

WESTERLY HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. ____

(REASONABLE ACCOMMODATION AND MODIFICATION POLICY)

WHEREAS, Article VIII, Section VIII.1(c) of the *Bylaws for Westerly Homeowners Association* (“Bylaws”) provides, in applicable part, that the Board of Directors shall have all powers and duties necessary for the administration of affairs of the Association (“Association”) and may do all such acts and things as are not by the Virginia Property Owners’ Association Act (“VPOAA”) or the Governing Documents required to be exercised and done by the Association; and,

WHEREAS, Article VIII, and Section 1(a) of the Bylaws further provides that the Board of Directors shall have the power, from time to time, to adopt any Rules and Regulations, if such rules and regulations are not in conflict with the VPOAA or the Governing Documents; and,

WHEREAS, by separate resolution, the Board of Directors established a parking scheme for the Association in order to assure equitable parking arrangements as well as safe and attractive parking areas; and,

WHEREAS, the parking scheme established for the Association permits the alteration of parking arrangements to comply with all local, state, and federal regulations, including the alteration of parking arrangements to provide reasonable accommodations; and,

WHEREAS, the Board of Directors believes that it is in the best interests of the Association to promulgate policies and procedures for reviewing requests for reasonable accommodations and reasonable modifications.

NOW THEREFORE, be it resolved that the Board of Directors hereby adopts the following policies:

1. Purpose: The Association of Westerly Homeowners Association (“Association”) has certain obligations under the federal, state and county fair housing laws. One is to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford people with handicaps equal opportunity to use and enjoy their respective residences. Another is to allow owners and residents, who are disabled, at their own expense, to make reasonable modifications to the common elements and their Lots if such modifications will allow people with handicaps full use and enjoyment of their respective Lots. This policy provides procedures for residents, prospective residents and other affected individuals who require such an accommodation to initiate a request and for the Board of Directors to evaluate, respond, and implement appropriate action on the request.

2. Definitions:

Unless otherwise provided by applicable law, the following definitions are applicable to this Policy:

A. Handicap - "Handicap" means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a

record of having such impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

B. Reasonable Accommodation - "Reasonable accommodation" means changing a rule, policy, procedure or practice that is generally applicable to everyone so as to make its burden less onerous on the handicapped individual. In most cases, it is impossible to determine in advance what, if any, reasonable accommodation is required for any particular situation, since whether an accommodation is "reasonable" is determined by an examination of the facts of the particular circumstances.

C. Reasonable Modification - "Reasonable modification" means an addition, alteration or improvement to an existing Lot, occupied or to be occupied by a handicapped person, and/or the common elements, if the proposed modification may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. The handicapped person shall generally be responsible for the costs of such modification. In most cases, it is impossible to determine in advance what, if any, reasonable modification is required for any particular situation, since whether an accommodation is "reasonable" is determined by an examination of the facts of the particular circumstances.

3. Requests for Reasonable Accommodations and Reasonable Modifications:

A. Place: All requests for accommodation must be made in writing and delivered to the Community Manager at the following address:

The Westerly Homeowners Association
c/o Michael Marcolla
Legum & Norman, Inc.
4401 Ford Avenue, Suite 1200
Alexandria, Virginia 22302

This is necessary to ensure that all requests are properly logged and considered. Please do not make oral requests or requests to any other person (i.e., individual board members, etc.).

B. Contents: The request for an accommodation should include at least the following:

- (1) Name of requesting party.
- (2) Address (please also include telephone number where the requesting party can be reached).
- (3) Statement of whether the requesting party owns or leases the residence. If leased, please give the commencement and termination dates of the lease.
- (4) Statement of the nature of the requesting party's handicap and whether it is permanent or temporary. The requesting party may be asked to provide verification of such handicap or disability.

- (5) Description of the problem that the requesting party's handicap is causing with respect to a rule, policy, practice, or service of the Association. Please try to be specific as to what the problem is and what the requesting party would like the Association to do.
- (6) If the request pertains to parking, please also 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 vehicle to be parked in the space, including the make, model, and license tags of that 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).

The requesting party may be contacted if any further information is necessary to respond to his or her request.

4. Consideration of Requests:

A. The Community Manager will acknowledge receipt of the request and will advise the requesting party that the request will be responded to promptly. The response time will vary depending on many factors including the nature of the request, the urgency of the request and scheduled meetings of the Board of Directors.

B. If the requesting party is a tenant, and it appears that the tenant is requesting a change to the interior of a residence that does not require approval by the Association, the requesting party will be directed to make the request directly to the owner. If the request is for something that approval by the Association is required, the request will be processed as provided below.

C. The Community Manager will (1) make a record of receipt of the request, (2) review the request to make sure that the items described in Paragraph 3.B. above are included, and (3) provide a copy to the President. If there is an apparent legal issue about the handicap or the nature of the requested accommodation, or if otherwise appropriate, the President or other director designated by the Board will send a copy of the request to the Association's counsel for legal advice.

D. If any information required by Paragraph 3.B. is missing, or if any additional information or clarification is necessary, the Community Manager will notify the requesting party. If it is not clear to the Board of Directors that the requesting party is, in fact, handicapped, the requesting party may be asked to submit additional documentation.

E. If any requested accommodation or modification will require any expenditure of Association funds, the Community Manager will ascertain the probable expenditure.

F. If the requested accommodation is a one-time accommodation or modification, requiring an expenditure of \$100.00 or less, the President is authorized to approve the accommodation without referral to the Board of Directors. Any other request shall be referred to the Board for consideration at its next regularly scheduled meeting. In the event of a special urgency, a special meeting of the Board of Directors may be convened to consider the request. The Community Manager will notify the requesting party as to the date of the Board meeting at which the resident's request will be considered.

G. The Community Manager will notify the requesting party as to the Board's decision. If the request is granted, the Community Manager will make all necessary arrangements for the implementation of the request.

H. In the event that the Board of Directors does not approve the request in whole or in part, the Board acting through the President or such other person designated by the Board will communicate with the requesting party in an attempt to resolve the matter in some other manner than requested that still effects the purposes of the fair housing laws and ordinances.

I. In resolving any request, the Board encourages, but does not require that the requesting party or someone on his or her behalf, meet with the Board or its designee to review the need, the request and the possible alternatives.

I hereby certify that this Policy Resolution was adopted by the Board of Directors on the _____ day of _____, 2007.

WESTERLY HOMEOWNERS ASSOCIATION

By: _____
Kevin Gilfedder, President

ATTEST:

I, _____, Secretary for the Westerly Homeowners Association, hereby attest that the foregoing Policy Resolution was adopted a properly held meeting of the Board of Directors on the _____ day of _____, 2007.

_____, Secretary

**CERTIFICATION OF POSTING AND MAILING OF ADOPTED POLICY
RESOLUTION**

I, Michael Marcolla , Community Manager, Legum & Norman, Inc., Managing Agent for the Westerly Homeowners Association, do hereby certify on this _____ day of _____, 2007, that copies of the foregoing Policy Resolution were posted conspicuously through out the community prior to the effective date of the Policy Resolution, and that copies of the Policy Resolution were mailed to each Unit Owner.

Michael Marcolla, Community Manager

WESTERLEY HOMEOWNERS ASSOCIATION

RESOLUTIONS ACTION RECORD

Resolution Type Policy Resolution No. _____

Pertaining to: Reasonable Accommodation and Modification Policy

Duly adopted at a meeting of the Board of Directors of the Westerly Homeowners Association, held _____.

Motion by: _____ Seconded by: _____

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT

ATTEST:

Secretary

Date