

## **2004. Accessibility to Persons With Disabilities.<sup>1</sup>**

A) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991 shall be designed and constructed in such a manner that:

1) the public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities.<sup>2</sup> This includes, but is not limited to, at least one (1) accessible building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site;

2) an owner can not refuse to allow a person with disabilities<sup>3</sup> to make, at his or her expense, reasonable modifications of existing premises if such modifications may be necessary to afford such person full enjoyment of the premises. Reasonable modifications include, but are not limited to, installation of grab bars in a bathroom, widening a doorway to permit a wheelchair to pass and installation of lower sinks, toilets or environmental controls;

3) an owner can, where it is reasonable to do so, condition permission for the reasonable modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification. Modifications which can require restoration can include, but are not limited to, grab bars and reinstallation of sinks and toilets. Modifications which would not interfere with a future tenant's enjoyment of the premises and which do not have to be restored could include, but are not limited to, widening a doorway, studs installed to hold grab bars or the lowering of environmental controls;

4) an owner can require, where reasonable, that a tenant pay a restoration deposit. This deposit shall be placed in an interest bearing escrow account and the interest shall accrue to the benefit of the tenant. Factors to be considered in the reasonableness of a restoration deposit can include, but are not limited to, the cost to restore the premises, the income of the tenant and the length of the tenancy.

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<sup>1</sup> The Commission Rules and Regulations as originally filed used the word "handicap" or "handicapped persons" as that was the language in the Fair Housing Practices Act at the time. The Fair Housing Practices Act has been amended since the Commission Rules and Regulations were filed to use the word "disability" instead of "handicap" and the words "persons with disabilities" instead of "handicapped persons".

<sup>2</sup> Refer to Footnote 1 above.

<sup>3</sup> Refer to Footnote 1 above.