

MARQUIS

— Asset Management Inc. —

Reasonable Accommodation/Modification Policy Effective October 28, 2021

• Policy Statement

Marquis Asset Management communities will post a copy of this Reasonable Accommodation/Modification Policy in the office for resident access. In addition, individuals may obtain a copy of this policy, upon request, from the Section 504 Coordinator. The Section 504 Coordinator is responsible for monitoring Marquis Asset Management communities' compliance with this policy. Individuals with questions regarding this policy, its interpretation or implementation should contact Marquis Asset Management communities' Section 504 Coordinator in writing, by telephone, or by email, as follows:

Quila Dorsey
4445 Buena Vista St. Dallas, TX 75205
972.732.1115 (phone)
TTY/TTD: 711 National Relay
Compliance504@marquisgroup.net

• Legal Authority

Marquis Asset Management communities are subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations: Section 504 of the Rehabilitation Act of 1973 (Section 504)(29 U.S.C. § 794; 24 C.F.R. Part 8.); Title II of the Americans with Disabilities Act of 1990 (ADA)(42 U.S.C. §§ 12101 et seq.); the Fair Housing Act of 1968, as amended (Fair Housing Act)(42 U.S.C. §§ 3601-20; 24 C.F.R. Part 100.); the Architectural Barriers Act of 1968(42 U.S.C. §§ 4151-4157.), and the respective implementing regulations of each Act.

A reasonable modification is a structural change made to the premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises whereas a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a

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dwelling, including public and common use spaces. Hereafter, both instances will be referred to as “accommodations” for the purposes of this policy.

A person with a disability may need an accommodation in order to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Marquis Asset Management communities will not discriminate based on disability, and management will make and pay for structural changes to facilities, if needed as an accommodation for applicants and tenants with disabilities, unless doing so poses an undue financial and administrative burden.

There must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability. Further, the accommodation must be “reasonable.”

• Staff Training

The Section 504 Coordinator will make sure that all appropriate staff receives annual training on the Reasonable Accommodations/Modifications Policy, including all applicable Federal, state and local requirements regarding accommodations.

• Application of the Policy

A person with a disability is defined by the Federal Fair Housing Act as:

- An individual who has a physical or mental impairment that substantially limits one or more major life activities.
- Individuals who are regarded as having such an impairment; and
- Individuals with a record of such impairment.

The phrase "physical or mental impairment" includes, but is not limited to:

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- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, emotional illness, drug addiction and alcoholism.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning. This list of major life activities is not exhaustive.

The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the housing program or activities; or whose participation, by reason of such current alcohol use, would constitute a direct threat to the property or the well-being and safety of others. The definition does, however, protect alcoholics who are being treated or have received treatment for their alcoholism.

• **Processing Requests**

Property staff will inform all applicants/residents, at any time, the applicant/resident or person acting on behalf of the applicant/resident may request a reasonable accommodation or modification for an individual with a disability during the application process, or residency.

Property staff will provide a Request for Reasonable Accommodation/Modification Request Form upon request. The Request Form will be provided in an equally effective format if requested by the applicant/resident or a representative of the applicant/resident.

A resident or applicant may submit a request in writing, orally, or use another equally effective means of communication to request an accommodation or modification. The property staff will encourage the family to make the request in writing. However, property staff will consider the accommodation request any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

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- b) Within two (2) business days after receipt, the housing manager will forward the reasonable accommodation to the Section 504 Coordinator's office.
- c) Within five (5) business days of receipt, the Section 504 Coordinator or the housing manager will respond to the residents' request.
- d) If additional information is needed the Section 504 Coordinator will notify the resident, in writing or via an appropriate, alternative method. The Section 504 Coordinator will then provide the resident with the specific request for information or verification needed. This written notification will provide the resident with a reply date for submission for the needed information.
- e) Within ten (10) business days of receipt of the request and, if necessary, all other needed information, Marquis Asset Management communities will provide written notification to the resident of the decision to approve or deny the request.
- f) If Marquis Asset Management communities approves the accommodation request, the resident will be notified of the projected implementation date.
- g) 504 Coordinator will follow up with housing manager by requesting the completed work order and pictures to ensure the accommodation has been implemented by the implementation date.
- h) If the accommodation is denied, the resident will be notified of the reason for denial and HUD's approved grievance procedures.

• **Verification Procedures**

Marquis Asset Management communities may request documentation of the need for an accommodation from a doctor or other medical/health professional, social agency professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability.

