

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
THE ALGONQUIN ASSOCIATION**

**FAIR HOUSING POLICY  
FOR REASONABLE MODIFICATIONS/ACCOMMODATIONS**

At a regular meeting of the Board of Directors of THE ALGONQUIN ASSOCIATION, a Virginia nonstock corporation ("Association"), held on October 20, 2020, the Board of Directors ("Board") agreed to the following Resolution.

R E C I T A L S

WHEREAS, pursuant to Section 3.3 the Association Bylaws, the Board has all powers and duties necessary for the administration of the business and affairs of the Association and may do all acts and things as are not by law or the Condominium Instruments or the Condominium required to be exercised or done by the members;

WHEREAS, the fair housing laws of the United States and the Commonwealth of Virginia place certain obligations upon the Association;

WHEREAS, the Board has determined that it is necessary and in the best interest of the Association to work with owners, residents, prospective residents, and other affected and protected individuals who request modifications to the Condominium property and accommodations in the rules, regulations, policies, or services provided by and through the Association to accommodate a disability as required by law, and to establish procedures for considering and acting upon such requests.

NOW, THEREFORE, BE IT RESOLVED THAT the procedures set forth on the attached Fair Housing Policy For Reasonable Modifications/Accommodations be and are adopted.

This Resolution will be attached to the Minutes as part of the records of the Association.

Dated: October 20, 2020

THE ALGONQUIN ASSOCIATION, a Virginia  
Nonstock Corporation

By Ellie Marasco  
Ellie Marasco President  
Name

ATTEST:

Sally McPhillips  
Sally McPhillips, Secretary  
Name



**THE ALGONQUIN ASSOCIATION**

**RESOLUTION ACTION RECORDED**

Pertaining to: **FAIR HOUSING POLICY FOR REASONABLE ACCOMMODATIONS/MODIFICATIONS**

Duly adopted at a meeting of the Board of Directors held on October 20, 2020.

