



FAIR HOUSING ACT PROCEDURES

The Historic Preservation Review Board (HPRB) and the Director, Office of Planning, hereby create specific internal procedures that HPRB and the Historic Preservation Office (HPO) will follow when reviewing an application for a building permit to alter the exterior of a residential historic property if there is an indication that a reasonable accommodation may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling under the Fair Housing Act (FHA), 42 U.S.C. § 3601 *et seq.* HPRB has reviewed and approved these procedures as to its specific responsibilities.

The FHA prohibits discrimination in housing on the basis of disability and defines discrimination to include a refusal by a government entity to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. The goals of FHA are consistent with the purpose of the D.C. Historic Landmark and Historic District Protection Act to encourage the adaptation of historic properties for current use (D.C. Official Code §§ 6-1101(b)(1)(A) and 6-1101(b)(2)(A)).

Although there is no hard and fast test for determining whether a reasonable accommodation may be needed, it should be assumed that such is the case when an Applicant indicates, either orally or through its submissions and plans, that the alteration is needed, in whole or in part, for the installation of accessibility devices, such as ramps or lifts.

The interactive reasonable accommodation process is similar to the process followed by HPO or HPRB when presented with a proposed modification to a historic property. In all such instances, HPO and HPRB strive to accommodate the specific needs of an applicant to the maximum extent possible consistent with applicable preservation standards or guidelines through a process of suggestion and dialogue. In the circumstances being addressed by these procedures, the specific need would be the desire of a person with a disability to use and enjoy a dwelling. The applicable guidance includes the Americans with Disabilities Act Accessibility Guidelines at 28 CFR Part 36, Appendix A.

HPO and HPRB are therefore expected to follow their customary procedures when reviewing a modification for which a reasonable accommodation may be needed and



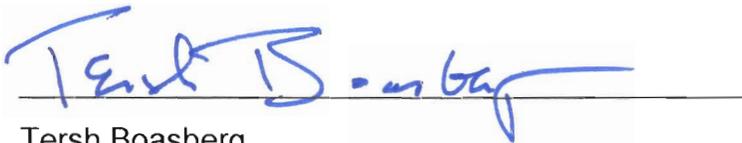
shall exercise the same degree of flexibility when seeking to accommodate the specific accessibility needs of the person seeking equal access to, and full enjoyment of, a dwelling. If the method proposed for achieving this result is inconsistent with an applicable preservation policy or standard, HPO and HPRB may suggest revised or alternative means for achieving the same result. If after exploring with the Applicant the existence, feasibility, and usefulness of alternatives, no single alternative is found to be acceptable to both the Applicant and HPRB, the HPRB may vote to recommend that the Mayor's Agent deny clearance of the building permit.

No later than five business days after such a vote, HPO shall:

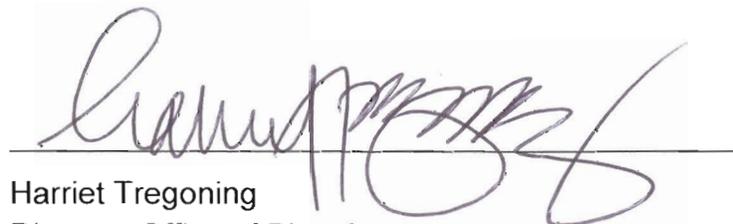
1. Inform the applicant in writing of the decision reflected by the vote, and indicate to the Applicant, or the person on whose behalf the application was made, that they may be entitled to a reasonable accommodation, and enclose the Reasonable Accommodation Request Form ("RA Form") referencing the FHA, that is approved and disseminated by the Department of Consumer and Regulatory Affairs (DCRA);
2. Forward such contact information as was provided by the Applicant to DCRA together with the cover letter sent to the Applicant; and
3. File a copy of the cover letter and information sent to DCRA in a confidential file that is exclusively maintained for this purpose.

After the filing of a Reasonable Accommodation request, HPO may provide a recommendation to DCRA when requested to do so by DCRA.

Steve Callcott, HPO Fair Housing Coordinator, or the HPO's designee, shall be responsible for coordinating the actions of all persons responsible for compliance with these procedures, which shall become effective immediately.



Tersh Boasberg
Chairman, Historic Preservation Review Board
Adopted June 25, 2009



Harriet Tregoning
Director, Office of Planning
Adopted July 14, 2009