



## **Community Association Legal Webinar - 2023**

April 24 Session - Topics:

**Addressing Fair Housing  
Accommodation Requests**

**Smoking, Sounds & Other Annoying  
Violations**

**Q&A**



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# **Introductions & Welcome**

**Allen Warren**

## Legal Disclaimer

This information is not intended to be legal advice. Legal advice must be tailored to the specific facts and circumstances of each case and each association's governing documents.

Every effort has been made to ensure this information is up-to-date. However, it is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the individualized advice of your legal counsel.



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# **Addressing Fair Housing Accommodation Requests**

**Presented by Wil Washington**

# Knock, knock . . .

- It always begins with a request
  - It is illegal to ask first, wait for a request for an accommodation
  - Does not have to be in writing – preferable though
  - It may come from a resident or from someone thinking about residing there
  - Never refuse until you've done your due diligence

# Who is it?

- Is the request for a disabled person?
  - Sometimes the person is obviously disabled
  - When it is not clear – right/duty to verify disability

# Are you eligible?

- There are several ways to establish disability
  - Do you have a disability that affects a major life function?
  - Letter from a health care provider
  - DMV hanger/license plates
  - Person with a therapeutic relationship
  - Don't ask if the disability is obvious/known

# What do you want?

- Typical and atypical requested accommodations
  - Assistance animal (dog, cat, chicken, iguana, tiger cub)
  - Uncarpeted hardwood floors
  - Permission to add a sunroom
  - Microphones and speakers for meetings
  - Parking space
  - Security camera
  - Curb cut
  - Change pesticide or fertilizer
  - Pay for alternate housing during elevator repair
  - Social budget adjustment to include handicap-friendly events



# Is it reasonable & necessary?

- Will the accommodation help?
- Is there a nexus between the accommodation and the disability?
- Is there an alternative that makes more sense?
- Is the accommodation unduly burdensome?
- Would the accommodation materially alter the Association's operations?

# When do you need it?

- Justice delayed is justice denied
- Timing is relative



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# **Smoking, Sounds & Other Annoying Violations**

**Presented by Lauren Ritter**

# That's so annoying, what can we do?

- Violation of the Covenants?
  - Use Restrictions
  - Nuisance provision – annoying, offensive or unlawful?
- Not a Violation of Covenants?
  - Violations of state law
  - Violations of local ordinances
- Possible Abatement Options
  - Self-help
  - Violation charges/suspension of privileges
  - Injunctive relief
  - Referral to third-party (e.g., local Code Enforcement Office)

# What's that smell...?

- Smoking
  - Is there a prohibition?
    - Recorded Covenants or Rules/Regulations
  - Tobacco vs. marijuana – is there a difference?
  - Handling owner complaints
  - Abatement options
- Cooking smells
- Candles
- Pet odors

# Do you hear that?

- Noises
  - Is there a prohibition?
    - Recorded Covenants or Rules/Regulations
  - Handling owner complaints
  - Abatement options
- Dogs barking
- Children playing

# Isn't this annoying too?

- Overgrown or unkempt yards
- Trash cans left out
- Hoarding

# Other Considerations...

- Fair Housing Requests
- Neighbor to Neighbor Disputes



**ANY QUESTIONS?**

**. . . Time for breakout sessions**

