

**P. Michael Nagle**

Think the Fair Housing Amendments Act of 1988 requires communities to jump through hoops to accommodate Multiple Chemical Sensitivity (MCS) sufferers? Guess again. I was involved in a recent case in which the U.S. Department of Housing and Urban Development (HUD) issued a "Determination of No Reasonable Cause," based on the association's willingness to provide a resident with 72 hours notice of any chemical application on the property.

In 1993, a condominium unit owner informed the manager that she had MCS. She said the use of any chemicals--including herbicides, pesticides, termite treatments, paints, asphalt sealant, and cleaners with ammonia and chlorine--could make her ill or kill her, and she demanded that chemicals not be applied to the grounds or buildings. Her MCS diagnosis was given over the telephone by a physician who had never examined her.

Once the owner filed a complaint with HUD, the U.S. Department of Justice filed an action in federal court for injunctive relief to stop a planned lawn treatment program. The case was thrown out of court. When HUD issued its determination, it indicated that the board was "contractually obligated" to treat for termites to "safeguard the investment of individual homeowners." Failure to do so would result in "undue financial and administrative burdens." The complainant's request that the association use "less toxic" Integrated Pest Management substances was not clearly related to the enjoyment of her dwelling, according to HUD, because she had claimed illness from a substance her doctor said would not harm her.

HUD's ruling shows that a person suffering from MCS may be accommodated without completely eliminating the use of chemicals.

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