

111 PROCEDURES REGARDING REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT

- 111.1 This section implements the policy of the District of Columbia on requests for reasonable accommodation in its rules, policies, and procedures for handicapped individuals as required by the Fair Housing Act, as amended, 42 U.S.C. § 3604(f)(3)(B). The policy of the District of Columbia is to facilitate housing for the handicapped and to comply fully with the spirit and the letter of the Fair Housing Act.
- 111.2 Any person eligible under the Fair Housing Act may request a reasonable accommodation as provided by the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B), pursuant to the procedures set out in this section in lieu of the procedures that would otherwise apply to such requests under other chapters of this subtitle. A request for a reasonable accommodation does not affect a person's obligations to act in compliance with other applicable District laws and regulations not at issue in the requested accommodation.
- 111.3 All requests for reasonable accommodation under the Fair Housing Act shall be submitted to the Director, Department of Consumer and Regulatory Affairs, 614 H Street, N.W., Room 1120, Washington, D.C. 20001, or such office as the District may assign or delegate.
- 111.4 All requests for reasonable accommodation shall be in writing and provide, at a minimum, the following information:
- (a) Name and address of person(s) requesting accommodation;
 - (b) Name and address of dwelling owner;
 - (c) Name and address of dwelling at which accommodation is requested;
 - (d) Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;
 - (e) Reason that the requested accommodation may be necessary for the person or persons with a handicap to use and enjoy the dwelling; and
 - (f) If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).
- 111.5 The applicant shall mark as "CONFIDENTIAL" any information submitted with the application that the applicant believes should not be made public. The Director shall maintain this information in a confidential file separate from the application. Only the agency personnel explicitly authorized by the Director shall have access to the confidential file.

- 111.6 The Director, or his or her designee, or such other officer as the Director may assign or delegate, may conduct an appropriate inquiry into the request for reasonable accommodation and may:
- (a) Grant the request;
 - (b) Grant the request subject to specified conditions; or
 - (c) Deny the request.
- 111.7 If necessary to reach a decision on the request for reasonable accommodation, the Director may request further information from the applicant consistent with the Act, specifying in detail the information required.
- 111.8 The Director may consult with other District agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the District.
- 111.9 The Director shall issue a written final decision on the request not more than forty-five (45) days after receiving written request for reasonable accommodation; Provided that, in the event that the Director requests further information under subsection 111.7, the running of this period shall be tolled until the applicant responds to the request.
- 111.10 The Director may consider the following criteria when deciding whether a request for accommodation is reasonable:
- (a) Whether the requested accommodation would require a fundamental alteration of a legitimate District policy; and
 - (b) Whether the requested accommodation would impose undue financial or administrative burdens on the District government.
- 111.11 The Director shall set forth in writing the decision on the request for reasonable accommodation. If the Director denies the request in whole or in part, the Director shall explain in detail the basis of the decision, including the Director's findings on the criteria set forth in subsection 111.10. The Director's decision and notice shall be sent to the applicant by certified mail.
- 111.12 If the Director fails to render his or her decision on a request for reasonable accommodation within the time allotted by subsection 111.9, the request shall be deemed granted.
- 111.13 The Director's decision pursuant to subsections 111.11 or 111.12 shall be deemed a final decision of the District of Columbia government, and, therefore, there shall not be any further resort to administrative remedies.

- 111.14 The Director shall maintain a file of all requests for reasonable accommodation under the Fair Housing Act and a file of all decisions made on such requests. The file may be reviewed in the Office of the Director upon request during regular business hours, or such other Office as the District may delegate; provided, however, that any material identified as CONFIDENTIAL by the applicant as permitted by subsection 111.4 shall not be made available for public inspection.
- 111.15 Upon written notice to the Director, an applicant for a reasonable accommodation may withdraw the request without prejudice.
- 111.16 While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the dwelling that is the subject of the request shall remain in full force and effect.
- 111.17 The provisions of this section shall apply only to requests for reasonable accommodation made after November 13, 1998. Any person who has previously submitted a request for reasonable accommodation may resubmit the request for processing pursuant to the procedure set forth in this section.

SOURCE: Final Rulemaking Notice published at 45 DCR 8057 (November 13, 1998); the Fair Housing Act, as amended, 42 U.S.C. § 3604(f)(3)(B); Part II (e) of Reorganization Plan No. 1 of 1982, effective July 3, 1982 (D.C. Official Code Vol. 3 at 362-63 (2001), Reorganization Plan No. 1 of 1983, effective March 31, 1983 (D.C. Official Code Vol. 3 at 367-70 and a Stipulated Agreement between the District of Columbia and the United States Department of Justice entered into on September 30, 1997.