

Nepenthe Association

Reasonable Accommodation and Reasonable Modification Request Procedure

A. Purpose and Scope

This Procedure is intended to establish a clear, uniform process for the submission, review, and resolution of requests for reasonable accommodation or reasonable modification under applicable fair housing laws. It is procedural in nature only. It does not create any automatic entitlement to approval, nor does it alter the Association's governing documents, architectural standards, maintenance responsibilities, or enforcement authority, except as required by law in a particular case.

All requests are evaluated on an individualized, case by case basis, considering the specific facts presented, the nature of the request, the applicable legal standards, and the Association's governing documents.

B. Framework

Federal and state fair housing laws, including the Fair Housing Act and the California Fair Employment and Housing Act, may require a community association to provide reasonable accommodation in rules, policies, practices, or services, or to permit reasonable modifications, when such accommodation or modification is necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

Nothing in this Procedure is intended to limit or expand those legal obligations. Rather, it is intended to provide an orderly process for compliance.

C. Definitions

For purposes of this Procedure, the following definitions apply.

A "**reasonable accommodation**" means a change, exception, or adjustment to a rule, policy, practice, or service that is reasonable and may be required to afford a person with a disability an equal opportunity to use and enjoy a dwelling and the Common Area.

A "**reasonable modification**" means a physical modification to a dwelling or to the Common Area that is reasonable and may be required to afford a person with a disability full use and enjoyment of the premises.

A "**request**" means a written request for a reasonable accommodation or reasonable modification submitted by or on behalf of a person with a disability.

A "**requesting party**" means an owner, resident, or other person legally entitled to submit a request on behalf of a person with a disability.

D. Request Submission

Requests for reasonable accommodation or reasonable modification must be submitted in writing to management. The request should describe the accommodation or modification being requested and explain, in general terms, the relationship between the request and the disability-related need.

The Association has adopted a Reasonable Accommodation and Reasonable Modification Request Form, which is attached to this Procedure for convenience. Use of the form is encouraged but not required, provided that the request is submitted in writing and contains sufficient information for the Association to evaluate the request.

The Association does not require disclosure of a specific medical diagnosis or the submission of detailed medical records. However, to the extent permitted by law, the Association may request reliable information confirming that the person for whom the request is made has a disability, as defined by applicable law, and that the requested accommodation or modification is reasonably related to that disability.

E. Review Process

Upon receipt of a written request, management shall acknowledge receipt and may request additional information if reasonably necessary to evaluate the request. The Association shall engage in an interactive process with the requestor, as appropriate, to clarify the request and explore potential alternatives if needed.

The Board of Directors, or a committee or agent authorized by the Board, shall review the request and determine whether the accommodation or modification is reasonable and required under applicable law.

In evaluating a request, the Association may consider whether the request is necessary to afford equal use and enjoyment, whether it would impose an undue financial or administrative burden, whether it would fundamentally alter the nature of the Association's operations, and whether there are alternative accommodations or modifications that would be equally effective.

F. Decision and Conditions

The Association shall provide a written response to the request within a reasonable time. Approval may be granted as requested, granted with reasonable conditions, or denied if the request is not required by law.

Conditions may include, where appropriate, requirements relating to design standards, permits, licensed contractors, insurance, indemnity, maintenance, repair, restoration, or responsibility for costs, consistent with applicable law.

Approval of a request does not waive future enforcement of the governing documents with respect to unrelated matters or other owners.

G. Maintenance and Restoration

Unless otherwise required by law, the requestor is responsible for the costs of installation, maintenance, repair, and, when applicable, restoration of any approved modification.

Nothing in this Procedure shifts long-term maintenance responsibility to the Association except as required by law or expressly approved by the Board in writing for a specific request.

H. Recordkeeping

The Association shall maintain a confidential record of requests and decisions, consistent with applicable privacy requirements. Approval or denial of a request does not establish precedent for future requests.

I. No Precedent or Waiver

Each request is evaluated based on its own facts and circumstances. Prior approvals, denials, or discretionary accommodations do not create a binding obligation to grant future requests. Approval of an accommodation or modification, or a decision not to enforce a governing document provision in connection with a specific request, does not constitute a waiver of the Association's right to enforce the governing documents in other situations.

J. Effective Date

This Procedure shall become effective upon adoption by the Board of Directors and shall be implemented in accordance with Civil Code section 4360.

Certificate of Adoption

The undersigned certifies they are the Secretary of Nepenthe Association, and the foregoing was adopted by the majority vote of the Board of Directors on May 6, 2026.

Dated: 7/8/2026

By: Cheryl Nelson
[signature]

Cheryl Nelson, Secretary
[print name]

Nepenthe Association
REQUEST FOR REASONABLE ACCOMMODATION OR REASONABLE MODIFICATION

This request is being submitted by the owner or resident seeking a reasonable accommodation or reasonable modification under state and federal housing and disability laws relating to use of their residence or the common area. By completing this form, owner or resident acknowledges they are seeking a variance from a restriction, rule, policy, practice, or procedure to accommodate an owner's or resident's disability. The purpose of this form is to provide the owner or resident with a simple and efficient method for seeking a reasonable accommodation or reasonable modification, and to ensure the reasonable accommodation or reasonable modification is documented. This form is based on the *Joint Statement of Department of Housing and Urban Development and Department of Justice Reasonable Accommodations Under the Fair Housing Act*, issued May 17, 2004.

Owner Name(s): _____

Name of Resident with a Disability: _____

Property Address: _____

Mailing Address (if different): _____

To qualify for a reasonable accommodation or reasonable modification, owners or residents must provide the following information to the Association. Items 1 through 3 must be verified by a physician or other licensed medical professional on the following page. Please attach additional pages if needed. **Do not disclose the specific diagnosis, nature, or severity of the individual's disability.**

(1) The undersigned certifies that the individual named above has a disability recognized under applicable law, and that the individual requesting the accommodation or modification has a physical or mental impairment that substantially limits one or more major life activities.

(2) A description of the requested reasonable accommodation or reasonable modification to ameliorate the disability:

(3) An explanation of how the requested reasonable accommodation or reasonable modification will accommodate the disability:

The undersigned owner or resident certifies the information provided above is true and correct to the best of their knowledge and belief, and that this request is being submitted for the purpose of obtaining a reasonable accommodation or reasonable modification to the Association's restrictions, rules, policies, practices, or procedures.

Signature of Owner or Resident Making Request

Date: _____

Signature: _____

Print Name: _____

Signature of Physician, Licensed Health Care Provider, or other qualified third party with knowledge of the individual's disability-related need (*Verifying Need for Reasonable Accommodation or Reasonable Modification*)

Date: _____

Signature: _____

Print Name: _____

Address: _____

THIS SECTION FOR ASSOCIATION USE	
Approval/Denial of Request:	
☐ Approved OR ☐ Denied	
Date: _____	
Explanation:	

