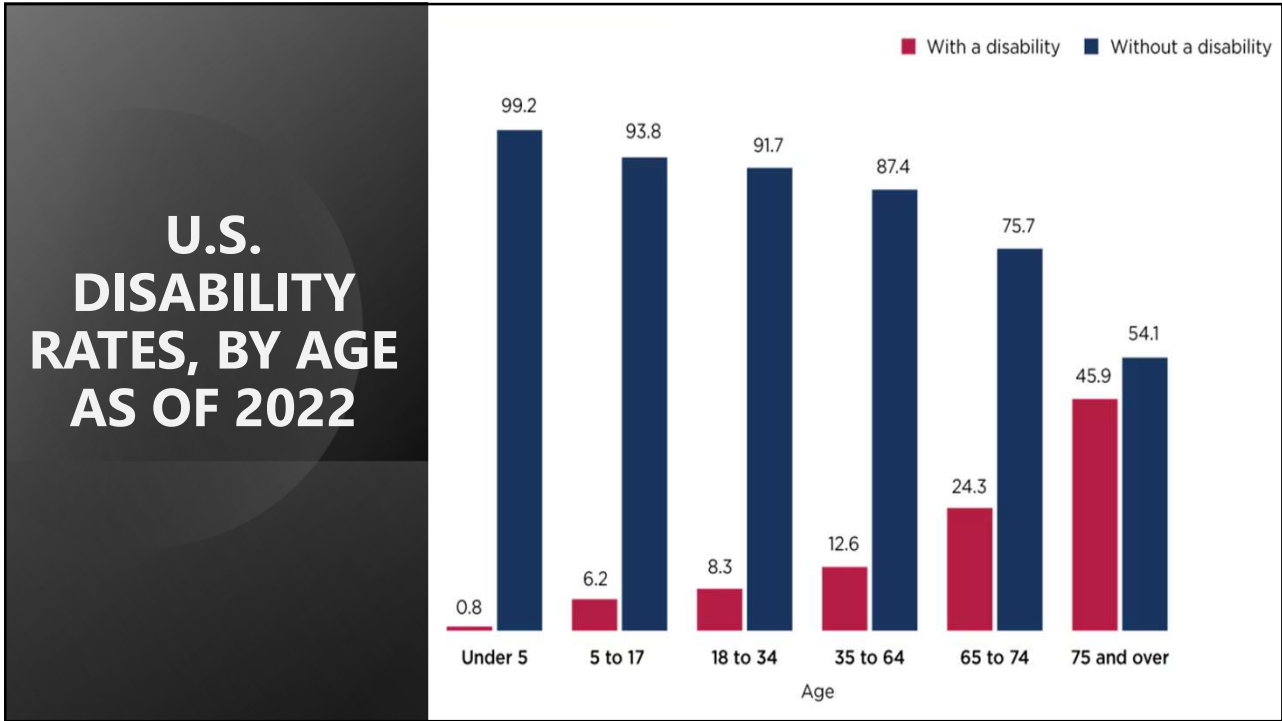
- Assure the persons with disabilities can use and enjoy housing
- Apply to all forms of housing and to all housing transactions

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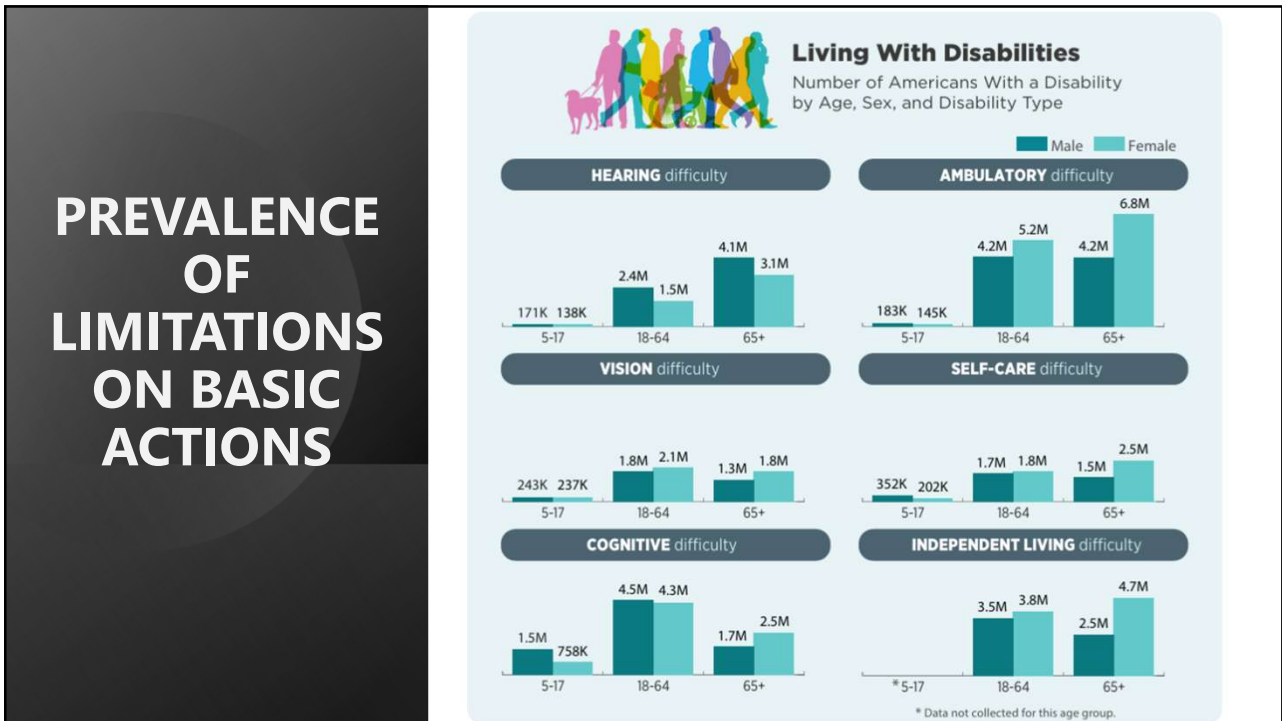
DISCRIMINATION ACCORDING TO ACT

- To fail or refuse to make Reasonable Accommodations; and
- To refuse to permit Reasonable Modifications

