



# Legal Update

A WRA Publication Exclusively for the Designated REALTOR®

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## Inside This Issue

2

David's story provides an example of the process involved when a person with disabilities purchases a home.

4

A host of funding and other home purchase resources.

5

Removing the barriers and providing good customer service.

12

All about the Accessibility Features Report – a property condition report for features that may be desirable to a homebuyer with disabilities.

## Providing Good Customer Service to Persons with Special Needs

This *Legal Update* provides information and resources that may be used by REALTORS® to provide good, quality, equal brokerage services to everyone – including persons with disabilities. The information and resources can also be advantageous for a REALTOR® who is working with a person who speaks a language other than his or her own, who has a limited or fixed income, or who has other special needs.

which often must work together when a person with disabilities purchases a home. The next section in this *Update*, entitled “Funding and Other Home Purchase Resources,” provides a wealth of Internet resources. These links can direct a buyer or a REALTOR® to some of the local agencies and lenders that have the expertise to evaluate the financial and living status of a person with special needs, and the funds to hopefully enable him or her to purchase a home.

In some regards, this *Legal Update* supplements *Update 99.11 – Assisting People with Disabilities to Purchase a Home* (online at [www.wra.org](http://www.wra.org)). That *Update* outlines the home-buying process for a person with disabilities from a REALTORS® perspective. It overviews the financial and budgetary planning process involved when a person with disabilities considers home ownership. This process must consider the impact of government benefits such as Supplemental Security Income (SSI) and Medical Assistance (MA), different types of available home arrangements, and plan for future issues such as a monthly budget and moving out. The REALTOR® involved in such a transaction must know the potential impact of all these factors and work closely with professionals who are experts in these areas.

Despite the challenges and complexity associated with home ownership for a person with special needs, the benefits and rewards ... are substantial.

The third section of this *Update* looks at customer service issues that may be encountered when working with a buyer with a disability, a buyer who speaks a language other than your own, or a buyer with other special needs. Many resources for assistance with these customer service issues are provided. The

*Update* concludes with an explanation of the Accessibility Features Report, a property condition report designed to identify features that may be desirable for a homebuyer with disabilities.

*Legal Update 01.03* begins with a true story about a REALTOR® who worked successfully to help a gentleman with a disability to purchase a home. The story illustrates all of the different professionals and agencies

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Family Services, Division of Supported Living, developed all of the materials in this *Update*.

## David's Story

**•David's story is true, although David's name has been changed to maintain privacy. The names of most individuals involved and other specific information about them is not revealed.**

David is a man in his early 30's who has a seizure disorder and who also experiences mental health issues. He has been living on his own for about 15 years and, for the most part, has been self-sufficient. Over the years he has been employed continuously, many times working two or three jobs at the same time. Most of David's jobs paid minimum wage or a little bit more.

David had a goal – to own his own home. He saved a fair amount of money to use for a downpayment, but it never seemed like enough. He saved for a very long time, living in older, run-down units that he didn't really think were safe, but they were all he could afford and save any money. Until, that is, someone told him about programs that help persons with disabilities (and others with low-to-moderate incomes) to purchase homes.

David and his family began to look for a home for David. He needed to live near a bus line, in a neighborhood where he felt safe and that was reasonably close to work because he does not drive. He also wanted a home that would be accessible to his cousin, who uses a wheelchair and would frequently visit. He needed a place that was energy efficient, and decided a condominium might be best. He did not want the responsibility of a big house nor did he think he had the skill or money to maintain a single-family home.

David also visited his bank and was pre-approved for a loan. Thus, David

learned that he would be eligible for a modest loan before he got his hopes up too high, and before he began working with a real estate agent or any other professionals.

David looked at units in a condominium that had been for sale by owner, but they quickly had been sold. Eventually, David saw another unit in that same condominium listed in the newspaper. He thought that he could afford it, if all went well with the funding. David's family called the listing broker and went to see the unit. They went back for a second showing with David. The first-floor, two-bedroom condominium unit seemed well-suited for David.

The Stark Company's John Brossard was the listing broker for the condominium unit David purchased. John also ended up working with David as the selling agent. David's family was originally a bit worried about having David work with the listing agent instead of a separate selling agent. The family, however, had an attorney friend who agreed to provide free services. The attorney reviewed the offer to purchase and other documentation to ensure that David's best interests were protected.

David then went to Movin' Out, Inc. for help with comprehensive counseling and gap financing. Movin' Out, Inc. is a statewide, non-profit, housing organization that works with people who have disabilities and a low to moderate income (see contact information on page 5).

David received comprehensive one-on-one budget analysis and home ownership counseling, and he also attended first-time homebuyer classes sponsored by a local nonprofit housing organization. For many seeking public resources loans and assistance programs, comprehensive counseling is mandatory and a recipient must have a certificate indicating completion of such counseling programs.

Gap financing refers to funding and assistance programs that bridge the gap between what a potential buyer can afford with his or her own money and a conventional loan, and the purchase price (including any rehab or renovation work). David had saved up enough money to pay 20 percent of the purchase price for the condominium unit. He also obtained a WHEDA loan from his local bank, but could not afford the purchase price without additional assistance. Movin' Out, Inc. helped coordinate David's applications for the appropriate funding.

Movin' Out and the local municipality provided HOME funds, Affordable Housing Funds and Housing Cost Reduction Initiative Funds to bridge the gap for David. These three loans were either low-interest rate loans or deferred loans where no payment is due until the property is sold. In other words, David had to put approximately 20 percent down plus arrange for four different loans to buy his condominium unit.

