

## APPENDIX B

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## **SAMPLE TESTER TRAINING OUTLINE**

## **SAMPLE TESTER TRAINING OUTLINE**

Note: In advance of this training session, testers should have received and read the report entitled “Fair Housing Law: Zoning and Land Use Issues” (Appendix A) and the paper entitled “Additional Background Information” (Appendix A).

The following is a suggested outline for tester trainers to follow:

- I. Welcome and introductions
- II. Did you receive the background material? Did you have a chance to read it? Do you have any questions about what you read?
- III. Do you meet the qualifications of the tester, i.e., are you a parent of an adult with a psychiatric disability? Though not necessary for the test, can you identify with the scenario, i.e., a parent wanting this kind of housing for her child?
- IV. Go over test instructions and test itself. Testers should ask questions—and be asked questions—and given answers to clarify purpose of test and how it should be conducted.
- V. Demonstration. Trainer #1 plays role of planner; trainer #2 plays role of parent. They demonstrate several examples of what might occur at a zoning counter. After each demonstration testers are asked what they observed and to discuss it in the context of fair housing law.

Examples:

1. Parent gives scenario. Planner listens and then says the use would be a permitted single-family use.
2. Parent gives scenario. Planner listens and then asks questions about disability and mentions concerns of neighbors. Planner concludes use would be a permitted single-family use.
3. Parent gives scenario. Planner listens and then says definition of “family” only allows five unrelated persons. Planner tries to find another classification that would apply to the scenario. Planner says it might be “group residential,” in which case it would need a conditional use permit. Parent asks “What does that mean?” Planner responds: “A hearing before the planning commission.” Parent asks “What else is involved?” Planner gives parent a copy of the application requirements for a conditional use permit. Parent asks “How much does it cost and how long does it take?”
4. Parent gives scenario. Planner listens and then says it would need to be licensed and would require a conditional use permit. Parent asks “What do you mean by licensing?” Planner says “That kind of housing needs to be

licensed by the State because care would be provided.” Parent says “They would not need care, they would just be sharing the house.” Planner says “You have to get a license from the state.” (Example of planner not willing to allow use without license and conditional use permit.)

5. Planner has said use requires a conditional use permit. Parent says she has heard that because her son is disabled, she can request a waiver so her son can live in the housing he desires. She believes the term is “reasonable accommodation.” Planner says “No, a waiver is not possible.” (Example of planner not being familiar with reasonable accommodation requirement.)

## VI. Procedures:

The test consists of the following steps. Additional steps may be necessary depending on the circumstances. The project director and/or the test supervisor will make that decision. (All sample test forms are in Appendix B)

- a. Tester calls the jurisdiction to find out zoning counter hours and location and whether an appointment is needed.
- b. Tester consults with test supervisor and they decide when to go to jurisdiction. (Test supervisor will accompany tester the first few times. Once the test supervisor and tester are comfortable that tester can conduct test alone, then tester can do so, and this step can be eliminated.)
- c. Tester goes to zoning counter and follows scenario. Tester obtains business card of counter staff person and copies of relevant regulations and procedures. Tester asks how she can get a written opinion as to any special restrictions there may be on the proposed use and how she can make a request for reasonable accommodation.
- d. Immediately after the test, tester goes to car, completes Fair Housing Test Form and Test Narrative, and attaches notes and copies of jurisdiction materials.
- e. Tester meets with test supervisor to discuss what happened at the zoning counter and to go over the forms and materials. Test supervisor may suggest tester obtain additional information or materials. Test supervisor provides guidance on what to say in the request for written opinion letter. (See Appendix B for Sample Request for Written Opinion.).
- f. Tester writes request for written opinion letter. Tester obtains approval of test supervisor before mailing letter.
- g. After receiving response to request for written opinion, tester meets with test supervisor to go over response and discuss next step.

- h. If needed, tester writes request for reasonable accommodation letter. (See Appendix B for Sample Request for Reasonable Accommodation.) Tester obtains approval of test supervisor before mailing letter.
- i. After receiving response to request for reasonable accommodation, tester meets with test supervisor to go over response and discuss next step.
- j. When test supervisor says test is complete, tester gives all the materials to the test supervisor.

## VI. Guidelines

- a. Finish one test before you do the next one.
- b. Be sure to put name of jurisdiction on each page of material, including code sections, etc., if it is not already on it.
- c. Don't take the test materials into the city or county building. Remember you are there as a parent, not a tester.

## VII. Assignments

At the conclusion of the training session, tester-jurisdiction assignments should be made and test forms distributed. There should be a sign-up sheet with the names and phone numbers of the testers. Each tester should be given the name and phone number of the test supervisor. The tester and test supervisor should then work out a tentative schedule for going to the different jurisdictions.