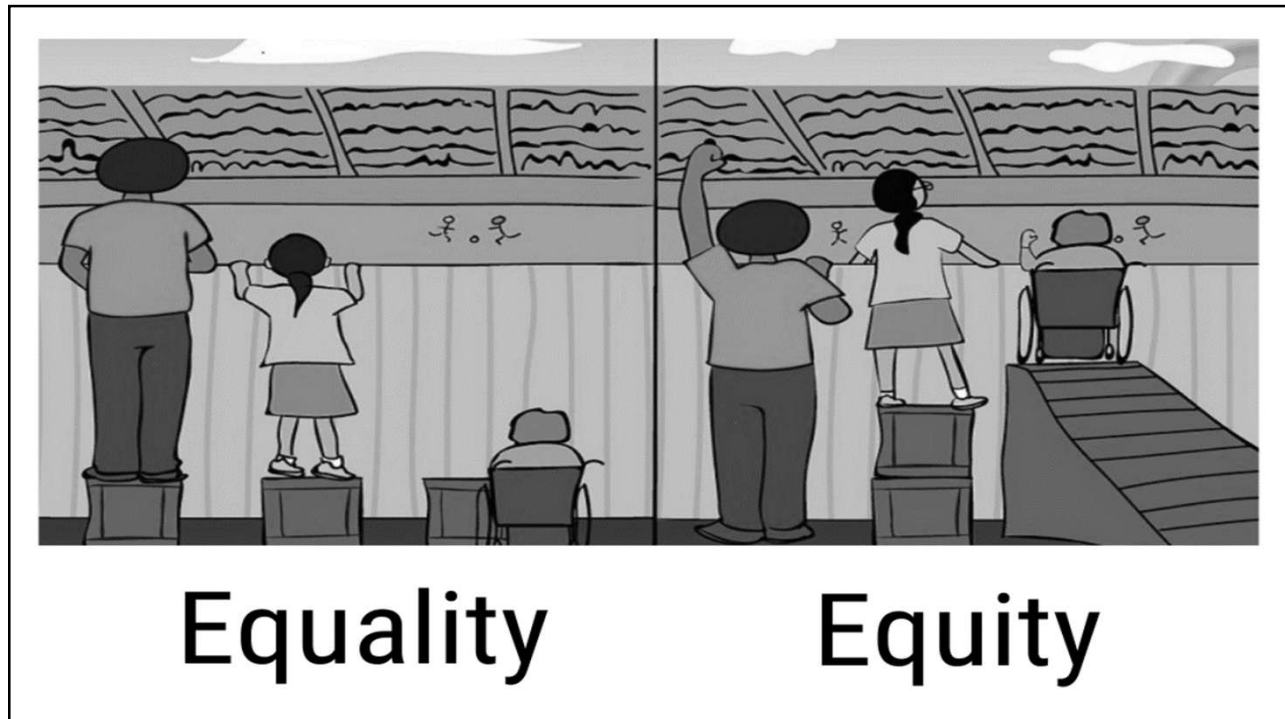
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REASONABLE ACCOMMODATIONS

- Changes to policies, rules, practices, or services
- Must be nexus between request and the individual's disability
 - ✓ PHA bears cost

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REASONABLE MODIFICATIONS

- Structural changes can be requested for units or common use areas
- Paid for by person with disability **unless federal funding is involved**
 - ✓ Must be needed because of the individual's disability

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WHO IS PROTECTED?

- A buyer or renter with a disability
- A person with a disability who will live in the unit
- A person who is **associated** with a person with a disability

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PROCESS FOR REQUESTING REASONABLE ACCOMMODATIONS/MODIFICATIONS

- Can be made verbally or in writing
- Doesn't have to be called a "request for reasonable accommodations"
- Obligation to make an accommodation/ modification even when one is not actually requested if the need is apparent

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VERBAL REQUESTS

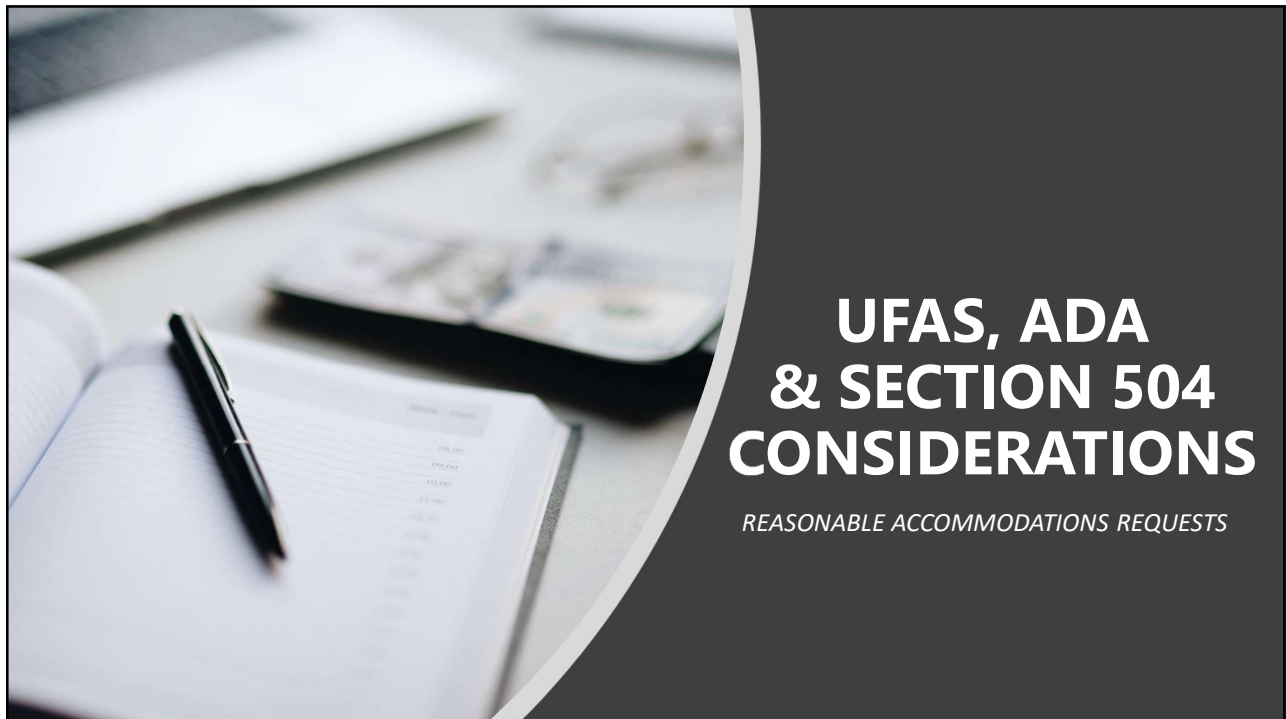
- Make notation
- Provide request to person responsible for processing requests
- Do **NOT** perform requested work until Work Order is issued!!

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TRACKING FORMS

- Must be maintained for all Requests for Reasonable Accommodations and Modifications
- Separate listing for all Reasonable Accommodation Transfers

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AMERICANS WITH DISABILITIES ACT, TITLE II

Applies to Housing Operated by a Governmental Unit



PROHIBITED

Architectural
barriers to PHA
Offices



Failure to modify
discriminatory
policies



Failure to
provide effective
communications

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SECTION 504 OF THE REHABILITATION ACT OF 1973

Prohibits discrimination based on disability in programs and activities conducted by HUD or that receive federal financial assistance from any federal agency

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SECTION 504 MAJOR PROVISIONS

- When program is viewed as a whole, must be usable and accessible to persons with disabilities
- All buildings are not required to be accessible

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SECTION 504 PHYSICAL REQUIREMENTS *NEW CONSTRUCTION*

- Minimum of 5% of total units (or at least one, whichever is greater) must be accessible
- Additional 2% (or at least one, whichever is greater) accessible for sensory impaired persons

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REFERENCES TO ALTERATIONS UNDER SECTION 504

Change to a building or facility that affects its usability

DOES NOT INCLUDE

- ✓ Normal maintenance
- ✓ Re-Roofing
- ✓ Painting
- ✓ Changes to mechanical and electrical systems

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UFAS & ADA STANDARDS IN GENERAL

- Specific provisions take precedence over general provisions
- Text takes precedence over figures
- Requirements of FHA Design & Construction requirements is **NOT** equivalent to Adaptable or Accessible Unit as defined by UFAS and Section 504

