

Exhibit 2-5: Examples of Fundamental Alterations

Actions that would result in a fundamental alteration in the nature of a recipient's (owner's) program or activity may include the following:

1. Actions that would require substantial modifications to or the elimination of essential lease or program requirements;
2. Actions that would require the owner to provide supportive services, e.g., counseling, medical, or social services that fall outside the scope of the services that the owner offers to tenants; and
3. Actions that would require the owner to offer housing of a fundamentally different nature than the type of housing that the owner does offer.

Example – Fundamental Alterations

Example of alterations in the nature of the program or activity.

IMPORTANT - In evaluating whether a fundamental alteration would occur, owners must consider the facts and circumstances of each case.

Jim suffers from a neurological disorder that requires 24-hour nursing care. The owner does not provide this medical service in the housing that he offers. Although the owner must allow Jim to obtain the nursing care on his own, it would constitute a fundamental alteration in the nature of the program or activity to require the owner to provide this medical service at the owner's expense.

Examples of alterations in the nature of the program or activity that are not fundamental are the following.

Jean is a quadriplegic and uses a dog to assist her in her daily living. She lives in a family project that forbids tenants from keeping animals in their units. It would not constitute a fundamental alteration in the nature of the program or activity to require the owner to make an exception to the rule so that Jean can keep her assistance animal.

Delores is hearing impaired and requests that the owner provide closed captioning on the television in the project's community room. It would not constitute a fundamental alteration in the nature of the program or activity to require the owner to purchase a closed caption decoder and attach it to the television.