**FAIR HOUSING TEST FORM**

## FAIR HOUSING TEST FORM

Name of Tester: \_\_\_\_\_

Jurisdiction Tested: \_\_\_\_\_

Date of Test: \_\_\_\_\_ Time: \_\_\_\_\_

Test Location/Address: \_\_\_\_\_

Name of Interviewee: \_\_\_\_\_

Title of Interviewee: \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ e-mail: \_\_\_\_\_

Address: \_\_\_\_\_

Business card? Yes \_\_\_\_\_ No \_\_\_\_\_

### Summary:

1. How did Interviewee classify use? (i.e., what term did Interviewee use?)
2. Where did Interviewee say you could locate use? (Any residential zone? Only certain zones?)
3. Did Interviewee say you would need a conditional or other special use permit?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. If Yes, what kind of permit?
4. Did Interviewee advise you to request a written opinion from the zoning administrator? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Did Interviewee volunteer that you could request a reasonable accommodation?  
Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_ (i.e., no need for reasonable accommodation)
6. When you mentioned a request for reasonable accommodation, did Interviewee tell you how to make such a request?  
Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_ (i.e., did not mention such a request)
7. List definitions and regulations you obtained copies of.
8. Access: Would a wheelchair-dependent person be able to get to the people you needed to ask questions of? Yes \_\_\_\_\_ No \_\_\_\_\_
9. Did you need an appointment? Yes \_\_\_\_\_ No \_\_\_\_\_

10. How long did you wait before being helped by interviewee? \_\_\_\_\_ minutes.
11. How would you describe your interaction with staff? (e.g., pleasant, abrupt, neutral) Describe:

Signature of Tester: \_\_\_\_\_ Date :\_\_\_\_\_

On a separate sheet (or sheets) provide a narrative of your interview.

Be sure to write down all the questions the interviewee asked you.

Be sure to write down any opinions expressed by the interviewee, whether negative or positive. (e.g., "This project will never be accepted by the neighbors." or "My brother is mentally ill and I like this kind of project.")

Be sure to mark each sheet with the name of the jurisdiction, person interviewed, and date of interview.

Sign and date the last sheet of each interview narrative.

**TEST NARRATIVE FORM**

**TEST NARRATIVE**

Jurisdiction: \_\_\_\_\_ Date of Visit: \_\_\_\_\_

Person Interviewed: \_\_\_\_\_ Title: \_\_\_\_\_

Tester: \_\_\_\_\_ Phone: \_\_\_\_\_

Narrative:

Signature of Tester: \_\_\_\_\_

Date \_\_\_\_\_

**SAMPLE REQUEST FOR WRITTEN OPINION**

## SAMPLE REQUEST FOR WRITTEN OPINION

[date]

[name]

[title]

[jurisdiction]

[address]

Dear Mr./Ms. [name]

Subject: Request for Written Opinion

[If the Interviewee suggested that you write this letter, then mention that in the introduction.]

My husband and I want to buy a house for our son who is a young adult with a psychiatric disability. We would like for him to share the house with seven other young adults who also have psychiatric disabilities. For it to pencil out financially, we need a total of eight residents. My husband spoke with a banker friend who advised him to check with the city [or county] to find out what the regulations are and whether there are any special restrictions we should know about before we buy the house.

I would appreciate it if you would let me know what kind of zoning we would need, whether we would need any special permits, and whether there are any special restrictions we should know about before we buy the house. If there are any costs involved, let us know what they are. As we are anxious to move forward on this, I hope to hear from you soon.

Sincerely,

[tester's name]

[tester's address unless it is on the letterhead]

**SAMPLE REQUEST FOR REASONABLE  
ACCOMMODATION**

## SAMPLE REQUEST FOR REASONABLE ACCOMMODATION

[date]

[name]

Planning Director

[jurisdiction]

[address]

Dear Mr./Ms. [name]

Subject: Request for Reasonable Accommodation

[If the Interviewee or zoning administrator suggested that you write this letter, then mention that in the introduction.]

My husband and I want to buy a house for our son who is a young adult with a psychiatric disability. We would like for him to share the house with seven other young adults who also have psychiatric disabilities. For it to pencil out financially, we need a total of eight residents. My husband spoke with a banker friend who advised him to check with the city [or county] to find out what the regulations are and whether there are any special restrictions we should know about before we buy the house.

On [date of letter to the zoning administrator] I wrote to the zoning administrator to learn if there were any special restrictions that might apply to what we want to do. Mr. [or Ms.] [name of person who responded] wrote back saying [what he/she said]. These restrictions would make it difficult [or impossible] to provide our son with the living environment he desires.