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UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS)

Applies to buildings designed, constructed or altered after July 11, 1988

Departures are permitted where substantially equivalent or greater access/**usability** is provided

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UFAS MINIMUM REQUIREMENTS

Accessible common spaces

Maneuvering space in every accessible space

Accessible route connecting primary entrance and all accessible spaces

All controls used by residents except ceiling and floor registers

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PUBLIC ACCOMMODATION: ALTERATIONS MINIMUM REQUIREMENTS

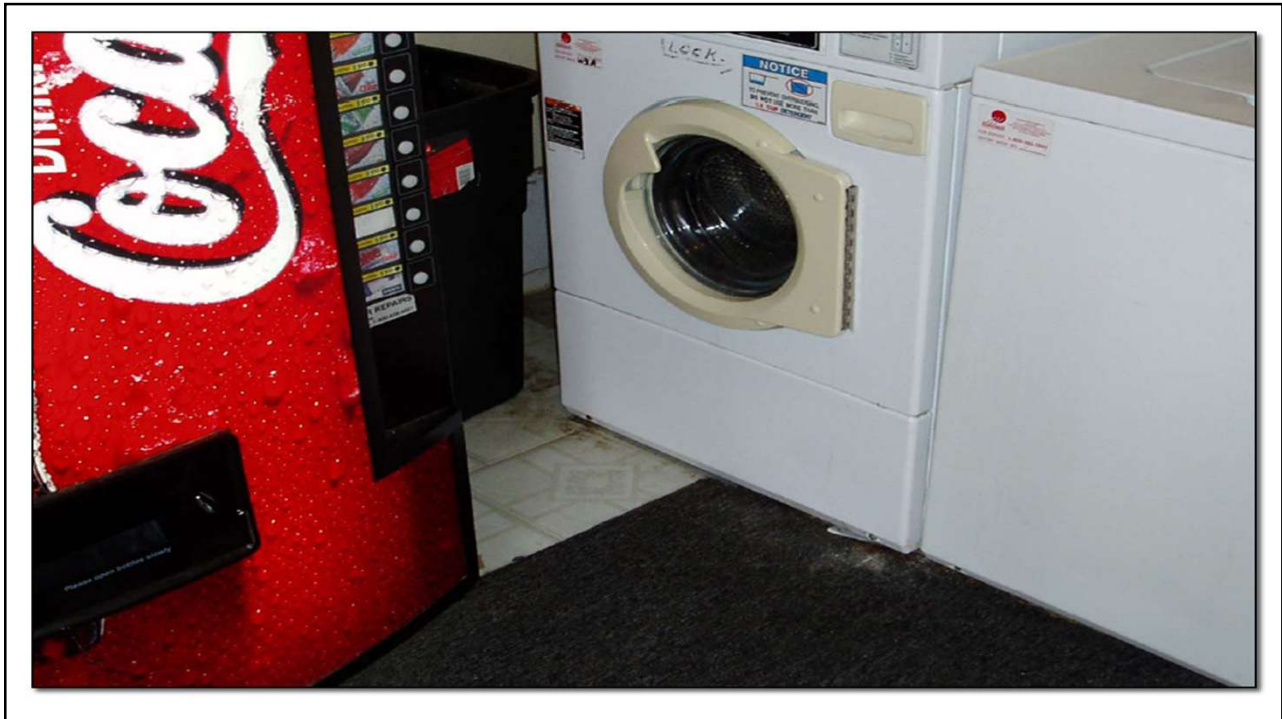
- Must Comply With Requirements for New Construction
- Requirements beyond scope of Original Alteration
 - ✓ Accessible path to altered area(s)
 - ✓ One accessible toilet and bathing facility for each sex per altered floor

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PLACES OF PUBLIC ACCOMMODATION

- Facilities typically serving Rental Offices
- Common Areas
- Playgrounds
- Swimming Pools
- Parking

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UFAS MINIMUM REQUIREMENTS

DWELLING UNITS

- Once accessible full bathroom
- Bedrooms
 - ✓ 1 Accessible Bedroom, 1-bedroom unit
 - ✓ 2 Accessible Bedrooms, 2 or more bedrooms in unit
- 2010 ADA standard requires all spaces and elements to be accessible

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ACCESSIBLE ROUTES MUST SERVE

- Site arrival points
- Accessible building entrances
- Accessible public use and common use spaces
- Accessible dwelling unit entrances

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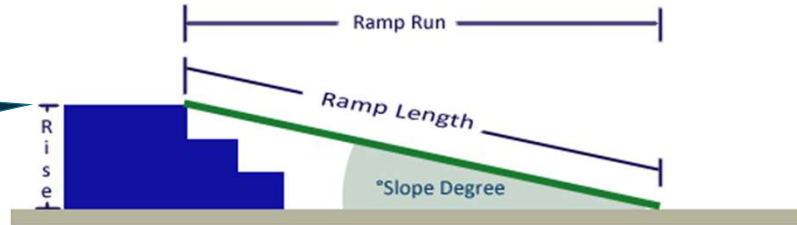
ACCESSIBLE ROUTES

- At least one shall connect facility to the outside
- Minimum 36" clearance (except at doors)
- If route is less than 60" wide, 60" X 60" passing space minimum every 200'
- Non-slip surface
- If slope > 1:20, apply criteria for ramps and curb ramps
- Ramp should be curbed if changes in levels exceed .5"

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RAMPS

60" x 60" Landing required if rise is more than 30"



Maximum Slope 1:12

Width – 36" minimum

Landings – top, bottom, intermediate

Handrail on 2 sides - Edge protection

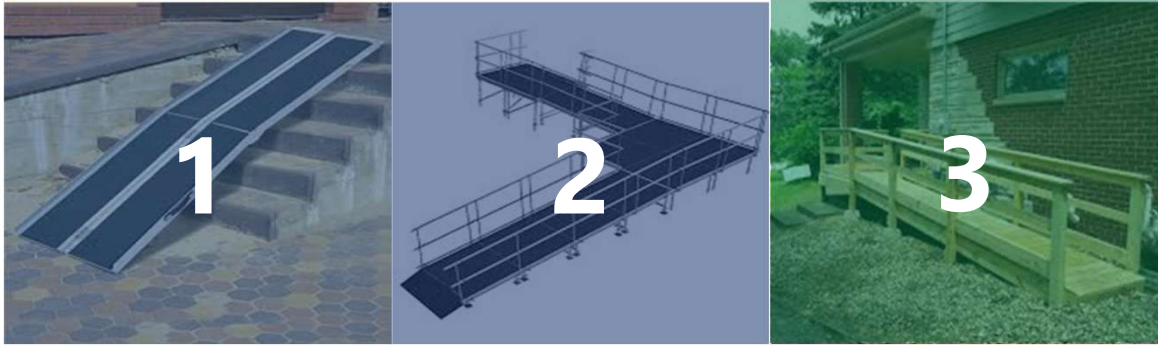
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WHICH RAMP IS NOT ACCEPTABLE?

