

**KINGSTOWNE RESIDENTIAL OWNERS CORPORATION**  
**Policy Resolution 06- 01**

**Establishment of Procedures for Responses to Requests for Accommodations or Exemptions Made Under the Fair Housing Act**

WHEREAS, the case law interpreting the federal, state, and county fair housing statutes has declared that handicapped parties who reside in community associations have the right to: a) receive reasonable accommodations in connection with the association's rules, policies, practices, or services, and b) make reasonable modifications to their dwelling or common areas at their own expense if those modifications are necessary to afford the handicapped party full enjoyment of his or her dwelling.

WHEREAS, the Board has concluded that it would be in the best interest of the Corporation to establish a policy which outlines and clarifies the required procedures for how residents may make such requests and how the Corporation will respond to those requests;

NOW, THEREFORE, the Board adopts the following policy:

1. Definitions: The following definitions are applicable to this Policy:

A. Handicap – The law does not provide a singular definition for this term; therefore, the term generally means significant physical or mental impairments which substantially limit one or more of the person's major life activities.

Any person who wishes to qualify as handicapped must submit documentation to the Corporation from a duly qualified health care professional which reasonably establishes the impairment and the person's limitations. Not all physical or mental impairments are recognized as handicaps under the applicable law. For example, the applicable law states that allergies or drug addictions are not handicaps. In cases where the staff of the Corporation is not certain about any aspect of a request for handicapped status, the staff will check with the Corporation's counsel.

B. Reasonable Accommodation – This term generally means creating the narrowest exemption from a rule, policy, procedure or practice for a handicapped person in situations where the handicapped person cannot comply with the rule, policy, procedure or practice because of the handicap.

C. Reasonable Modification – This term generally means the most minimal addition, alteration or improvement to an existing dwelling, occupied or to be occupied by a handicapped person, and/or the common areas necessary to afford the handicapped person the same rights to enjoy his dwelling as non-handicapped persons enjoy.

2. Requests for Reasonable Accommodations and Reasonable Modifications:

A. Persons who want to qualify for handicap status and exercise their legal rights must make their request in writing and deliver it to the Executive Director at the following address:

Kingstowne Residential Owners Corporation  
Attn: Executive Director  
6090 Kingstowne Village Parkway  
Kingstowne, VA 22315

This requirement is necessary to ensure that the Corporation can properly log and respond to all requests. Oral requests or requests of any other nature or to any other person (i.e., individual board members, etc.) are not in compliance with this policy.

B. Contents – Written requests must include the following information at a minimum:

- (1) The name of requesting party.
- (2) The address or future address of the requesting party, as well telephone number and email address.
- (3) A statement of whether the requesting party owns or leases the residence. If the property is leased, the requesting party must provide a copy of the lease.
- (4) The general nature of the impairment and whether it is permanent or temporary, including a written statement detailing whether the requesting party's physical or mental impairment substantially limits one or more of their major life activities. Any person who wishes to qualify as handicapped must submit documentation to the Corporation from a duly qualified health care professional which reasonably establishes the impairment and the person's limitations.

This requirement is not intended to cause any invasion of privacy. Specific details about the nature of the handicap are not required. The Corporation simply requires information about the nature and extent of the impairment in order to determine the reasonable response; accordingly, the requesting party must describe his or her problem, explain why his or her request relates to the problem, and explain what he or she wants the Corporation to do.

If the request is for a reasonable modification of a dwelling, the applicant must also submit a complete application for approval in accordance with the Corporation's Architectural Guidelines. Any request for a reasonable modification so submitted shall be forwarded to the Architectural Review Committee ("ARC") for their review and approval of the request and

accompanying application. If the request is for a reasonable modification to the common area, the applicant's request shall be forwarded to the Board of Trustees. Any request for a reasonable modification must include plans, drawings or sketches of the location and the proposed modification.

If the request is for an exemption from a particular rule or policy of the Corporation, the applicant must cite the specific rule or policy in question, along with a clear and thorough explanation of their particular need for the exemption.

(6) If the request pertains to a parking space or parking-related issue, the applicant must provide the following additional information:

A. The desired location of the handicapped parking space; and

B. Written verification from the Department of Motor Vehicles (DMV) confirming the handicapped status of the person making the request, as well as the make, model, and license tags of the vehicle (e.g. photocopy of a disabled parking permit or windshield placard issued by the DMV or another governmental agency having authority to issue such permit or placard for the requesting party's motor vehicle).

(7) The written request must be signed and dated.

(8) In order to be eligible for expedited review, the requesting party must include in their request a statement requesting an expedited review of the request.

The Corporation reserves the right to request additional information from any applicant if it is reasonably necessary to respond to the request. This requirement is not intended to delay a response or to create any undue hardship for the requesting party. The purpose of the requirement is to provide the Corporation with sufficient information so that it can properly review and respond to the request.

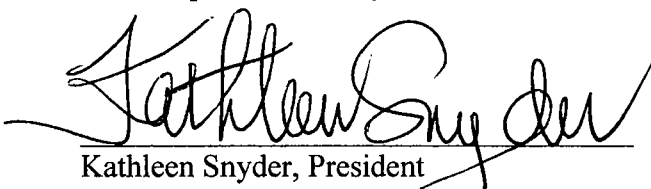
C. Review - Provided that the written request is complete and does not include a request for an expedited review, KROC will provide a written response to the requesting party within 45 days of receipt of the request. In all cases, the Board and the Executive Director shall act in good faith and take due consideration of the nature and urgency of the request when it decides on the time frame within which it will respond.

4. Requests for Reasonable Modifications: If the requesting party's request is for approval to make a structural modification to the common areas, KROC reserves the right to conditionally approve the request. The conditions are as follows:

- (a) The Board has the right to seek the proposals for the necessary work and to retain the contractor to perform the necessary work.
- (b) The Board has the right to request the requesting party to pay in advance for the costs associated with the modification.
- (c) The Board has the right to require the requesting party to pay in advance for the costs of removal of the modification when the requesting party no longer needs the modification or departs from the community.
- (d) The Board has the right to require the requesting party to make adjustments to the proposed plan in order to reasonably accommodate general interests of the community at large, including aesthetic concerns; however, in all cases, the Board shall act in good faith and shall not require any adjustments to the proposed plan that subordinate the need for the handicapped party to receive the necessary accommodation to enjoy the dwelling on an equal basis with other residents.
- (e) Alternatively, in the discretion of the Board, the Board may grant the requesting party with approval to make the modifications to the common areas on his/her own; however, the Board shall also reserve the right to obtain a security deposit from the requesting party to ensure that the modification is made in accord with the approved plans.


6. Requests for Reconsideration: If a requesting party desires a hearing with the Board of Trustees in order to request a reconsideration of part or all of the ARC's or the Board's ruling on any request, the requesting party must submit the request in writing within 30 days of the requesting party's receipt of the ruling issued by the Board or ARC. This deadline is not meant to cause hardship to any requesting party. It is intended to ensure that the members of the Board or ARC who initially reviewed the request are able to participate in the hearing before the Board. The Board will schedule a hearing with the requesting party within a reasonably prompt period of time.

I hereby certify that the Board of Trustees adopted this Policy Resolution on  
January 5th, 2006.

  
Kathleen Snyder, President

**FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was published in *The Kingstonian* on this 1<sup>st</sup> day of February 200<sup>9</sup>, and has been included in the Association's disclosure packet on February 1, 200<sup>9</sup>.



Ronda Desplinter, Executive Director  
Kingstowne Residential Owners Corporation