



## **GUIDELINES FOR THE CITY OF SPRINGFIELD REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT**

### **Guidelines Regarding Requests for Reasonable Accommodation under the Fair Housing Act**

1. This section implements the policy of the City of Springfield on requests for Reasonable Accommodation in its rules, policies, and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. §3604(f)(3)(B). The policy of the City of Springfield is to facilitate housing for persons with disabilities and to comply fully with the spirit and the letter of the Fair Housing Act.
2. Any person eligible under the Fair Housing Act or any provider of housing to persons eligible under the Fair Housing Act may request a Reasonable Accommodation as provided by the Fair Housing Act. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable City's laws and regulations not at issue in the requested accommodation.
3. All requests for Reasonable Accommodation under the Fair Housing Act shall be submitted to the Building Commissioner, City of Springfield, 70 Tapley Street, Springfield, MA 01104.
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) or entity 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 disabilities 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).
5. The Commissioner or his or her designee, or such other officer as the Commissioner 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.
  6. If necessary to reach a decision on the request for Reasonable Accommodation, the Commissioner may request further information from the applicant consistent with the Act, specifying in detail the information required.
  7. The Commissioner may consult with other City agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the City.
  8. The Commissioner 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 Commissioner requests further information under subsection 6 above, the running of this period shall be tolled until the applicant responds to the request.
  9. The Commissioner 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 City policy; and
    - (b) Whether the requested accommodation would impose undue financial or administrative burdens on the City government.
  10. The Commissioner shall set forth in writing the decision on the request for Reasonable Accommodation. If the Commissioner denies the request in whole or in part, the Commissioner shall explain in detail the basis of the decision, including the Commissioner's findings on the criteria set forth in subsection 9. The Commissioner's decision and notice shall be sent to the applicant by certified mail.

11. If the Commissioner fails to render his or her decision on a request for Reasonable Accommodation within the time allotted by subsection 8, the request shall be deemed granted.
12. The Commissioner's decision pursuant to subsection 10 or 11 shall be deemed a final decision of the City of Springfield, and, therefore, there shall not be any further resort to administrative remedies.
13. The Commissioner 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 Building Department upon request during regular business hours, or such other Office as the City may delegate.
14. Upon written notice to the Commissioner, an applicant for a Reasonable Accommodation may withdraw the request without prejudice.
15. 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.
16. The provisions of this section shall apply only to requests for Reasonable Accommodation made after August 26, 2013. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this section.