

## AGING IN OUR CO-OP COMMUNITIES - Handout

### The Duty to Accommodate

- Structures, rules, policies or practices may have to be changed to ensure that persons with disabilities are able to fully enjoy equal benefit, treatment, rights and access to their housing
- Same requirement whether one person or a group requesting accommodation
- Co-op typically responsible to cover costs
- Arises at all stages: member selection, occupancy, eviction, decision-making

“Accommodation seems to mean that we do not change procedures or services, we simply “accommodate” those who do not quite fit. We make some concessions to those who are “different”, rather than abandoning the idea of “normal” and working for genuine inclusiveness...Its goal is to try to make “different” people fit into existing systems.”

### Principles of Accommodation

- Respect for Dignity E.g. a member in a wheelchair should not have to enter the building through the garbage storage room
- Individualized Accommodation
- No “formula” for accommodation
- Every person has unique needs
- Respect Privacy
- Housing providers must respect the confidentiality of any medical information provided
- They should not seek medical information that does not relate directly to accommodating the Resident

### Role of Resident

- Inform co-op of needs
- Obtain medical documentation if requested
- Assist in obtaining outside sources of funding
- Work with co-op management/board of directors to investigate solutions
- Be flexible

### Role of the Housing Provider

- Accept requests in good faith, unless objective reasons not to do so
- Request only information that is necessary to make the accommodation

- E.g. Co-op requests that resident give blanket authorization to consult with resident's doctor – NOT APPROPRIATE
- Maintain confidentiality
- Take active role in investigating possible solutions
- Respond in timely manner

### **Accommodation Examples**

- Physical modifications to a building/unit:
  - Elevators, lifts, ramps
  - Automatic door openers
  - Widened doors
  - Accessible shower
  - Lever door handles
  - Lower counters
  - Grab bars
  - Visual fire alarms
- Alternative communication formats (e.g. Braille, e-mail)
- Snow removal services
- Establishing special emergency protocols
- Calling support persons for resident experiencing a mental health crisis
- Flexibility with rules (e.g. participation requirements)
- Allowing a member to transfer to a more appropriate unit without penalty

### **Limits of Accommodation**

- Co-ops expected to accommodate the needs of residents with disabilities to the point of "undue hardship"
- High standard
- Presumes some hardship
- Co-op must prove undue hardship
- Not "all or nothing"
- What constitutes undue hardship will vary from case to case

### **Determining "Undue Hardship"**

- Cost (taking into account size of co-op, outside sources of funding)
- Must be quantifiable
- Related to the accommodation request
- Substantial
- Co-ops expected to take steps to minimize costs
- Distribute costs across the entire budget
- Phase in accommodations
- Investigate tax deductions
- Establish a reserve fund

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- Use creative design solutions/less expensive alternatives
- Explore outside sources of funding
- Health and Safety
- Do the health and safety risks that remain after accommodation has been made outweigh the benefits of enhancing equality?
- Only assess risk AFTER precautions taken to minimize
- Need to assess nature, severity, probability, and scope (who is affected) of risk
- Must be a real risk, not speculation based on assumptions

### What should not be considered?

- Inconvenience
- Member preferences
- Resentment from other members
- Person “knew building was inaccessible” when he/she moved in (cannot “contract out” of your rights)