Civil/Disability Rights and Reasonable Accommodation Policy

1. **Nondiscrimination: The Fair Housing and Civil Rights Acts require that**

1. PHA shall not, on account of race, color, national origin, sex, religion, familial status, sexual orientation, gender identity, HIV status or disability:

1. Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
2. Provide anyone housing that is different (of lower quality) from that provided others [[1]](#footnote-1);
3. Subject anyone to segregation or disparate treatment;
4. Restrict anyone’s access to any benefit enjoyed by others in connection with the housing program;
5. Treat anyone differently in determining eligibility or other requirements for admission;
6. Deny anyone access to the same level of services [[2]](#footnote-2); or
7. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

2. PHA’s policy on nondiscrimination in Public Housing and Project-based Voucher program occupancy is in the Admissions and Continued Occupancy Policy in the sections on Nondiscrimination and the Tenant Selection and Assignment Plan.

3. PHA’s policy on nondiscrimination in Section 8 Housing Choice Voucher Program Occupancy is in the Section 8 Administrative Plan.

4. PHA’s 504/ADA Coordinator is the person charged with ensuring that persons with disabilities are provided with the same level of benefits and services as all other residents.

1. **Informing Applicants and Residents of their Civil and Disability Rights**
2. Key policy documents must be posted on bulletin boards in application offices, property management offices and the Section 8 office.
3. Policy documents shall be provided to persons with disabilities in a format that is understandable to them.
4. Every applicant for housing shall be asked whether he/she or any family member needs a reasonable accommodation, methods of communication other than plain language paperwork, or special features in a housing unit because of a disability.
5. Authority staff shall make every effort to assist applicants and residents who request information or assistance with the exercise of their civil and disability rights.
6. Any applicant or resident who believes that he or she is the victim of discrimination based upon membership in a protected class shall have an opportunity to file a complaint with PHA and, if the complaint is not resolved to the applicant or resident’s satisfaction, shall be referred to a Fair Housing Agency or to HUD.
7. Housing Department staff is familiar with PHA’s obligations to modify its physical facilities and they can explain these obligations to applicants.
8. **Eligibility for Unit Modifications and Reasonable Accommodations**
9. PHA’s obligation to make unit modifications and reasonable accommodations for individuals with disabilities is predicated on two facts:
   1. The person on whose behalf the request is made qualifies as an “individual with disabilities”; and
   2. The person’s request can be verified to be needed by the person’s medical practitioner **because of** the person’s disability.
10. If the information is not already verified, PHA may verify that a person qualifies as an “individual with disability” and that the request for unit modification or reasonable accommodation is needed because of the disability.
11. At no time may PHA request information about the nature or extent of a person’s disability.
12. **Modification of Physical Facilities for Persons with Disabilities**. **in the Public Housing Program**
13. In making physical modifications to Authority property, (sites, parking lots, common spaces, routes through buildings and individual apartments), the following requirements apply, considering reasonable accommodations in procedures or practices:
14. PHA **must**, upon request by an applicant or resident with a disability,
15. make structural modifications to its housing and non-housing facilities and
16. make reasonable accommodations in its procedures or practices **24 CFR § 8.33**

**unless** such structural modifications or reasonable accommodations

1. would result in an undue financial [[3]](#footnote-3) and administrative burden on PHA, or
2. would result in a fundamental alteration in the nature of the program

If a requested modification or reasonable accommodation can be demonstrated to be an undue financial and administrative burden, PHA is obligated to do everything it can do short of that burden to meet the applicant or resident’s disability-related need.

Only PHA’s 504/ADA Coordinator may make a determination that a requested structural modification is and undue financial and administrative burden or a fundamental alteration in the nature of PHA’s program.

1. In making structural modifications to "Existing housing programs" **24 CFR § 8.23** or in carrying out "Other Alterations" **24 CFR § 8.23(b)** for otherwise qualified persons with disabilities, PHA **may**, but is not required to:
2. Make each of its existing facilities accessible **24 CFR § 8.24 (b)**; or
3. make structural alterations when other methods can be demonstrated to achieve the same effect **24 CFR § 8.24 (b)** ;
4. Make structural alterations that require removal or altering a load-bearing structural member **24 CFR § 8.24 (b)**;
5. Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level **24 CFR § 8.26**;
6. When PHA is making "Substantial Alterations" [[4]](#footnote-4) to an existing housing facility, PHA **may**, but is not required to:
7. Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level **24 CFR § 8.26**;
8. Make structural alterations that require the removal or altering of a load-bearing structural member **24 CFR § 8.32 (c)**; or
9. Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable [[5]](#footnote-5) also **24 CFR § 8.32 (c) and § 40, Uniform Federal Accessibility Standards, 3.5 and 4.1.6(3)**
10. The undue burdens test is not applicable to new housing or housing undergoing substantial alteration.

3. So long as it is not an undue financial and administrative burden, PHA bears the cost of modifying public housing units for residents with disabilities.

4. Applicants or residents with disabilities are not required to accept Authority’s modification of their units nor to accept Authority transfer offers.