Motion by: Ellie Marasco      Seconded by: Brian Campbell

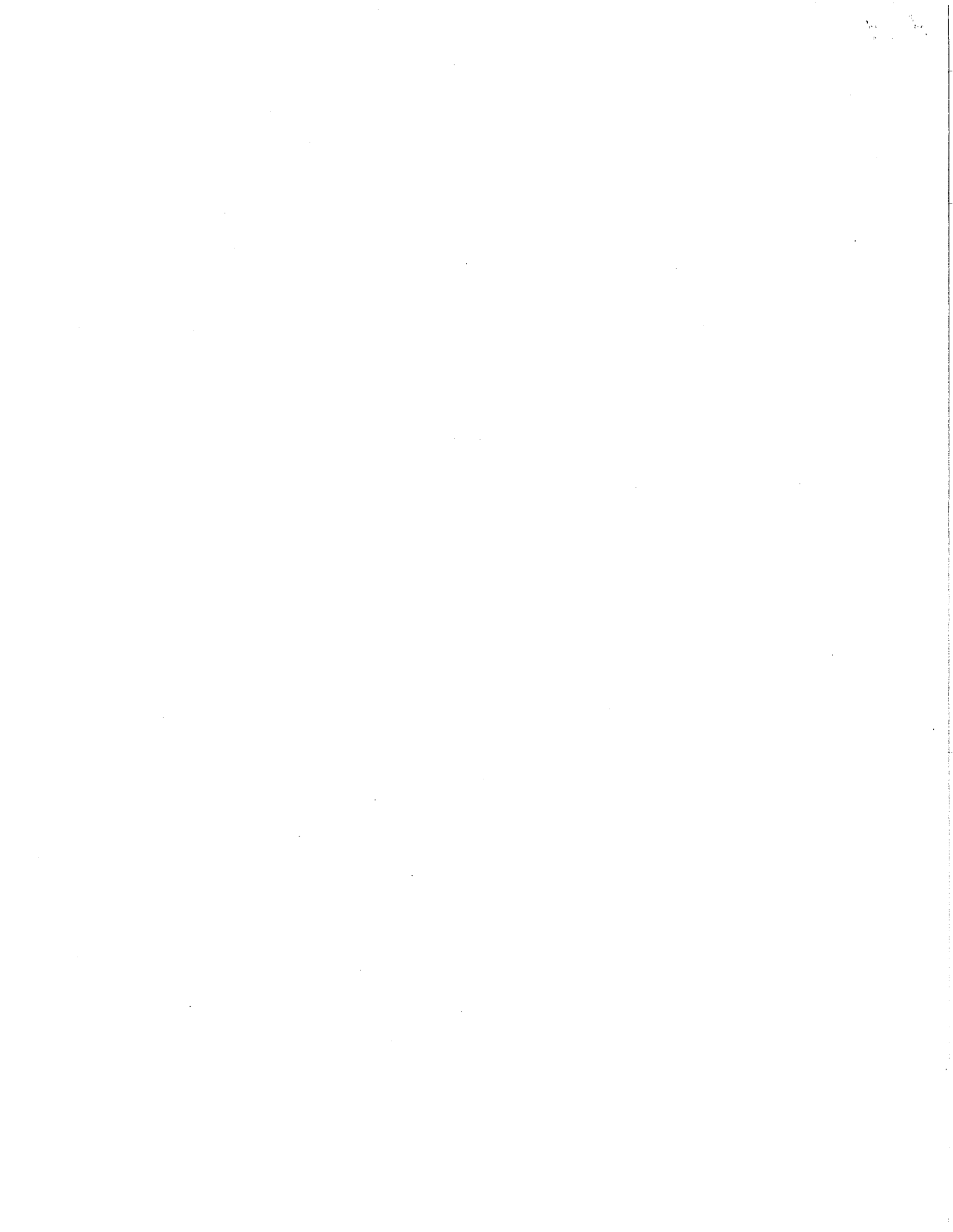
VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Ellie Marasco</u>	✓	_____	_____	_____
<u>[Signature]</u>	✓	_____	_____	_____
<u>Sally McPhillips</u>	✓	_____	_____	_____
<u>[Signature]</u>	X	_____	_____	_____
_____	_____	_____	_____	_____

Effective date of resolution: Oct 20 2020

ATTEST:

Sally McPhillips  
Secretary

Oct. 20, 2020  
Date



# THE ALGONQUIN ASSOCIATION

## FAIR HOUSING POLICY FOR REASONABLE MODIFICATIONS/ACCOMMODATIONS

Adopted: October 20, 2020

### 1. PURPOSE OF POLICY

The Association and Board of Directors ("Board") have certain obligations under the federal Fair Housing Amendments Act of 1988 ("FHAA") and the Virginia Fair Housing Law ("VFHL") to ensure that the Association complies with the requirements of the law ensuring equal opportunity for housing to all residents and prospective residents, regardless of race, color, religion, national origin, sex, age, familial status, or disability, and in addition in the case of the VFHL, elderliness, sexual orientation, gender identification, source of funds, or status as a veteran. The Association and Board are committed to avoiding discriminatory practices. The Association and Board remain committed to providing reasonable modifications to the common use areas and units or reasonable accommodations in rules, practices, policies, or services that can be reasonably provided to afford persons with a disability equal opportunity to use and enjoy the Condominium. This Policy provides procedures for owners, residents, prospective residents, and other affected individuals who request modifications or accommodations to such due to disability for the Board to evaluate, respond to, and implement appropriate action on the request.

### 2. DEFINITIONS

All terms used herein shall be defined pursuant to applicable law. Unless otherwise provided by applicable law, the following definitions are applicable to this Policy:

A. Disability and Handicap. *Disability and Handicap* are used interchangeably and mean, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of, or addiction to a controlled substance as defined in Virginia or federal law.

B. Individual with a Disability. *Individual with a Disability* means an individual with a physical or mental impairment, which substantially limits one or more major life activities, including but not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV, mental retardation, emotional illness, deafness or blindness.