David's offer to purchase called for a home inspection and a lead-based paint (LBP) inspection. The LBP inspection was required to qualify for some of the gap funding. Movin' Out, Inc. arranged the home and lead-based paint (LBP) inspections. They were very helpful in guiding David along, and when things became a little difficult, they were very encouraging and helped keep everyone's spirits up.

The home inspection revealed defects with the garbage disposal and the toilet that required a plumber's attention. The LBP inspection indicated the presence of some LBP, which had to be abated per the lending requirements of the gap funding. This was a concern because David had no room for plumbing repairs and LBP abatement in his budget. Fortunately, different people participating in the process helped out, some by giving

There were many pieces to the puzzle, but the perseverance of "David's team" paid off and David was able to purchase his condominium in the summer of 2000.

David the best rate possible, some with financial contributions, and others by providing their services free.

It took a lot of hard work from a team of people and community resources to enable David to buy his condominium. The team included David, his family, John Brossard, David's attorney, Movin' Out, Inc. (as the counseling agency and lender of downpayment assistance funds), David's bank (which assisted him in getting a WHEDA HOME loan), other professionals who managed the additional downpayment loans and gap financing he got through the municipality, the home inspector, the plumber, and the LBP inspector and abatement contractor. There were many pieces to the puzzle, but the perseverance of "David's team" paid off and David purchased his condominium in the summer of 2000.

According to David, without everyone's help he could still be living in an unsafe apartment, still trying to save for a dream that might never have been realized. There were a great many people involved in this purchase and without them all, it would not have been possible for David to reach his goal of home ownership. Although at times he had given up hope, David now is one happy, grateful new homeowner.

According to David, finding John was a stroke of luck. John worked very closely with David and his family to guide them through the maze of paperwork and requirements. This experience was new for David, but it was also a new one for John, too – he had never before worked with so many different lenders and loan requirements. But David found John

very willing to listen and help with anything that was needed to keep the process moving. John gave freely of his time and advice, and was always willing to accommodate David.

As for John, he says that this was one of the most gratifying transactions he has ever been involved with. John says he was skeptical at times because there were a lot of issues to deal with. He was most concerned with meeting the requirements for the municipal funding and with the LBP abatement in a condominium where some common areas were involved. But John is convinced that if all parties involved are willing, there is a way to make it work. He was impressed with David's resolve to save his downpayment money and the willingness of everyone involved to do whatever was necessary. John says he will always remember the look of excitement in David's eyes when he realized his dream was going to be fulfilled.

•David's story illustrates the benefits of good old-fashioned teamwork. It also provides one living, breathing example of the process involved when a person with disabilities purchases a home. Obviously every purchase and situation will be different, because persons with disabilities face a whole array of issues and obstacles. Yet David's story demonstrates what seems to be true in most cases – that a home purchase for a person with disabilities requires working with a lot of people and tapping into many different community resources and funding programs. David's story also emphasizes the critical role of counseling: budgetary counseling and a loan pre-approval to help a person determine what he or she can afford; counseling on how and where to get

additional financial assistance, and homebuyer counseling to show the person what to expect as a new homeowner.

Friends who knew the appropriate agencies to contact and the proper steps to take coached David's family, so there never was any confusion about what agency David should see. There are, however, good resources available to direct a person to the proper agency or government office for help.

## Funding & Other Home Purchase Resources

The Wisconsin Department of Health and Family Services (DHFS), Division of Supported Living, is developing a comprehensive database of different types of programs for downpayment assistance, accessibility alterations and improvements, energy efficiency repairs, and other types of funding designed for low-to moderate-income buyers. The database will include contact information for specific local agencies that administer funding and assistance programs. There will be resources for home buying and credit counseling. It will also include resources for other contractors who may be needed in a residential real estate purchase, for example, home inspectors, qualified well and septic contractors, and certified lead-based paint (LBP) inspectors and contractors. The majority of these programs and services are open to all low-income buyers, not just persons with disabilities.

The database will likely be organized on a county-by-county basis, and will be available by calling a toll-free number. When the database is completed, the telephone number will be posted on the WRA Web site and noted in the Wisconsin REALTOR® newsletter.

Until the DHFS database is ready, much of the information that will be available there can be derived from

the Web sites listed below.

- U.S. Department of Housing and Urban Development Web site has information about the laws and programs applicable to persons with disabilities at <http://www.hud.gov/groups/disabilities.cfm>. Look under Federal Resources where you can find information about modification funds, local home-buying programs, and housing counseling. These contain links that take you to lists of local agencies and contacts where specific assistance is available.

- The Web site for the Department of Administration, Division of Housing, is found at [www.doa.state.wi.us/dhir/index.asp](http://www.doa.state.wi.us/dhir/index.asp). Look for the Home Investment Partnerships Program (HOME). Federal HOME awards may support a variety of affordable housing activities including downpayment assistance for homebuyers, rental rehabilitation, weatherization repairs, accessibility improvements, and rental housing development.

- The Rural Development (formerly Farmers Home Administration) Web site is found at [www.rurdev.usda.gov](http://www.rurdev.usda.gov). Look under Housing and Community Programs, Individual and Family Opportunities.

- The Rural Housing Service ([http://www.rurdev.usda.gov/rhs/Individual/ind\\_splash.htm](http://www.rurdev.usda.gov/rhs/Individual/ind_splash.htm)) provides a number of homeownership opportunities to rural Americans, as well as programs for home renovation and repair. RHS also makes financing available to elderly, disabled, or low-income rural residents of multi-unit housing buildings to ensure they are able to make rent payments.