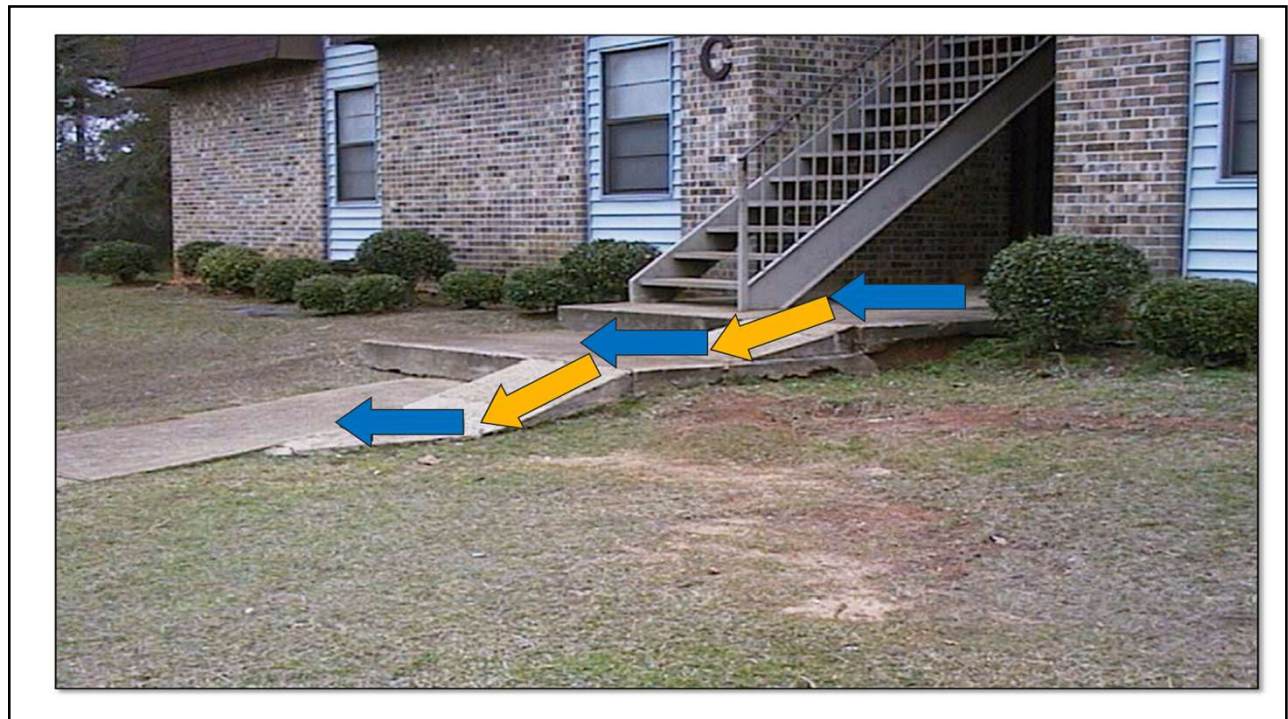


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WHICH RAMP IS NOT ACCEPTABLE?



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PARKING – WHERE PROVIDED

- Shortest accessible route from parking to accessible entrance
 - ✓ Parking Space: Minimum 96" Wide
 - ✓ Access Aisle: Minimum 60" Wide

85

DWELLING UNIT PARKING

- When provided for all residents, (1) accessible parking space per accessible unit
- When provided for some residents, provide on request
- 2% visitor parking

86

PARKING SIGNS

*VISIBLE ABOVE
PARKED VEHICLE
CENTERED*



87

VAN ACCESSIBLE PARKING

Sign with international symbol of accessibility and "van accessible" designates van accessible parking