C. Reasonable Modification. *Reasonable modification* means a structural change made to the common use areas of the Condominium or any change to a unit in order to afford the Requesting Party full enjoyment of the premises. Generally, modifications are at the expense of the Requesting Party. The determination whether a requested modification is "reasonable" will be based upon an examination of the facts and circumstances of each request.

D. Reasonable Accommodation. *Reasonable accommodation* means an exception, change or adjustment to a rule, practice, policy or service that is generally applicable to the entire community to provide a person equal opportunity to use and enjoy the dwelling. The determination whether a requested accommodation is “reasonable” will be based upon an examination of the facts and circumstances of each request.

E. Requesting Party. *Requesting Party* means the person for whose benefit the request for a modification or accommodation is made.

3. REQUESTS FOR REASONABLE MODIFICATION OR ACCOMMODATION

A. Place of Request. In order to ensure all requests for modification or accommodation are properly logged and considered, all such requests should be made in writing and delivered to Association management (“Manager”) at the following address:

The Algonquin Association  
7320 Glenroie Avenue  
Norfolk, VA 23505  
Attn: Robin Fitzgerald, Manager

or

RFitzgerald@TheSelectGroup.us or fax: (757) 440-0377

The Manager will log all requests for modification or accommodation, whether written or oral, made by or on behalf of a Requesting Party. The Manager may put any oral requests in writing and ask the Requesting Party to initial or otherwise confirm the written request.

B. Contents. Requests for modification or accommodation should be made on the **Request for Reasonable Accommodation/Modification** form attached hereto as an exhibit. All requests must include the following information:

- (i) Name of Requesting Party;
- (ii) Current Mailing Address;
- (iii) Telephone number and e-mail address;
- (iv) If the unit is leased, a copy of the current lease agreement;
- (v) A description of the difficulty that the Disability causes with respect to living in Virginia;
- (vi) A description of the proposed modification and/or accommodation requested, including a description of how the modification and/or accommodation will address the difficulty described above; and
- (vii) Whether the request is considered to be an emergency or if there is a specific time period that the Requesting Party believes affects the request and the reasons therefore.

The Board may request such additional information from the Requesting Party as is necessary to determine whether a modification or accommodation is reasonable.

4. CONSIDERATION OF REQUESTS

- A. The Association Manager will acknowledge receipt of the request for the modification/accommodation and will advise the Requesting Party that the request will be responded to promptly. Response time for requests may vary depending on the nature of the request, the urgency of a request, and the meeting schedule of the Board.
- B. If a Requesting Party is a tenant, and it appears that the tenant is requesting a change to a rule, practice, policy or service provided in the terms of the lease, or a physical modification to a Unit, the Manager will direct the Requesting Party to contact the Unit Owner.
- C. Upon receipt of a request, the Association Manager will make a record of receipt of the request, review the request to ensure those items described in 3.B above are included with the request, include a copy of the request in the Board information packet prior to the next regularly scheduled Board meeting, and provide a copy to the Association President as soon as practicable. If the next regularly scheduled Board meeting is less than five days from receipt of the request, the request will be placed on the packet for the subsequent Board meeting, unless it is an emergency. If the request presents the need for a legal determination concerning whether the condition qualifies as a Disability or the nature of the requested modification or accommodation, or if otherwise deemed appropriate, the Manager or a member of the Board may forward a copy of the request to Association legal counsel for review.
- D. If any of the items described in 3.B above are missing or incomplete, or if additional information or clarification is necessary, the Manager or a member of the Board will notify the Requesting Party.
- E. If the requested modification or accommodation requires an expenditure of funds, the Manager will ascertain the probable expenditure. The Manager or the Board may put the Requesting Party on notice that the initial cost of a reasonable modification is the responsibility of the Requesting Party and may request plans and cost estimates for the modification from the Requesting Party.
- F. All requests for modification or accommodation received at least five days prior will be referred to the Board for consideration at the next regularly scheduled meeting of the Board. In the event of an emergency, the Association President may convene a special meeting of the Board.
- G. The Manager or the Board will notify the Requesting Party in writing of the Board's decision. If a request for reasonable modification or accommodation is granted, the Board, the Manager Agent, and the Requesting Party will work together to make the necessary arrangements for the implementation of the modification or accommodation.
- H. In the event that the Board does not approve the request, in whole or in part, the Board, acting through the President or such other person designated by the President, will communicate with the Requesting Party to attempt to engage in an interactive process to seek resolution of the matter in a manner consistent with the purpose of this policy and

applicable

law.