- The Wisconsin Housing and Economic Development Authority (WHEDA) has useful homeownership information for buyers and for real estate professionals at [www.wheda.com](http://www.wheda.com).

- The Consortium for Citizens with Disabilities (CCD) Housing Task

Force works with Congress and the Department of Housing and Urban Development (HUD) to increase access to decent, safe and affordable housing for all people with disabilities and to protect the rights guaranteed under the Fair Housing Act. The CCD Housing Task Force also works collaboratively with the Technical Assistance Collaborative (TAC) to produce "Opening Doors," a housing initiative for the disability community found at [http://www.ccd.org/intro\\_page.htm](http://www.ccd.org/intro_page.htm). There is information about funding availability, plus reading material for those who want an education about the housing challenges facing persons with disabilities and the programs offering help.

- Wisconsin Department of Health and Family Services' Web site is at [www.dhfs.state.wi.us](http://www.dhfs.state.wi.us). You may want to look for the Division of Supported Living, or use the search function.

- The Wisconsin Community Action Program Association (WISCAP) has a Web site at [www.wiscap.org](http://www.wiscap.org). Look under Housing or Member Agencies for useful information and local contacts.

- The Web site of the Wisconsin Partnership for Housing Development, at [www.wphd.org](http://www.wphd.org), has a link to the Downpayment Plus® Consumer Center plus other valuable resources.

- The Wisconsin Council on Development Disabilities, at [www.wcdd.org](http://www.wcdd.org), has publications available and a list of Web links. The Rights and Reality guide, which covers every major program, funding source, and rights issue affecting adults and children with disabilities in Wisconsin, is being updated.

Movin' Out, Inc. is located at 600 Williamson Street, Suite J, Madison, WI, 53703. You can reach Movin' Out by phone: 608/251-4446; fax 608/251-1403 or E-mail at [Movin@chorus.net](mailto:Movin@chorus.net). E-mail requests are preferred. For more information about finding resources or counseling support for a customer who has a disability, E-mail Marcie M. Brost at [brostmm@dhsf.state.wi.us](mailto:brostmm@dhsf.state.wi.us).

## Removing Barriers to Good Service

The key to good customer service is to assess the customer's needs and determine how to best meet those needs. That shouldn't change when the customer is a person with disabilities, a person who speaks a language other than your own, or a person with other special needs. You simply need to determine how to provide the best possible customer service. For example, when you meet an individual with a disability, you shouldn't ignore the disability nor should you focus on it. Instead, you should accommodate the disability and thus remove it as a barrier to good communication and service.

The following sections address the process of assisting a person with special needs to purchase a home. Each step in the home-buying process is outlined, issues that may need to be addressed are listed, best responses to situations are suggested, and tips for obtaining needed services are provided. Remember every person is different and will have unique needs and preferences. It is not possible to identify every conceivable situation, but the following information attempts to address those most likely to occur.

Many suggestions and resources listed in the following sections will be useful not only when you are working with a person who uses a wheelchair but also whenever you work with a customer who has a condition or characteristic that needs to be

## Census Shows Wisconsin Becoming Older and More Diverse

Wisconsin, once predominantly white except for American Indians, became more Asian and more Hispanic during the 1990s, according to the U.S. Census Bureau. The number of Hispanics in the state doubled from 93,194 in 1990 to 192,921 in 2000. [note: "Hispanic" is considered an ethnicity, not a race; people of Hispanic ethnicity can be of any race.] The good economy, jobs, and family ties have lured Latinos to Wisconsin in record numbers during the past decade.

The state's Asian population also increased by more than 50 percent. For example, Ken Her, 31, who immigrated from Laos, said the presence of friends and relatives prompted him to move in 1991 from Syracuse, N.Y., to Menomonie, Wis., a college town of 14,937. "What brought me here is that a lot of the Hmong community is here," said Her, who last year started a Hmong language class at the University of Wisconsin-Stout.

But according to the U.S. Census Bureau, blacks still outnumber Hispanics and Asians combined. In 1990, the state's black population was 244,539. In 2000, 304,460 people chose black as their single race, and a total of 326,506 chose black as one of their races. Asians totaled 52,782 in 1990; in 2000, 88,763 listed Asian as their only race and a total of 102,768 chose Asian as one of their races. American Indians totaled 39,387 in 1990; in 2000, 47,228 listed American Indian as their only race and a total of 69,386 chose American Indian as one of their races. By contrast, the white non-Hispanic population rose from 4.5 million to 4.7 million, a 4% increase. But as a share of the state's total population, the majority declined from 91% to 89%.

In addition, our nation's population continues to age. In 1860, half of the population was under age 20; in 1994, half were age 34 or older; and by 2030 at least could be 39 years or older. Elderly population growth rate for the 1990-2010 will be modest, but from 2010 to 2030 the elderly growth rates will increase dramatically as the Baby Boomers reach 65. By the year 2025, the percentage of older people projected to live in the United States as a whole (18.5 percent) will be greater than the current percentage in Florida (18.1 percent).

What does this mean for the real estate professional of the 21st century? The successful and profitable REALTOR® will be prepared to provide services to people who speak a language other than their own. The successful and profitable REALTOR® also will be prepared to accommodate the growing elderly population and everyone else who has a special need or disability.

addressed in order for you to effectively provide brokerage services. These people may or may not be classified as persons with disabilities, but the point is that they have special needs that must be addressed in order to provide good, fair and equal customer service. This may include persons with physical, psychological or emotional disabilities, the elderly, and

persons who speak a language other than your own.