Curb Ramp installed outside access aisle area

Accessible route to entrance

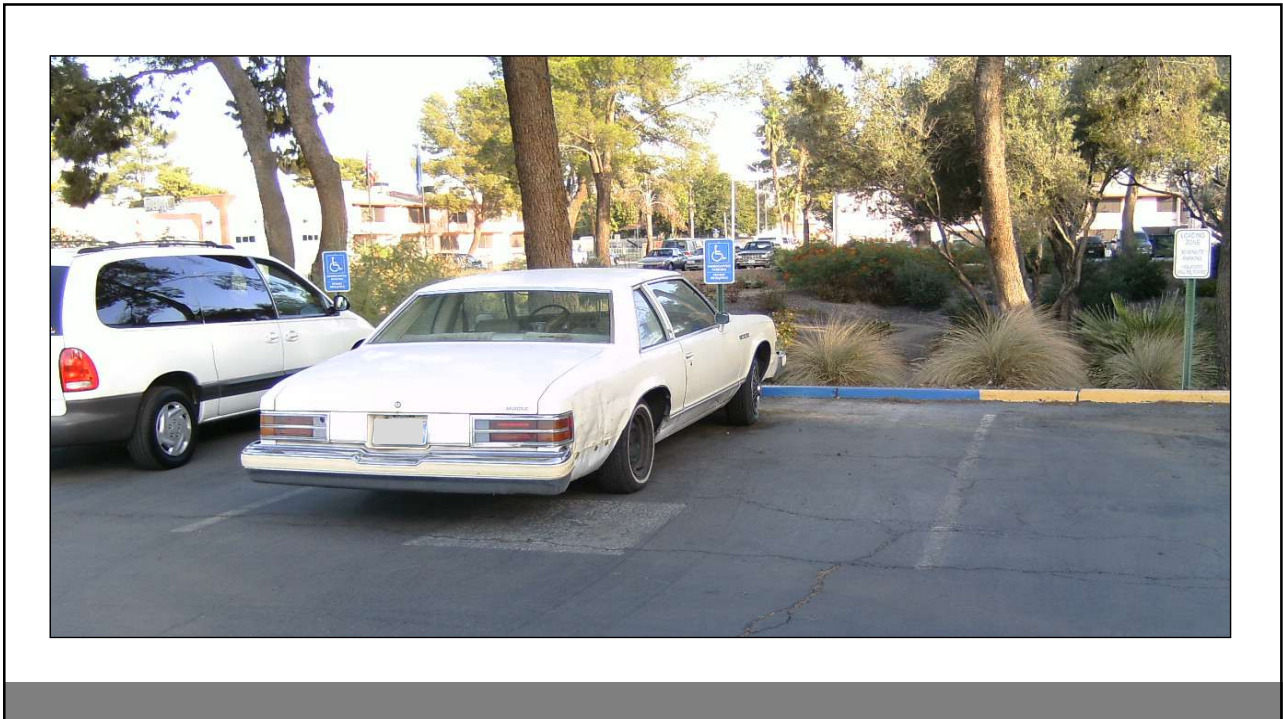
Level access aisle



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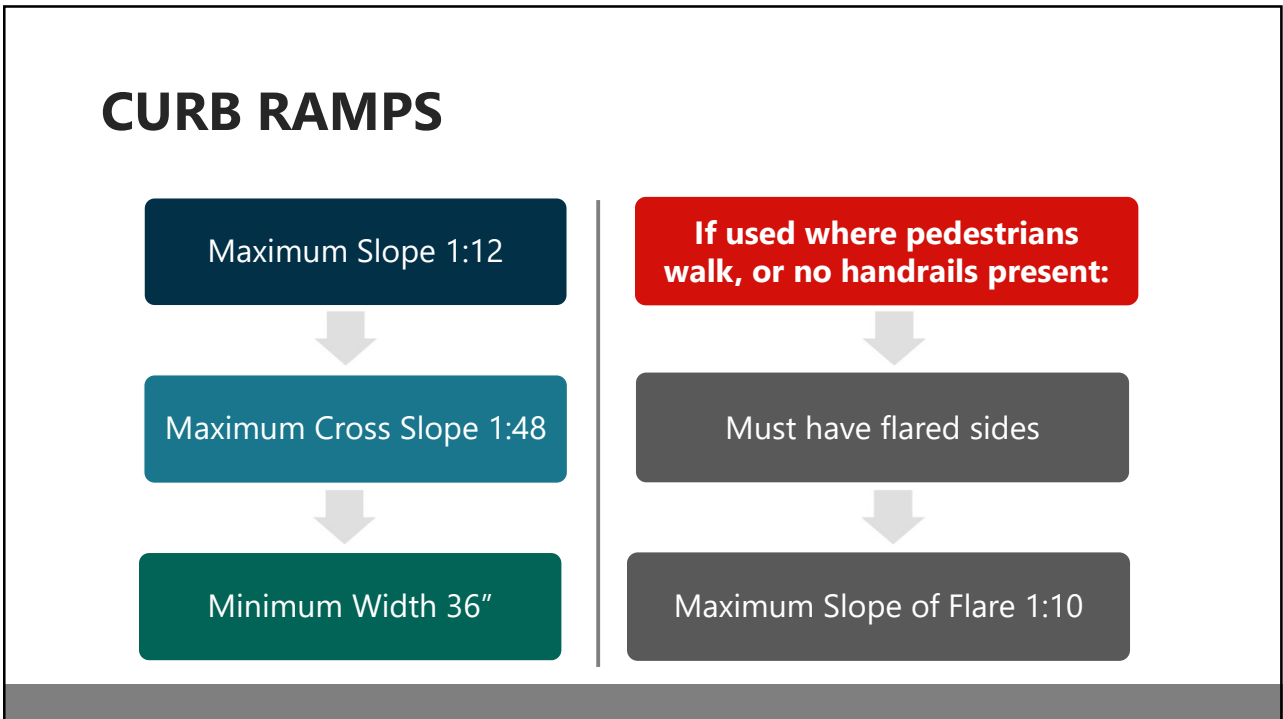
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ENTRANCES & DOORS

At least one principal entrance on accessible route

Clear width – Minimum 32"

Graspable hardware with Maximum height of 48"

Opening Force

Interior Doors
Maximum 5 lbs.

Exterior Hinged Doors
Maximum 8.5 lbs.

94

HOW WOULD YOU MAKE THIS 504 COMPLIANT?



95

IS THIS RAMP COMPLIANT?



96

**IS THIS
THRESHOLD
COMPLIANT?**



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MAILBOXES



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MAILBOXES



100

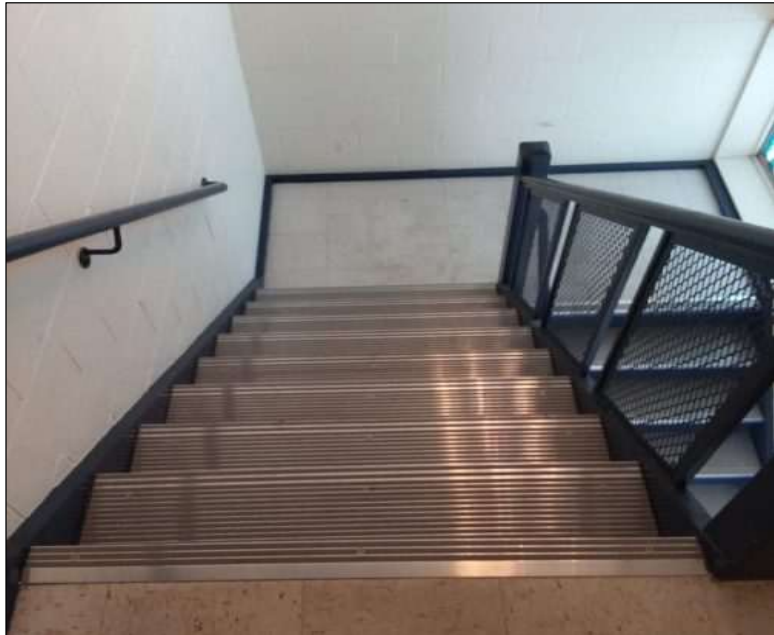
STAIRS

Uniform riser height and tread width

Closed risers

Treads – Minimum 11"

Continuous handrails on **both sides** and at **switchbacks**



101

ELEVATORS

Buttons at least $\frac{3}{4}$ " no higher than 48"

36" Minimum door clearance

NOT required:

- ✓ No accessible units above or below accessible level, AND
- ✓ At least one of each type common area/amenity provided available at accessible level

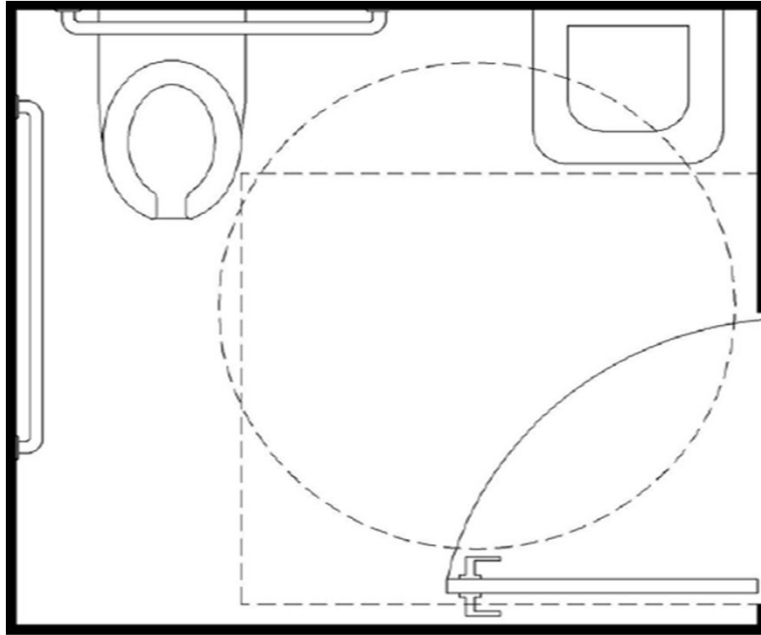


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TOLIET & BATHROOM

Provide T-turn or 60" circle

Doors cannot swing into fixture clearances



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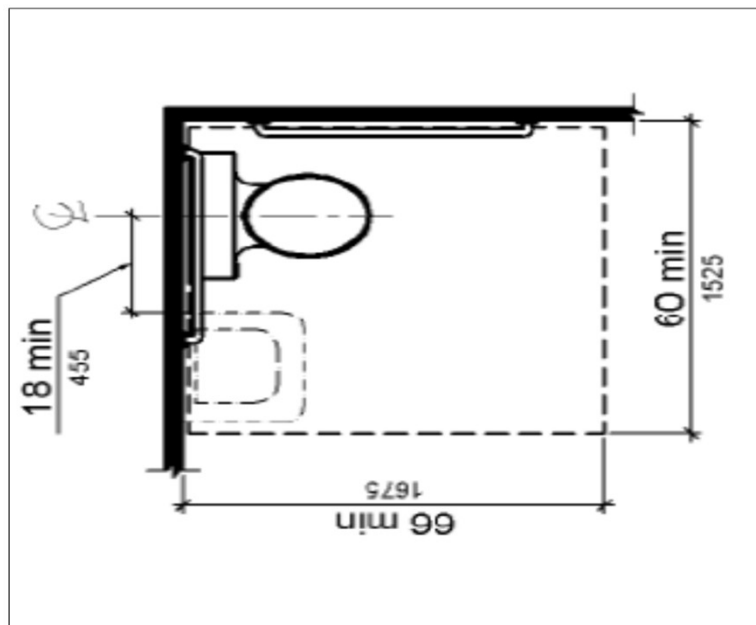
WATER CLOSETS

