

## “SOCIAL” BICYCLES AND HUD ISSUES

By Sara E. Barry  
(Rev: October 25, 2016)

Recently, in one of the pre-licensing classes, a student mentioned that they have had a request to have the association *put training wheels* on one of the Social Bicycles that the association has purchased for this program installed for all owners, but for her autistic child. Guess what, you are on notice and she has now asked for an accommodation through Fair Housing. If you are not aware of the Social Bicycles System, you will be as they are becoming very popular as they did in the San Francisco area. <http://socialbicycles.com/>

The question at the class was, however, “we can accommodate her with a bike at one location, but not everyone returns the bikes to the same location. Do we need to make sure that that bikes gets returned from wherever he left it so that is available or do we need to ensure that a bike is always at each location for him.”

As normal, I went to the entity that could be enforcing the issue for HUD initially, Silver State Fair Housing and I am sharing their response.

\*\*\*\*\*

“Sara,

As you know, if the requested accommodation would be an undue financial or administrative burden on the housing provider or would fundamentally alter the nature of the provider’s operations, then it might not be considered reasonable. In this case, I think that providing a number of bikes with training wheels would be reasonable, as they are already providing bikes for other tenants’ use, so it does not fundamentally alter the nature of the amenity being provided. The HOA would have to look at the cost of ensuring that a bike with training wheels be available at EVERY station at all times and measure that against the benefit to the tenant and the actual economic burden to their total budget.

Have they discussed this issue with the resident? Perhaps she has a suggestion or would be willing to help move the bikes, if necessary. This can be a negotiation or discussion about what is “reasonable.” Of course the HOA should look to its attorney for guidance in dealing with the issue. I would hate to see the amenity removed completely, not only because of the benefits to all residents, but also out of caution that it might look like retaliation against someone for exercising her fair housing rights.

Hope this is helpful... Kate”

\*\*\*\*\*

Note her advice to contact the association’s attorney as well as keep in mind that if you remove them because of the cost now, it could appear to be considered retaliation. I sent her comments to the attorneys I work with and hopefully other attorneys will guide you in the right direction. Always something new in our HOA world, isn’t there?