## I. It's Not Discrimination To Provide Good Customer Service

Real estate agents sometimes say they feel uncertain about how to work with persons with disabilities or families including a person with disabilities. They are afraid to ask questions related to a person's disability for fear of offending the person or violating the fair housing laws.

Asking the questions necessary to determine what auxiliary aids and services are needed by a person with disabilities does not mean you are treating the person with disabilities differently or are discriminating against them. Instead, you are trying to position all persons so that effective

real estate services can be furnished on an equal basis. It is all about putting everyone on a level playing field (or as close as possible) so that they may all enjoy equal real estate services and equal housing opportunities.

For example, when the WRA offers a licensing or continuing education course, the Americans with Disabilities Act (ADA) requires that the course be offered in a place and in a manner that is accessible to persons with disabilities. The goal is to provide the course in an integrated setting – everyone together in the same room at the same time learning from the same instructor. To that end, ADA requires the course registration

materials to ask: "Do you have any disabilities which require special accommodation, including the provision of auxiliary aids and services? If so, please identify your special needs."

Likewise, a real estate agent working with a person with disabilities, or a family including a person with disabilities, may ask the person or family to identify any assistance that may be needed in order for the person to avail him or herself of the real estate services provided. You need to ask about any special needs that they have so that your business relationship will be comfortable, fair, and successful.

## 3. Communicating With The Buyer

Nothing will ever replace a good old-fashioned face-to-face meeting with a new customer or client. You may, however, need to employ auxiliary aids and services to facilitate this communication. If you are meeting at your office, which is considered a place of public accommodation under ADA, you must provide appropriate auxiliary aids and services. These aids and services must be provided at your expense if they are necessary for effective communications for persons with vision, hearing, speech, and language disabilities, and where doing so does not require a fundamental alteration or undue burden. Employees of public accommodations, such as real estate offices, should consult with individuals with disabilities who are potential customers to determine the types of aids needed to ensure effective communication. Don't assume, but instead ask "Are there any special services or accommodations that we can provide to make our meeting more comfortable for you?"

A good starting place for locating appropriate communication materials or services is Accessibility Resources. It is a catalog of contact agencies and

## 2. Appropriate Terminology

Positive language should always be selected, using terminology that puts the person first instead of grouping or classifying people based only upon a disability. Avoid language that suggests that persons with disabilities are heroic or to be pitied or feared. Use common sense when choosing your words.

### Positive language

person with mental retardation  
person who is blind  
person who is visually impaired  
person with a disability  
person who is deaf  
person who is hard of hearing  
person who has multiple sclerosis  
person with cerebral palsy  
person with epilepsy  
person with a seizure disorder  
person who uses a wheelchair  
  
person who has difficulty walking  
person who has muscular dystrophy  
person without a disability  
  
unable to speak  
person with a psychiatric disability  
says he or she has a disability

### Language to avoid

retarded, mentally defective  
the blind  
the blind  
the disabled, handicapped  
suffers a hearing loss, the deaf  
suffers a hearing loss, the deaf  
afflicted by MS  
CP victim  
epileptic  
epileptic  
confined or  
restricted to a wheelchair  
crippled, gimp  
stricken by MD  
normal person (implies  
person with a disability isn't)  
dumb, mute  
crazy, nuts  
admits he or she  
has a disability

For further discussion of terminology issues arising when communicating with and about people with disabilities, go to: <http://www50.pcepd.gov/pcepd/pubs/fact/communicate.htm> and <http://www50.pcepd.gov/pcepd/pubs/messenger/opinion.htm#modifiers>.

service providers, compiled by the Wisconsin Department of Workforce Development to assist those looking for translation, sign language, reader, Braille, and other goods and services referrals.

See <http://www.dwd.state.wi.us/notespub/accesres/default.htm>. Other specific sources of service providers are listed below.

#### **Telephone**

• **TTY:** The Wisconsin Telecommunications Relay System allows a text telephone user who may be deaf, hard of hearing, or speech impaired to call or be called by virtually anyone using a voice telephone. Calls may be placed 24 hours a day, 7 days a week. All calls are confidential. For voice access, call 800/947-6644, TTY 800/947-3529, ASCII 800/272-1773, Speech to Speech 800/833-7637, and Spanish only 800/833-7813. For more information call 800/283-9877 (TTY) or 800/395-9877 (voice).

#### **Written materials**

• **Type size:** Many people may have difficulty reading materials that are not printed in larger size typeface (16 pt.). Having a magnifying glass or device on hand may help.

• **E-mail:** Many persons with disabilities communicate via E-mail and use Internet resources. The typeface size in E-mail messages and attachments often can be adjusted by the reader as needed. Most computers have a menu of accessibility features that can be activated and adjusted using the Control Panel.

• **Facsimile:** Fax machine use provides a speedy way to deliver information and copies of documents (be careful of type size).

• **Overhead presentations:** This might make an interesting, yet easily readable vehicle for making initial presentations to buyers and sellers in your office.

