

Accessible Unit Occupancy Guidance

A Housing Provider shall take reasonable nondiscriminatory steps to ensure the occupancy of Accessible Units by physically disabled individuals needing the features of those units. Therefore, a Housing Provider can make reasonable inquiries as to whether individuals in the household need the specific features of the unit.

Not every person with a disability qualifies for Accessible Units, only the people who need the relevant features of the Accessible Unit. The core of the inquiry is whether the person(s) with a disability in the household needs the specific features in the Accessible Unit. For example, for a Hearing/vision Unit, is there a household member who is D/deaf or blind, or has vision or hearing disabilities or limitations who needs modified alarms? For a Mobility Unit, is there a household member who uses a mobility device such as a scooter or wheelchair, or has other mobility disabilities, who needs features such as an accessible/shower or tub; wider turning radius in bathroom or kitchen, lower cabinets, spaces under cabinets for wheelchairs, etc.?

If the relevant disability of a household member and their need for the accessible features is obvious, or otherwise known to the housing provider, then the property must grant the request for an Accessible Unit and may not request additional information regarding the disability or disability-related need for the Accessible Unit. For example, a wheelchair user who seeks a mobility unit or an individual who is blind who seeks a Hearing/Vision unit would qualify without further inquiry.

If the disability is not obvious or known to the housing provider or if the need for the features is not obvious, the provider may ask the person with the disability (or in the case of a child, the parents) whether in light of a disability, s/he will benefit from the features of the Accessible Unit. Often the person with the disability can explain how s/he can benefit from the features of the accessible unit and no other confirmation is necessary.

If the information provided is insufficient, the provider can seek to confirm the household member's disability related need for the Accessible Unit. A

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request for additional documentation may only seek information that is necessary to determine that the features of the AU are needed because of a disability. This can be accomplished by a credible statement from a reliable third party. A credible statement is one that a reasonable person would believe is true based on the available information. The housing provider may not inquire into a medical diagnosis, or nature or severity of the disability, nor should they seek medical records.

A reliable third party is someone who knows about the needs of the person with the disability. The following is a list of people who can provide confirmation letters according to the California Fair Housing and Employment Act regulations, 2 CCR § 12178(g):

- A medical professional
- A health care provider, including the office of a medical practice
- A peer support group
- Non-medical service agencies or providers, such as In-Home Supportive Services or Supported Living Services providers
- Any other dependable third party who knows about the disability or disability-related need for an accommodation or modification. This could even be a family member who is a caregiver for a person with a disability.

This is the same inquiry standard and procedure that is used when gathering additional information for determination of requests for reasonable accommodations and modifications.

If the housing provider collects any documentation of an individual's disability or their disability-related need for accessible features, that information must be kept confidential.

For more information on this topic, please see the [HUD DOJ Joint Statement on Reasonable Accommodations](#) and [Cal. Code Regs. Tit. 2, § 12178](#)