DWELLING UNITS

18' minimum between lavatory and water closet

36" back wall grab bar required

Reinforcements in walls for adapting



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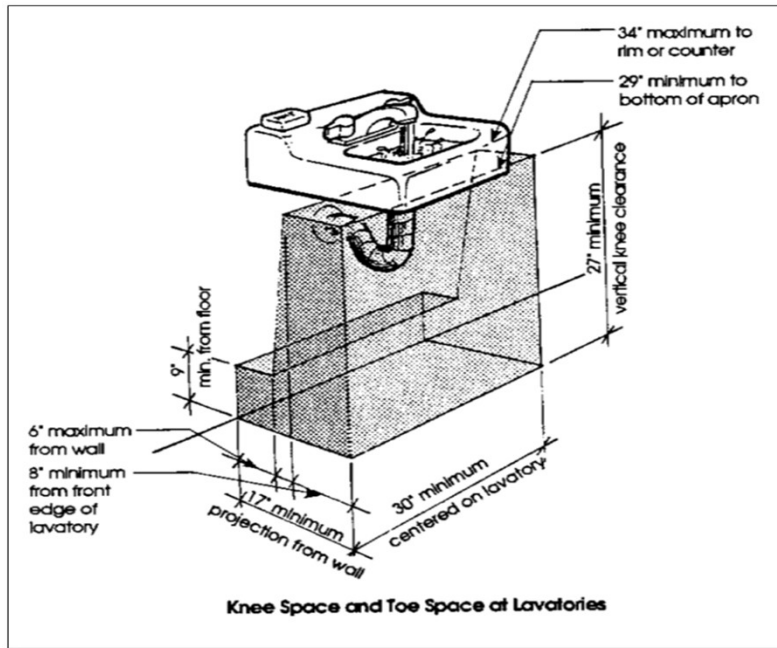
LAVATORIES & SINKS

43" maximum to surface

27" vertical knee space

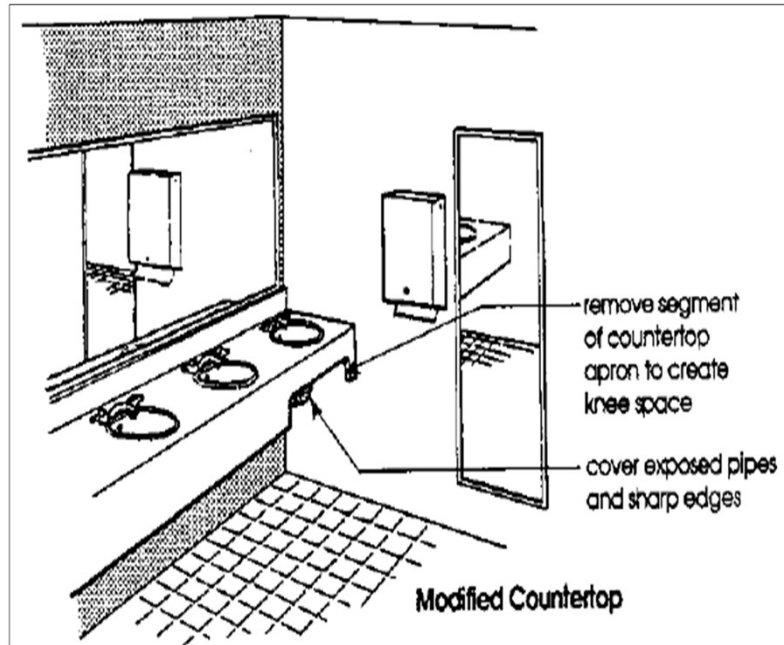
6" deep x 9" high
minimum toe space

Exposed pipes must be
insulated



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MODIFYING EXISTING COUNTERTOPS



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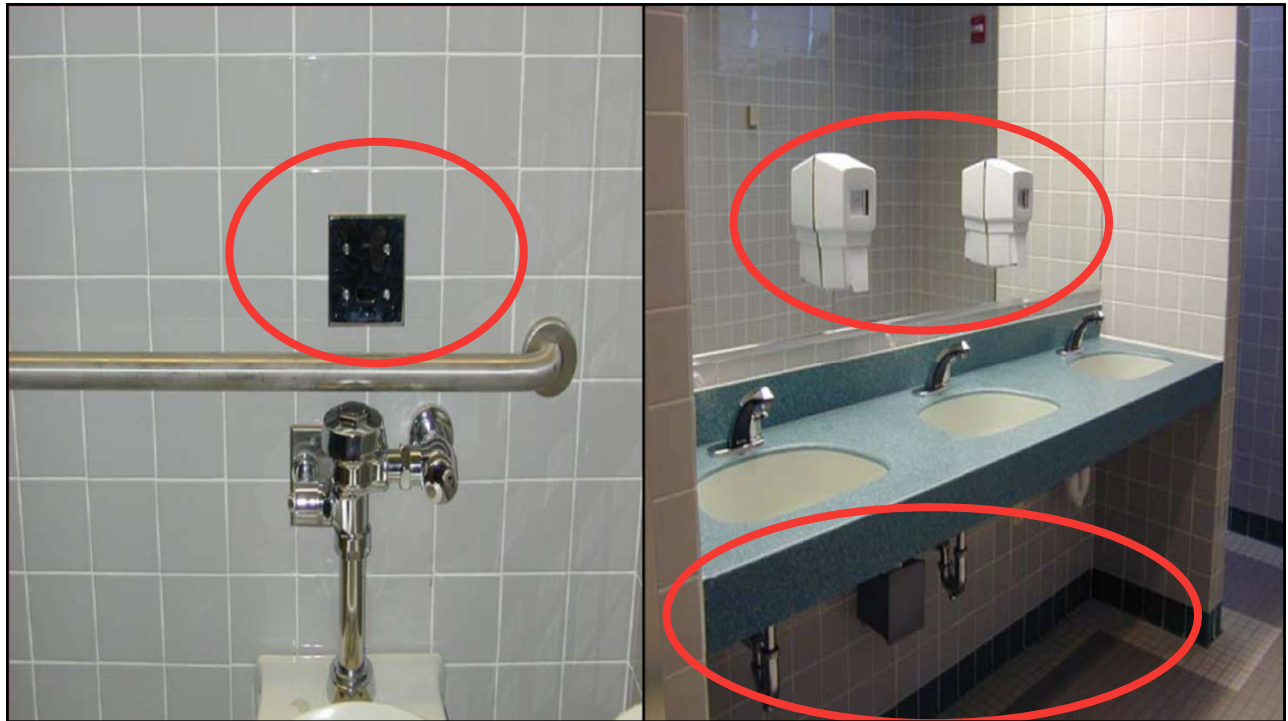
LAVATORY FAUCETS