### **General Communication Tips**

- Treat all customers/buyers with respect and courtesy – offer to shake hands, give the person a business card, etc.
- Treat all customers/buyers as adults
- Speak directly to the person, not through or to the person's companion, interpreter or translator, care giver, family member, etc.
- Don't jump to conclusions about a person's ability to communicate or comprehend based upon speech or other impairment
- If a person has a guardian, legally you must work with him or her
- Eliminate distractions and noise and take adequate time
- Listen to the person and ask the person to repeat what he or she is saying if you don't understand or have them write it down – don't pretend to understand
- Do not make assumptions about what a person can and cannot do
- If you offer assistance, wait until the offer is accepted and listen to instructions before acting

For further discussion and tips for communicating with persons with disabilities, including specific pointers for providing service to persons with different types of disabilities, see <http://www50.pcepdp.gov/pcepdp/pubs/ek98/provide.htm>, <http://www50.pcepdp.gov/pcepdp/pubs/ek99/barriers.htm>, and <http://thearc.org/ada/adaguide.html> (persons with cognitive impairments).

• **Braille:** Occasionally it may be necessary to provide materials in Braille. See Accessibility Resources at <http://www.dwd.state.wi.us/notespub/accesres/default.htm>.

### **4. Interpreters**

Interpreters may be needed when working with a customer who has a hearing impairment or who is deaf, and when working with a person who speaks a language other than your own. An agent who encounters a customer who needs an interpreter may become quite anxious for a number of reasons. The agent may be unsure about what he or she is required to do: should the customer be turned down or sent to another real estate office or does an interpreter have to be engaged? If an interpreter is needed, the agent may not know where to find the proper interpreter or know what qualifications may be required. The agent may also be worried that an interpreter will be expensive and the agent may not know who is going to pay for the interpreter. If an interpreter is used, there also may be con-

cerns over whether the interpreter is accurately interpreting information, especially the legal documents involved in a real estate transaction like the offer to purchase.

#### **Qualified Interpreters – Hearing Impairments**

If a person who is deaf or hard of hearing requests an interpreter, a qualified interpreter must be provided. Interpreters are professionals who help people who are deaf or hard of hearing to fully understand communications they cannot hear. They also help hearing people understand messages communicated in sign language (American Sign Language, signed English, etc.). Some interpreters have highly developed sign language and fingerspelling skills. Oral interpreters silently form words on the lips for lip-reading, and some interpreters assist individuals who are deaf and blind. Depending on the needs of their consumers, interpreters either transliterate messages exactly, including intonation and emphasis, or interpret messages into a form that will be understood by the consumer.

As with any language, years of practice are needed to develop fluency in sign language. Some interpreters learn sign language in the classroom, while others learn it from deaf parents, relatives or friends. A staff member who “signs pretty well” is not going to be enough. However, a qualified interpreter does not necessarily have to be a certified interpreter.

The Wisconsin Interpreting and Transliterating Assessment (WITA) system provides consumers with assured levels of competency achieved by sign language interpreters and transliterators. These levels are verified by the State of Wisconsin, Office for the Deaf and Hard of Hearing. There are four WITA ratings: Levels 1, 2, 3, and 4, with level one being the highest. The WITA assessment evaluates both voice to sign and sign to voice in a variety of settings. In addition, candidates are asked to distinguish between their interpreting and transliterating skills and receive separate ratings for the two skills. After passing a rigorous examination, interpreters also can be certified according to skill level by the national Registry of Interpreters for the Deaf.

More information about levels and ratings for interpreters can be found at <http://www.dhfs.state.wi.us/sensory/WITA/desclevels.htm>. This is part of the extensive information about interpreters, including a directory of qualified interpreters, compiled by the Wisconsin Department of Health and Family Services, Bureau of Deaf and Hard of Hearing. Go to <http://www.dhfs.state.wi.us/sensory/>, or call 608/266-3154, or 608/266-3118 (V/TTY). Other agencies that can help schedule an appropriate interpreter include:

- CommunicationLink is located at 3505 N. 124th Street, Brookfield, WI 53005, and may be reached at 800/542-9838 (V/TTY), 262/790-7188 (V/TTY), 262-790-0580 FAX,

**Under ADA and fair housing law, it may be illegal to refuse to provide an interpreter for a customer or client.**

or go to [commlink@cdhh.org](mailto:commlink@cdhh.org).

- Deaf and Hard of Hearing Professional Interpreting Enterprise, LLC (PIE), 6510 W. Layton Ave., Suite 5, Greenfield, WI 53220, 414/282-8115 (V/TTY), 888/801-9393 (toll-free V/TTY), 414/282-8117 FAX, or go to <http://www.execpc.com/~piellc/index.html>.

- DeaFirst 2116 International Lane, Madison, WI 53704, 608/245-3380 (V/TTY), 608/245-3381 FAX, or go to [DeaFirst@chorus.net](mailto:DeaFirst@chorus.net).

- The Interpreter Connection, Inc., P.O. Box 8342, Madison, WI 53708-8342, 608/241-4660 (V), 888/744-6463 (TTY), 888/744-6463 (toll-free V), 888/889-8737 (toll-free TTY), 608/241-4710 FAX, or go to [infoask@interpreterconnection.com](mailto:infoask@interpreterconnection.com).

- The Speech Source, P.O. Box 17488, Whitefish Bay, WI 53217, 414/964-3497 (V), 414/964-5897 (TTY), 888/811-3497 (toll-free V), 414/964-5697 FAX, or go to [TSSS920499@aol.com](mailto:TSSS920499@aol.com).

Professionals often ask whether they are obligated to provide and pay for an interpreter for a person with a hearing impairment. They may be concerned with finding someone who is properly qualified, the expense involved, and how to protect the company from liability if the interpretation proves faulty. The question of how to find a qualified interpreter may usually be answered by asking the prospect, “Do you have someone to help you with interpretation?” or by contacting an agency listed on page 5.