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Marquis Asset Management communities will only verify a person's disability to the extent necessary to ensure that individuals who have requested an accommodation have a disability based need for the requested accommodation.

Marquis Asset Management communities will not require individuals to disclose confidential medical records in order to verify a disability. Only documentation to confirm the disability related need(s) for the requested reasonable accommodation(s) will be requested. The individual will not be required to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

Once Marquis Asset Management communities has established that a person meets the Act's definition of disability, the property's request for documentation will seek only the information that is necessary to evaluate if the reasonable modification is needed because of a disability. Such information will be kept confidential.

• Denial Procedures

Requested reasonable accommodation will not granted if one of the following would occur as a result, and there is no reasonable alternative to the request:

- (a) A violation of State and/or federal law;
- (b) A fundamental alteration in the nature of the property's housing program;
- (c) An undue financial and administrative burden on management
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

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If a request is denied, Marquis Asset Management communities will state the specific reason(s) for the denial in its written notification to the applicant/tenant, and provide the applicant/tenant with the Appeal and Grievance Procedures as outlined on page 8.

• **Unit Transfers as Reasonable Accommodations**

Marquis Asset Management communities will not require a resident with a disability to accept a transfer in lieu of providing an accommodation. However, if the resident with the disability requests a dwelling unit modification that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS-compliant unit within the project or an adjacent project, Marquis Asset Management communities may offer to transfer the resident to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. If the resident rejects the proposed transfer, Marquis Asset Management communities must make modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue financial and administrative burden.

If the transfer is accepted by the resident, Marquis Asset Management communities will work with he/she to obtain moving expenses from social service agencies or other similar sources. If the effort to obtain moving expenses fails within thirty (30) days from the date the unit was assigned, Marquis Asset Management communities shall pay a reasonable moving expense, including utility fees and deposits.

• **Service or Assistive Animals**

Residents of Marquis Asset Management communities with disabilities are permitted to have assistive animals, if such animals are necessary as an accommodation for their disabilities and are requested and verified as such. Assistive animals are not pets and thus, are not subject to pet deposits. Having an assistive animal does alter or modify the household's obligation to adhere to the

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lease requirements. The following rules must be followed by households with verified and approved assistive animals:

- a) Management will deny a specific assistive animal only if:
 - i. There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation, or
 - ii. There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
 - iii. It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider, or
 - iv. Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.
- b) Animals must be inoculated and licensed in accordance with state and local law.
- c) Animal waste disposal must be performed regularly to ensure the condition of the unit is maintained in accordance with the lease.
- d) Registration Documents for the assistive animal must be provided to management. These include:
 - i. Certificate of inoculation as required by state/local laws.
 - ii. Copy of license as required by state/local laws.
 - iii. Tenant are encouraged to also provide the Name, address, and phone number of a responsible party who will care for the animal if the owner dies or is unable to provide care to the animal.

As with any lease requirement, if any rules discussed in this policy are violated by residents or residents' guests, management has the right to initiate remedies set forth in the termination paragraph of the lease, including damages, evictions and/or eviction fees.

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• Appeal and Grievance Process

If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) business days of the date of the written notification of denial. The requestor may submit their appeal in writing or verbally, however the decision of the appeal will be made in writing and communicated to the requestor. The requestor shall submit their appeal to the person named below.

4445 Buena Vista St., Dallas, TX 75205
Phone: 972-732-1155
TTY/TTD: 711 National Relay
Email: ccossio@marquisgroup.net

After receiving the appeal, the reviewer will have 15 business days from the date of receipt of appeal to review the appeal and make the decision to uphold the denial or overturn the denial.

If the denial is upheld the requestor may exercise their right to appeal Marquis Asset Management communities' decision through the local HUD office or the U.S.

Department of Justice. Individuals may contact the local HUD office at:

U.S Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Fort Worth Regional Office
817-978-5900

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Reasonable Accommodation Request Documentation Form

Individual making the request (in writing or verbally) _____

**Type of reasonable accommodation requested to offset limitations of a disability
(please check all boxes that apply):**

Special unit features, physical modifications to common areas, or if a current resident, a transfer to another units to meet needs. Please explain.

A change in the following rule, policy or procedure (Note that a change in how to meet the requirements of the lease may be requested, however, the lease's requirements must still be met). Please explain.

Other: Please explain.

Note: Please refer to the Reasonable Accommodation/Modification Policy for this property for more information.

For Office Use Only:

Disability Verification Form: Sent Date: _____ Received Date: _____

Reasonable Accommodation: **Denied** or **Approved** (circle one)