Lever operated, push type or electronically controlled

Maximum 17" from front edge of lavatory



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MIRRORS

Lower edge Maximum
40" above floor



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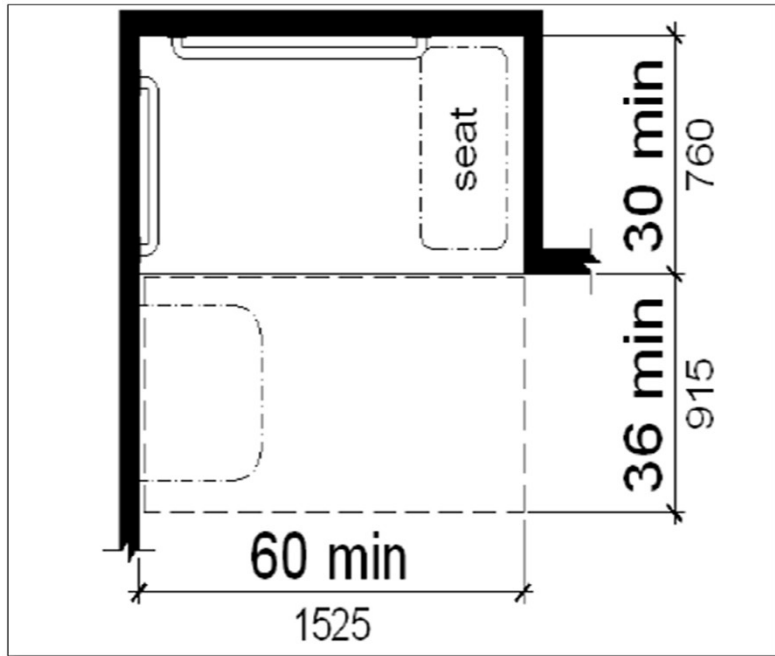
WHAT IS AN IDEAL LAVATORY CONDITION?

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SHOWERS

Transfer and Roll-in Showers

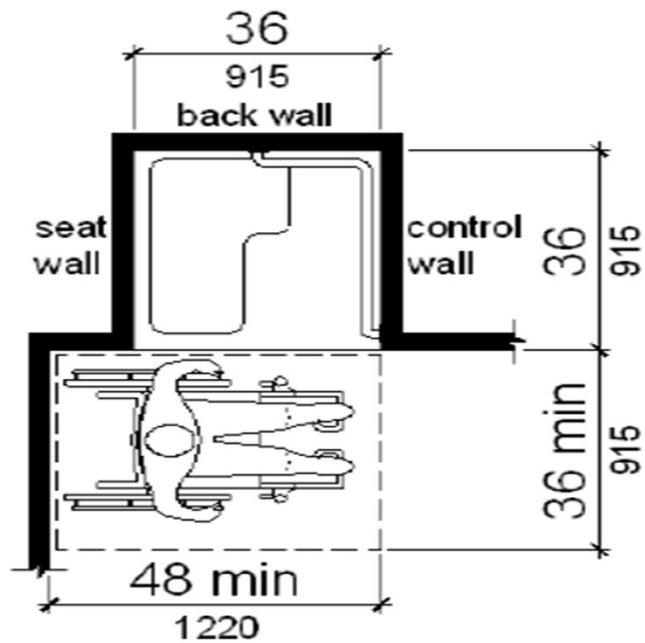
Seat must be provided in Transfer Shower



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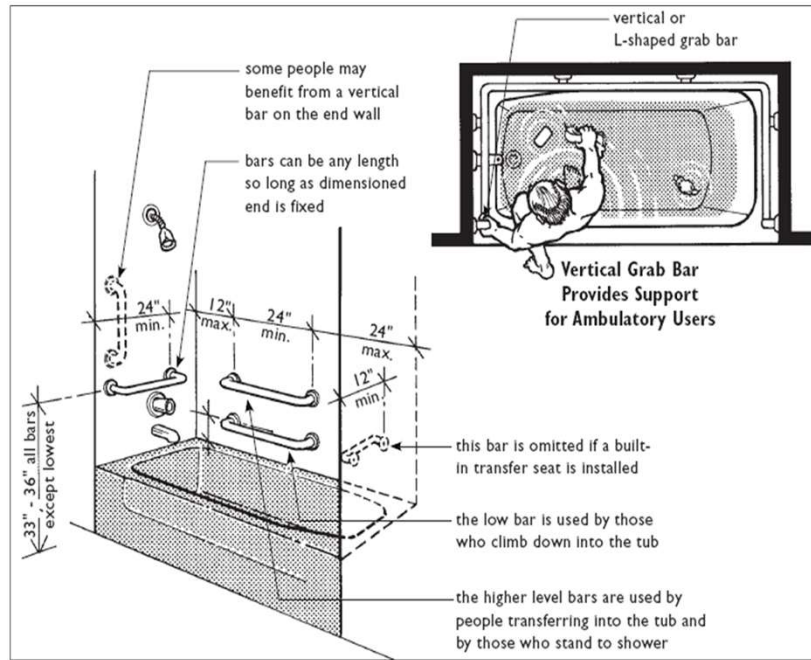
SHOWERS

Transfer and Roll-in Showers



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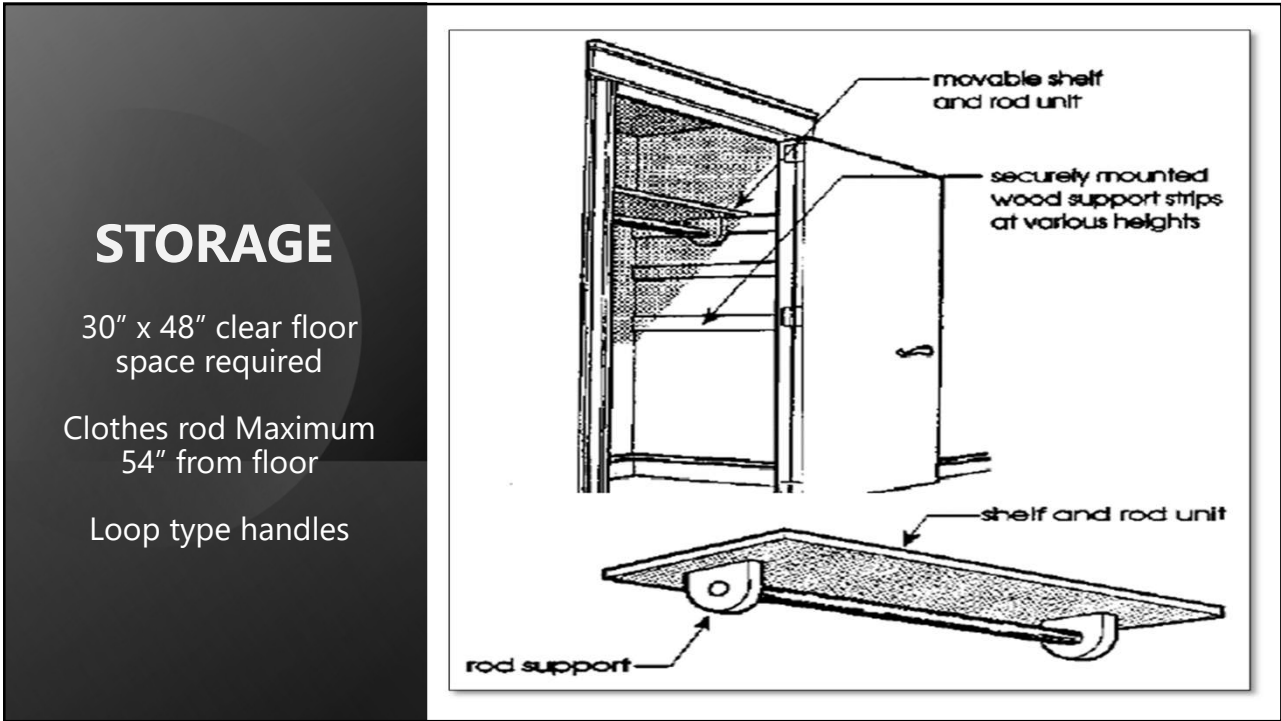
BATHTUB GRAB BARS