Under ADA and fair housing law, it may be illegal to refuse to provide an interpreter for a customer or client. The customer may be involved with a program that pays for an interpreter and the customer may wish to use that service. Ask the person, or any housing counselor or advisor assisting the individual, if he or she has a preferred interpreter or agency. If there is no funding offered for these services, hire a qualified interpreter at your expense, rather than risk legal action.

#### **Language interpreters**

Although speaking another language is certainly not a disability, it can hinder communication with a client or customer and pose a barrier to good customer service.

Many persons who speak a different language may have family or friends upon whom they already depend to help them interpret conversations and written materials. The concern here may be to try to ensure that the interpreter is sufficiently qualified to interpret real estate documents and negotiations. Good sources of foreign language interpreters include local organizations serving cultural groups, the local county human services department, and Accessibility Resources: <http://www.dwd.state.wi.us/notespub/accesres/default.htm>.

Web pages may also be translated by using the resource found at: [http://translator.go.com/search\\_trans?url](http://translator.go.com/search_trans?url) or at <http://www.dwd.state.wi.us/notespub/accesres/14e.htm>. Also, the WRA is developing a plain English explanation of the listing contract and the offer to purchase which will be translated into Spanish. A more detailed explanation of the LBP addendum, in Spanish, is also under development.

A discriminatory refusal to provide brokerage services is prohibited under § 805 of the Fair Housing Act. Thus, if a broker refers a customer to

another broker who speaks that person's language, the broker may be committing a fair housing violation if the referral is based on impermissible discrimination. Whether or not such a particular referral is seen as a refusal to deal and thus a violation depends upon a full consideration of all relevant facts. Thus, the safest policy may be to retain and pay for an interpreter for the customer, absent another funding source.

#### **Working with an interpreter**

A good way to relieve some of the anxiety about working with interpreters is to be prepared. Contact local agencies that provide interpreters to find out who they are, what services they can provide and information about interpreter availability and fees. It will be far better to have a list in the office of different interpreters to be called should the need arise rather than randomly choosing an interpreter at the last minute.

It also may be practical to create a series of written documents in different languages that may be read by a person who speaks a language other than your own or who has a hearing impairment. Such a document may indicate that you don't know their language (or how to use sign language), that you will be happy to work with them, but that you will have to make arrangements for an interpreter. The document might ask them if there is an interpreter that they normally work with, and ask for contact information so you can reach them once an interpreter has been located.

Whenever an interpreter is retained to work with a client or customer, it is wise to have the person sign a written consent to the use of the specific interpreter and to have the interpreter sign a statement confirming that all interpretation was accurate. Such a consent form would indicate that the customer agreed to have the particular interpreter work with him or her and is taking responsibility for

the completeness and accuracy of all interpretation services provided. The interpreter could also sign the consent form to confirm that he or she would interpret all documents, conversations, and other communications accurately and completely. This may be especially important if the customer chooses to rely upon the skills of a family member or friend to interpret terms and conditions of a real estate transaction. You may need to have the consent form available in various languages (see a sample Consent for Interpretation Services form on page 10).

### **5. First Meeting With The Buyer**

Having a face-to-face meeting with a new client or customer is the normal practice for most agents, and it may be particularly important when working with a person with disabilities. It offers an invaluable opportunity to get to know the person you will be working with and better appreciate some of the special needs the person might have. It also gives you the chance to meet any advisors that may be assisting your new client or customer and come to a mutual understanding of the specific property characteristics desired by this buyer. There may, however, be some special considerations to be addressed to set up this first meeting:

#### **Accessible meeting place**

Real estate offices, including home offices, are considered places of public accommodation and must comply with ADA. Under ADA, readily achievable barrier removal measures should be taken, for instance, installing ramps, rearranging tables and chairs, repositioning telephones, adding raised markers on elevator control buttons, widening doorways, making bathrooms accessible, etc. Real estate brokers and agents should consult with individuals with disabilities who are visiting the office to determine any type of aid needed to ensure effective access for the customer. Pay particular attention to ensuring that there is an accessible

entrance and pathway to the meeting room (ramp, wide doors and hallways leading to meeting room, elevator if not on first floor).

#### **Transportation**

The buyer may use vans or other specially equipped vehicles. Customers may arrange their own transportation. If they can't readily arrange satisfactory transportation, ask the customer if he or she prefers to meet at home. If meeting at an office without handicapped parking, arrange for accommodations close to the meeting location.

#### **Care providers, guardians, family, and friends**

If the buyer has a live-in care giver, that person's input will be critical to have – that person knows the buyer and his or her daily routine and also knows any particular features needed to efficiently provide care for the buyer. A family member or guardian may have legal custody or at least a large role as far as the legalities of any home purchase as well as the financial considerations. Family or friends may offer assistance in communicating with the buyer and make the buyer feel more at ease.

#### **Attorneys, accountants, and other advisors**

Although not as likely to be present at the first meeting, you may also need to become acquainted with any attorneys, accountants, housing specialists, case managers, bankers, and other professionals that will play a role in the home purchase. Because of the detailed planning often involved (see WRA *Legal Update 99.11, Assisting People with Disabilities to Purchase a Home*), it may be important to contact these other professionals along the way.

The more you learn about a person, the better equipped you will be to find a property that suits the person's needs and lifestyle.

