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Guidelines issued under FHA reasonable modifications provision

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On March 5th, the Departments of Housing and Urban Development (HUD) and Justice (DOJ) released guidance reinforcing the right of persons with disabilities to make "reasonable modifications" to their dwellings if a structural change to their dwelling or to a common area of the building or complex in which they live is needed. The guidance is designed to strengthen housing providers and homeowners' associations' understanding of their obligations regarding the "reasonable modifications" provision of the federal Fair Housing Act (FHA).

The new guidelines, issued in the form of questions and answers, cover such topics as:

What is a reasonable modification?

Who must comply with the reasonable modification requirement?

Who is responsible for expenses associated with the upkeep or maintenance of a reasonable modification?

When and how should an individual request permission to make a modification?

What types of documents and assurances may a housing provider require regarding the modification before granting the modification?

What procedures are available to a person wishing to challenge a denial of a requested modification?

The guidelines are available online at <http://www.usdoj.gov/fairhousing>.

U.S. House Passes Bill Providing Energy Efficient Commercial Buildings Tax Incentives

On February 28th, the House passed H.R. 5351, the Renewable Energy and Energy Conservation Act of 2008, by a vote of 236 to 182. The bill would extend federal tax incentives for energy efficiency and renewable energy technologies that have expired or will expire at the end of this year. Specifically, it extends tax incentives for energy efficiency in commercial buildings.

IREM, the CCIM Institute, and NAR are part of a coalition that supports H.R. 5351. The coalition sent a letter in support of the bill to House Representatives prior to the House vote on the bill. In its letter the coalition stated that the incentives must be extended immediately to avoid significant harm to the developing clean energy industries in the United States. The technologies produced by these industries play a vital role in reducing global warming pollution, creating new high-wage jobs in our country, and saving consumers and businesses money on their energy bills.

Two Year Ban on Banks in Real Estate

On December 26, 2007, President Bush signed into law the FY2008 omnibus appropriations bill which includes a two-year provision prohibiting banks from entering the real estate brokerage, property leasing and management business. The National Association of Realtors continues to

lobby for a permanent ban.

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