I have been told that I could request a waiver of these regulations, or to have the application of these regulations modified, so that our son will be able to live in the housing of his choice. I believe the term used is "reasonable accommodation."

The reasonable accommodation I am requesting is [what is requested]. We need this accommodation so that our son will be able to live in a decent house, in a decent neighborhood, with other young people, which is what he wants.

We hope you will be able to grant this accommodation.

Sincerely,

[tester's name]

[tester's address unless it is on the letterhead]

**TEST REPORT WORKSHEET**

## TEST REPORT WORKSHEET

### TEST FINDINGS

#### A. Interface With Staff

1. Assistance of staff person(s):
  - a. Were they helpful? Yes \_\_\_ No \_\_\_\_\_
  - b. Were they knowledgeable? Yes \_\_\_ No \_\_\_\_\_
  - c. When asked, did staff person give business card or name?  
Yes \_\_\_ No \_\_\_\_\_
  - d. Additional comments:
  
2. When requested to provide copies of relevant sections of the zoning code, did staff make them available? Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_
  - a. If answer is Yes, was there a charge? Yes \_\_\_ No \_\_\_\_\_
  
3. Was there consistency between verbal information and written information?  
Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_
  - a. If answer is No, provide details.
  
4. Did staff suggest requesting a written opinion?  
Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_
  
5. Did tester request a written opinion? Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_
  - a. If answer is Yes, what was staff's response?

6. Did staff suggest requesting a reasonable accommodation?

Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_

7. Did tester request a reasonable accommodation?

Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_

a. If Yes, what was staff's response?

**B. Potential Violations of Fair Housing Laws**

1. Did verbal information given by staff person(s) indicate any potential violations of fair housing laws? Yes \_\_\_ No \_\_\_\_\_

a. If answer is Yes, provide details.

2. Did written regulations and other documents indicate any potential violations of fair housing laws? Yes \_\_\_ No \_\_\_ N/A

a. If answer is Yes, provide details.

**3. Reasonable Accommodation**

a. Was staff aware of a procedure for requesting a reasonable accommodation? Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_

b. Did tester write a letter requesting reasonable accommodation?  
Yes \_\_\_ No \_\_\_ N/A \_\_\_\_\_

(1) If answer is Yes, what was the response?

Prepared by:

Date:

**SAMPLE REPORT ON FAIR HOUSING TEST FINDINGS**

**[NAME OF JURISDICTION]**  
**SAMPLE REPORT ON FAIR HOUSING TEST FINDINGS**

**FAIR HOUSING TEST**

Housing Rights, Inc. conducted a fair housing test of the [Name of Jurisdiction] to ascertain compliance with state and federal fair housing laws as they relate to housing for persons with disabilities. The specific areas of interest were planning practices and zoning regulations which may have the effect of limiting the housing choice of persons with disabilities.

The test began on [date] when the tester went to the zoning counter and asked for zoning information. The tester wanted to find out whether there were any regulations s/he should know about before she and her husband bought a house for their adult son who had a psychiatric disability. The tester said the son would be sharing the house with seven other young adults who also had psychiatric disabilities.

According to the information given by the tester, the proposed use should be classified as a single-family residential use and allowed “by right” in a single-family residential zone. The staff person gave the correct response, that the use would be allowed by right. This response is consistent with state and federal fair housing laws.

The test addressed just one housing situation that a person with a disability might choose. Other housing situations include a group home or residential care facility, which may be treated differently. Therefore, Housing Rights, Inc. also reviewed other relevant zoning regulations for potential fair housing violations.

**SUMMARY OF KEY FINDINGS**

[Summarize key findings based on test and review of relevant regulations.]

**SAMPLE JURISDICTION LETTER FOR TEST**

## **SAMPLE JURISDICTION LETTER FOR TEST**

[date]

Honorable [name]  
Mayor  
[jurisdiction]  
[address]

Dear Mayor [name]:

Housing Rights, Inc. is a private, nonprofit fair housing enforcement agency, with 17 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims. Housing Rights, Inc. was recently awarded a HUD Fair Housing Initiatives Program Grant (FH700G96034) for the implementation of the Disability and Land Use Project. Under this grant, Housing Rights, Inc. conducted “tests” of selected local jurisdictions for compliance with fair housing laws related to housing for persons with disabilities. The tests evaluated planning practices and zoning regulations.

Your city was one of the jurisdictions we tested. We are enclosing a summary of our findings as well as information about fair housing law zoning and land use issues. We would like to meet with representatives of your office, the City Attorney’s office and the Planning Department to go over the findings in more detail.

Our project coordinator, [name], will contact you during the next two weeks to schedule a meeting. You may contact her at [phone number]. Please feel free to contact me at [phone number].

Sincerely,

Wanda Remmers  
Executive Director

Enclosures