SAMPLE language for consent to interpreter (may need to be translated into other languages):

## CONSENT FOR INTERPRETATION/TRANSLATION SERVICES

1) Name of Person(s) Using Services : \_\_\_\_\_  
Address: \_\_\_\_\_

2) Name of Interpreter or Translator: \_\_\_\_\_  
Name and Address of Company/Firm: \_\_\_\_\_  
Type of Interpretation/Translation Services Provided: \_\_\_\_\_  
\_\_\_\_\_

3) Name of Real Estate Agent: \_\_\_\_\_  
Name and Address of Company/Firm: \_\_\_\_\_

The undersigned Persons Using Services (hereinafter Person) requests and authorizes the Interpreter or Translator named above (hereinafter Interpreter) to provide interpretation/translation services to the Person with respect to the real estate services provided by the above-named Real Estate Agent (hereinafter Agent). The Interpreter shall act on the Person's behalf and assist the Person by interpreting/translating pertinent letters, faxes, conversations, e-mails, contracts and related documents, inspection reports, insurance and title policies, closing statements, and other related information, as directed by the Person. The Person confirms that he or she has reviewed and is fully satisfied with the Interpreter's qualifications, and the Interpreter's capability and competency to assist in the real estate negotiations and transaction. The undersigned Person shall hold the Agent, and his or her Firm, harmless for any interpretation, translation, or other errors made by the Interpreter.

The undersigned Interpreter confirms that he or she has agreed to perform interpretation/translation services for the above-named Person. The Interpreter will accurately and completely interpret/translate all information and materials as directed by the Person, except for \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[LIST DATA, INFORMATION, ETC. THAT INTERPRETER CANNOT INTERPRET/TRANSLATE].

(X) \_\_\_\_\_  
(ALL Persons' signatures) (Date)

(X) \_\_\_\_\_  
(Interpreter's/Translator's signature) (Date)

The charge for these services is (\$ \_\_\_\_\_)(\$ \_\_\_\_\_ per \_\_\_\_\_)(free)( other: \_\_\_\_\_  
\_\_\_\_\_) [COMPLETE AND/OR STRIKE ONE, AS APPROPRIATE] and is being  
paid by \_\_\_\_\_.

No representation is made as to the legal validity of any provision or the adequacy of any provision in any specific transaction.

## 6. Prequalification For Financing

A buyer on a low, fixed income should be referred to a housing specialist or housing counselor BEFORE the buyer starts looking for a home. The housing specialist or counselor will evaluate the person's income, expenses, budget, and the need for government benefits such as Supplemental Security Income (SSI) and Medical Assistance (MA).

The buyer also should be pre-qualified. If not, the buyer should shop around to find a lender offering the most advantageous loan program. Once this has been done, it may be necessary to find additional funding sources, sometimes referred to as gap financing.

### Funding sources

Many subsidy and downpayment assistance programs are available for persons on a low income, as well as programs providing funding for weatherization and improvements to accommodate a person with disabilities. Most funding programs used by a buyer with disabilities are programs designed for low-income buyers. Most funding is allocated according to income level and need, not specifically because a person has a disability. For listings of such programs, see the Funding and Other Home Purchase Resources section starting on page 4 of this *Update*.

Some persons with disabilities may receive funding from a family member or trust established for their benefit. Consult with the buyer's legal counsel to be sure everything is handled correctly when making an offer and at closing.

## 7. Identifying The Type Of Property Desired

The starting point with all buyers is "What do you need in a home?" Does the buyer want a house, a condominium unit, or some other type of property? What features are necessary, what features are desirable, etc.?

### Physical Features

If the person answers that an "accessible" home is needed, ask exactly what features the person is looking for. Ask questions and obtain as many details as possible – ask the person to define what they mean and to describe what is wanted. Desired features may include items such as:

- Accessibility to the front door:
    1. Are there steps? If so, could a ramp be installed if the home was purchased?
    2. Is the sidewalk and the driveway sloped?
    3. Are there entrances to the home without steps?
    4. Is there maneuvering space around the entrance doors, both outside and inside?
    5. Can the garage accommodate a specially equipped vehicle?
  - Are hallways and doorways wide enough for maneuvering mobility devices? Are there lever door handles?
  - Is there maneuvering room in the bathroom?
    1. Are fixtures, counters, and controls reachable from a wheelchair?
    2. Is there knee space under the counters?
    3. Are the walls reinforced to permit installation of grab bars?
    4. Is there a shower with no threshold?
    5. Are light switches and outlets reachable?
  - Is there maneuvering room in the kitchen?
    1. Are fixtures, appliances, counters, and controls reachable?
    2. Is there knee space under counters?
  - Viewpoint of any live-in caregiver: Is there space that can be converted to accommodate another person in reasonable comfort and privacy? Ask for this person's input, if possible.
- For a detailed checklist of property features that may be desired by a homebuyer with disabilities, see the

Accessibility Features Report (AFR) on pages 14 and 15 of this *Update*.

### Other Considerations

- Price
- Overall property condition and projected maintenance costs
- Location – is it near the places the buyer frequents, near shopping, etc.?
- Modifications needed and source of financing for this work
- Access to transportation

## 8. Showing Properties

Once you have found properties that potentially meet the person's needs, or that may be adapted to meet the person's needs (using the Access Features Report), it may be time to schedule showings. Again, there may be issues of providing easy access for the buyer to the properties to be viewed.

Be prepared to deal with any obstacles to entry such as steps, lack of maneuvering area, etc.

- You may need to arrange for a portable ramp. For help with locating a portable ramp, contact the local independent living center (ILC). An ILC is a consumer-directed, non-profit organization that provides an array of services, including: peer support, information and referral, independent living skills training, advocacy, community education, personal care and service coordination. Independent living centers also provide information and access to assistive technology. For information, see: <http://www.dhfs.state.wi.us/Disabilities/Physical/ILCs.htm#intro>.