- I. The following factors may warrant a denial of a request:
  - (i) The Requesting Party does not have a Disability;
  - (ii) The requested modification or accommodation is not necessary for the use or enjoyment of the property;
  - (iii) The requested modification or accommodation would impose undue financial and/or administrative burden on the Association, a determination of which shall consider the:
    - (a) Cost of the requested modification or accommodation;
    - (b) Association's financial resources;
    - (c) The ability of the Requesting Party to pay for the initial modification;
    - (d) Benefits the modification or accommodation would provide to the Requesting Party;
    - (e) Availability of less expensive or less burdensome alternatives that would meet the Requesting Party's needs; and,
    - (f) The impact that the requested modification or accommodation would have on the existing structure or on the other residents of the community.
  - (iv) The requested accommodation would fundamentally alter the nature of the Association's operations or appearance.
- J. In resolving any request for reasonable modification or accommodation, the Board encourages the Requesting Party, or someone on his or her behalf, to meet with the Board to review the need for the reasonable modification or accommodation and potential alternatives.
- K. Failure by a Requesting Party to comply with the provisions of this Policy will not be considered grounds for rejecting a request for reasonable modification or accommodation so long as a request has been made in such a manner that a reasonable person would understand it is a request for a modification or accommodation.
- L. The Association will address any costs associated with the requested accommodation or modification on a case-by-case basis in accordance with prevailing law.



# THE ALGONQUIN ASSOCIATION

## Request for Reasonable Accommodations/Modifications

1. The following member of this household has a disability (defined as a physical or mental impairment that substantially limits one or more of life's major activities, a record of such impairment, or being regarded as having such an impairment):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Describe Disability (if not obvious or known to the Association; only provide information necessary to verify the condition meets the definition of *disability* described above - a physical or mental impairment that substantially limits one or more of life's major activities, a record of such impairment, or being regarded as having such an impairment): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. As a result of my/his/her disability the following change(s) are necessary afford the person named above with the equal opportunity to use and enjoy a dwelling as other residents.

( ) A change/modification to the Association common elements described as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( ) A change/modification described below to the Unit Address \_\_\_\_\_, which change would normally not be permitted under the Association governing documents, rules or architectural guidelines, but for the disability (described above): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*This request does not negate any requirement that the Owner submit an application for exterior modifications to a Unit, together with any required plans or other materials.**

( ) A change in the following rule, policy, practice, procedure or service: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. This accommodation/modification is so that (please complete only if the reason for such request is not obvious based on the description of the disability above): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. I request a written response to this request within \_\_\_\_\_ days of the receipt of this request or by \_\_\_\_\_.

5. Check one of the following:

- The disability described above is obvious or known to the Association.
- The disability described above is obvious or known to the Association and you may verify the disability and the need for this request by contacting:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

By execution of this application, I authorize the Association through its representatives to contact the above person for the purpose of verifying that I or a member of my household has a disability and needs the accommodation or modification requested above. I hereby authorize the person listed above, or their representative, to release information necessary to verify the disability described above. I understand that the information obtained by the Association will be kept confidential and used solely to determine if the Association will approve the request.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (print name)

Return to: The Algonquin Association  
7320 Glenroie Avenue  
Norfolk, VA 23505  
Attn: Robin Fitzgerald, Manager  
or  
RFitzgerald@TheSelectGroup.us  
or  
fax: (757) 440-0377



**EQUAL HOUSING  
OPPORTUNITY**