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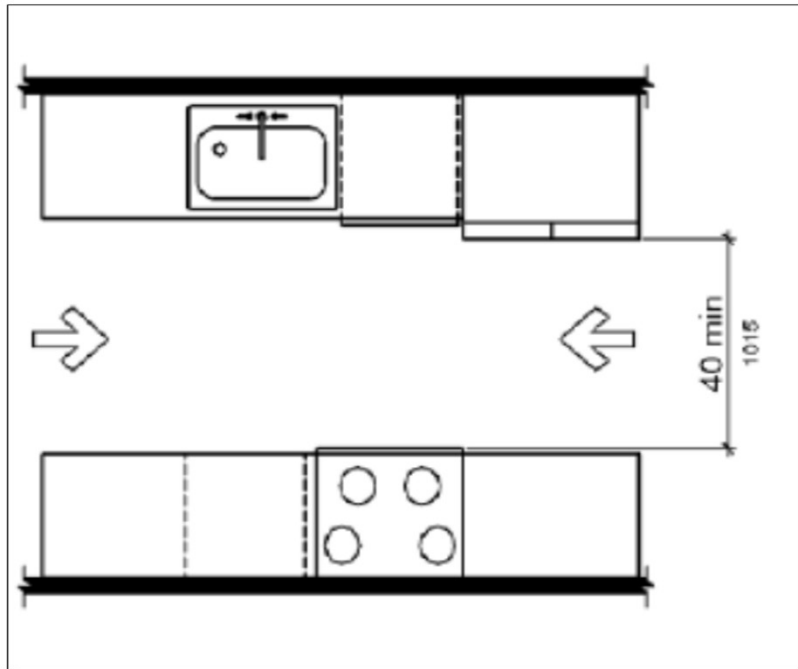
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KITCHENS

40" Minimum between opposing base cabinets, counter tops, appliances, or walls



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KITCHENS

- Minimum 30" X 48" clear floor space at **ALL** provided appliances
- At least one work surface accessible/adaptable
 - ✓ Minimum 30" long
 - ✓ Maximum 34" high
 - ✓ Clearance

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RANGES & COOK TOPS

Front controls

Knee space **NOT** required

ALL controls must be within reach



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REFRIGERATORS & FREEZER

Minimum 50% of freezer space below 54" from floor

100% of refrigerator space and control below 54"



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KITCHEN STORAGE

Maximum height of 48"
for one shelf of all
cabinets and shelved
above required work
surface

Hardware placement:

Wall cabinets – bottom

Base cabinets - top



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DRINKING FOUNTAINS

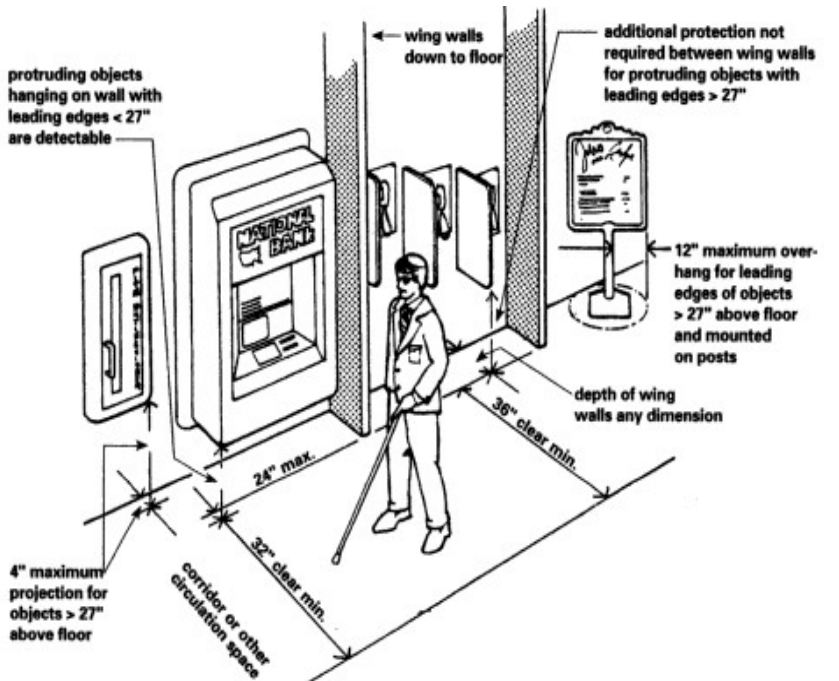
Cantilevered units must provide Knee and Toe clearances; AND

Must meet requirements for Protruding Objects



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CANE DETECTABLE PROTRUDING OBJECTS



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ALARMS

- Audible alarm system
 - ✓ Sound should exceed prevailing sound level by at least 15 decibels
- Visually accessible units
 - ✓ Install wiring to provide a visible alarm system

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TOP 10 FAIR HOUSING MISTAKES

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TOP 10 FAIR HOUSING MISTAKES

10

Prohibiting children from certain activities

9

Asking a prospective resident about number of children

8

Failure to determine if additional protected classes cover your jurisdiction

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TOP 10 FAIR HOUSING MISTAKES

7

Sexual Harassment and Bullying

6

Declining an application for reasons other than not meeting your stated qualification criteria

5

Denying a disabled resident's request for assigned parking spot because you think existing handicap spots should suffice

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TOP 10 FAIR HOUSING MISTAKES

4

Refusing to allow a service/assistance animal

3

Evicting a hoarder instead of accommodating them for their disability

2

Not following Work Order priorities as established in Maintenance Plan

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TOP 10 FAIR HOUSING MISTAKES

1

Failing to train **ALL** staff who interact with residents and the public on Fair Housing laws

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WHAT YOU CAN DO...

- Provide EVERYONE equal and equitable access to housing
- Follow PHA work order protocol
- Keep communication and actions privileged
- Report ANY unusual or inappropriate incidents
- Adhere to the PHA's standards of conduct

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WHAT YOU CAN'T DO...

- Tell jokes or stories involving any protected class
- Make sexual comments or statements
- Gossip
- Agree to impromptu repairs
- Engage in personal relationship with a resident
- Enter homes when only minor children are present

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WHAT YOU CAN'T DO...

- Touch a resident's belongings
- Disclose living conditions
- Take photos of anyone
- Send photos of yourself
- Responding to Work Orders alone at locations where there have been previous issues

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