- Don't assume you can carry the person into the house unless the person so requests.

- In the winter, pay extra attention to snow and ice removal – make sure the walks are shoveled and salted.

## 9. Writing The Offer To Purchase

It would be wise to proceed more slowly than normal when drafting an offer to purchase on behalf of a person with special needs, taking time to consult with all relevant professionals who are assisting the buyer to make sure that special issues are properly addressed up front.

- Draft financing contingencies for the primary mortgage plus each additional subsidy or assistance program being used for the purchase.

- Allow extra time for all deadlines.

- Provide for any required court approval for the purchase, such as when the person's finances are in the hands of a legal guardian – be sure to allow plenty of time for securing this consent.

- Include an attorney approval contingency if the person's attorney does not review the offer before the buyer signs it.

See *Legal Update 99.11, Assisting People with Disabilities to Purchase a Home*, for further discussion.

## 10. Home Inspection

In addition to the routine home inspection by a Wisconsin registered home inspector, it may be prudent to have the property inspected by an architect or someone else with expertise in accessibility issues and the modifications necessary to make a home suitable for a person with disabilities. It will be helpful if this inspector can project costs of the needed modifications. Additional inspections such as a lead-based paint inspection may be required by agencies or organizations that provide gap financing.

## 11. Closing

All issues of accessibility discussed above in Section IV. – FIRST MEET-

ING WITH THE BUYER pertain to the closing as well. Make sure the closing's location will be accessible for the buyer and that the buyer can make appropriate transportation arrangements.

- Determine whether the buyer will require any special signing assistance or device.

- Make sure that any legal guardian, trustee, or anyone else required to sign closing documents can be present.

## 12. Celebrate

After closing, make an event of it and go with the new homeowner to his or her new home. Invite the team of professionals who worked on making this purchase a success – everyone can get together, take some pictures, and celebrate the happy event.

## The Accessibility Features Report

The Accessibility Features Report (AFR), which appears on pages 14 and 15 of this *Update*, is a property condition report designed to identify features that may be desirable to a homebuyer with disabilities. It was designed to provide specific information about various features in a home that might make it suitable for a person with disabilities.

Too often the terms “accessible” or “accessibility” are tossed about without any underlying common understanding on what they exactly mean. Because there is no clear and concise definition, the terms may be used inconsistently and indiscriminately. What one person says is accessible may be rejected by another as having too many barriers to make it accessible. There is no common definition of these terms.

If the listing broker advertises a property as being accessible or readily modified, and the selling agent and

buyer go there only to discover that it simply will never work because the garage ceiling is too low for the specially customized van and because the buyer will never be able to open and close all of the double-hung windows, which would be too expensive to replace. The parties and the agents could avoid getting their hopes up and wasting their time if they had more detailed information on the listed property's features and the features that the buyer is looking for.

The AFR was designed to serve these purposes. The AFR includes an Evaluation Checklist – a listing of some different features that may be important for a person with disabilities. Next to the listed features are the Completion Guidelines – brief explanations or examples of the listed features. This is followed by a grid where the person completing the report may check the corresponding box for either “Yes,” if the feature is present, “No,” if the feature is not present, or “Easily Adaptable,” if the feature is not present but the property readily could be modified to provide the desired benefit.

The AFR is intended to be used by real estate agents who are listing or previewing a property, and may be used by sellers who are getting ready to sell their home, to determine if the property may be appropriate for a person with disabilities. Using the AFR will help define and prioritize specific property features, rather than leave the real estate agents to determine what is or isn't an “accessible” or “barrier-free” property. It also may be used by buyers to identify the architectural features they find desirable in a residential property.

The AFR may also be used in conjunction with a local multiple listing services (MLS). A listing broker who has listed a property that has potential for a person with disabilities may put the symbol, “AFR,” or some other symbol designated by the MLS in the remarks section of the MLS

listing. This will let cooperating brokers know that the property has some accessibility features and that an Accessibility Features Report is available. The cooperating broker can request a copy of the AFR from the listing broker and get a better idea of the special needs features the listed property might have – and perhaps rule out properties that do not meet a buyer’s criteria.

Using the AFR is not, however, an exact science: people come with a wide range of individual needs, and these needs may change over time, as with “normal aging.” Any person considering a property based upon an AFR should most definitely inspect and evaluate the property for him or herself. The AFR is for informational purposes only to help others identify properties with accessible or adaptable components that may be appropriate to meet a person’s special needs.

The Accessibility Features Report was developed by architect Thomas Hirsch, AIA, and funded by the State of Wisconsin Department of Health and Family Services (DHFS) and the Wisconsin Council on Developmental Disabilities (CDD). The AFR is the result of a collaborative effort between these agencies and the Wisconsin REALTORS® Association Equal Opportunity Committee. Marcie Brost, Housing Specialist with the Bureau of Developmental Disabilities Services, Division of Supportive Living, DHFS, and architect Tom Hirsch worked with REALTORS® Dale Weast and Steve Hamer to compile a checklist grid of accessibility features and an explanatory guide for completing the checklist.

## Conclusion

Despite the challenges and complexity associated with home ownership for a person with special needs, the benefits and rewards for those REALTORS® and other professionals who help a person with special needs fulfill

his or her dreams are substantial. Community and financial resources are available to REALTORS® and other professionals to enable them to provide a high level of services to all buyers, whatever their needs, and to help them be successful in their endeavors for home ownership.

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**Accessibility Features Report available in separate PDF**