

RENTAL DWELLING UNIT: SINGLE-FAMILY HOME vs. MULTI-FAMILY UNIT

Is the subject dwelling unit a single-family dwelling (i.e., a house) or part of a multi-family dwelling (i.e., duplex, triplex, fourplex, or apartment complex)?

SINGLE-FAMILY HOME

Is the subject property the recipient of federal financial assistance (i.e., dwelling owned by Public Housing Authority (PHA), HUD subsidized, etc.)?

NO FEDERAL \$\$

Did the property owner or rental agent make an agreement with tenant to pay for the specific modifications?

NO AGREEMENT

Tenant Pays

YES AGREEMENT

Owner Pays

FEDERAL \$\$

Owner Pays (unless proves undue financial burden)

MULTI-FAMILY DWELLING UNIT

Is the subject dwelling unit located in a building with four (4) or more dwelling units in it?

NO—LESS THAN 4 UNITS

Is the property the recipient of federal financial assistance (e.g., PHA owned, HUD subsidized)?

NO FEDERAL \$\$

Did owner/agent make an agreement with tenant to pay for modifications?

NO AGREEMENT

Tenant Pays

YES AGREEMENT

Owner Pays

FEDERAL \$\$

Owner Pays (unless proves undue financial burden)

YES—BUILDING HAS 4 OR MORE UNITS

Was the subject property built for first occupancy after March 13, 1991?

NO—BUILT ON OR BEFORE MARCH 13, 1991

Is the property the recipient of federal financial assistance?

NO FEDERAL \$\$

Did owner/agent make agreement to pay for modification?

NO AGREEMENT

Tenant Pays

YES AGREEMENT

Owner Pays

FEDERAL \$\$

Owner Pays (unless proves undue financial burden)

YES—BUILT AFTER MARCH 13, 1991

Does the modification fall under one of the seven Fair Housing Act design & construction (D&C) requirements?

DOES NOT FALL UNDER D&C

Is property recipient of federal financial assistance?

NO FEDERAL \$\$

Is property a TDHCA Low-Income Housing Tax Credit (LIHTC) property awarded after 2001?

NOT LIHTC AWARDED AFTER 2001

Did owner/agent make agreement with tenant to pay for modification?

NO AGREEMENT

Tenant Pays

YES AGREEMENT

Owner Pays

FEDERAL \$\$

Owner Pays (unless proves undue financial burden)

FALLS UNDER D&C

Original Owner, Builder, Architect Pays—possibly Subsequent Owner Pays (unless exemption applies)

**FAIR HOUSING COUNCIL OF SOUTH TEXAS
REASONABLE MODIFICATIONS FLOWCHART—WHO PAYS?**

The federal Fair Housing Act (FHA) states that it shall be unlawful for any person to refuse to permit, at the expense of the person with a disability, reasonable modifications (i.e., structural changes) of existing premises, occupied or to be occupied by a person with a disability, if the proposed modifications may be necessary to afford the person with a disability full enjoyment of the premises of a dwelling. Thus, the general rule is that the disabled tenant pays for the costs related to the modification of a dwelling unit or common-use area.

However, this flowchart provides general information about other factors that should be considered when evaluating who pays for modifications.