5. If a resident does not accept Authority’s attempts at reasonable accommodation the residents cannot hold Authority liable for failure to make reasonable accommodations.

1. **Reasonable Accommodations in Policies, Procedures and Practices**
2. When requested by an applicant or resident who is an individual with disabilities, PHA is obligated to adjust or modify its policies, procedures and practices to provide such individual with disabilities an equal and effective opportunity to use and enjoy the full range of Authority services and programs.
3. PHA is not obligated to provide reasonable accommodations when the requested accommodation is:
   1. An undue financial and administrative burden; or
   2. A fundamental alteration in the nature of PHA’s program.
4. Only PHA’s 504/ADA Coordinator may make a determination that a requested reasonable accommodation is an undue financial and administrative burden or a fundamental alteration in the nature of PHA’s program.
5. Some examples of reasonable accommodations to Authority’s policies, procedures or practices include, but are not limited to:
   1. Exempting all assistive animals for individuals with disabilities from the provisions of PHA’s Pet Policy other than the parts of that policy that deal explicitly with assistive animals;
   2. Conducting a meeting, hearing or other service normally performed at an Authority office in the home or other location requested by a person with a disability;
   3. Billing an alternative payee in addition to or instead of a resident with a disability at the resident’s request;
   4. Permitting a resident with a disability to have a washing machine and dryer in her unit (even though this is normally not permitted) because the only laundry facilities at the property cannot be made accessible to her disability;
   5. Increasing the utility allowance for a family that includes an individual with a disability when the individual’s disability requires the use of equipment that uses utilities (e.g. an in-home dialysis set-up);
   6. Granting a Section 8 Housing Choice Voucher family a time extension beyond that normally granted because they need a particular type of unit that is hard to find.

The above list is in no way inclusive. In addition, see the reasonable accommodations sections of the Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan.

1. **Communications with Persons with Disabilities**
2. PHA and its property managers shall communicate with all persons with disabilities in a manner that is understandable to them.
3. Simply mailing out written material is insufficient.
4. People who have sensory or cognitive impairments are entitled to the form of communication that they request and that will be intelligible to them.
5. In some cases this will require different forms of communication (large print, Braille, taped materials, sign language interpretation); and
6. In other cases, it will require communicating with someone other than or in addition to the applicant or resident (a family member, friend, advocate, case worker, etc.).
7. When PHA has first contact with all applicants, they ask whether the applicant needs some form of communication other than plain language paperwork.
8. Alternative forms of communication might include but are not limited to:
9. sign language interpretation;
10. having written materials explained orally by staff, either in person or by phone;
11. large type materials; information on tape, information in a Braille format;
12. having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials;
13. permitting applicants to file applications by mail; and
14. using alternative sites for application taking, interviews, meetings or hearings. **24 CFR § 8.6**
15. If an applicant requests alternate forms of communication, the applicant’s file is noted and all future communications (notices, letters, etc.) are provided in the appropriate format. The note explaining the alternate method of communication must stay on top of the left side of the folder at all times.
16. PHA staff present examples to help persons with cognitive impairments understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance.
17. PHA staff explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant’s ability to read, understand or remember. **24 CFR § 8.6**
18. Intake and management staff read and explain anything that they would normally hand to an applicant to applicants and residents who cannot read.
19. PHA provides plain language written material in English and all other languages whose speakers constitute at least ten percent of the program eligible population of the locality.
20. Applicants and residents who read or understand little English and whose speakers number fewer than ten percent of the program eligible population of the locality may furnish an interpreter who can explain what is going on.
21. PHA prepares the following information for applicants and residents in plain-language accessible formats:
22. Marketing, promotional and informational materials
23. Information about the application process
24. General statement about reasonable accommodation (for all applicants)
25. How rents and utility allowances are determined
26. The application form and required certifications
27. Information about opening, updating or closing the waiting list
28. All form letters and notices to applicants and residents
29. Information about hearings for rejected applicants
30. Orientation materials for new residents
31. The lease and house rules, if any
32. Guidance or instructions about care of the housing unit
33. All information related to applicant’s rights (to informal hearings, Grievance Procedure etc.)
34. Some applicants and residents with disabilities will be unable, because of their disabilities, to come to PHA facilities for meetings, interviews, etc. In this case, PHA staff go to the location where they are to conduct meetings, interviews, etc.
35. PHA or the property manager bears the cost for providing alternate methods of communication, plain language paperwork and going to the homes or other locations for residents with disabilities.
36. **Updating Resident Information on Needs of Persons with Disabilities**
37. Each year, as part of the annual reexamination, property managers ask every resident whether they need any special features in their units or other Authority-owned facilities, or any changes in procedures or method of communication because they or someone in their family has a disability.
38. People who formerly had no disability-related needs may become disabled after becoming PHA residents.
39. **Cross Reference: Guidebooks on Reasonable Accommodation for Persons with Disabilities**
40. PHA and its property managers have an ongoing responsibility to make modifications to Authority’s physical facilities and reasonable accommodations in procedures and practices to ensure that its programs are fully usable by persons with disabilities. See the *Occupancy or Manager’s Guide to Reasonable Accommodations* for further information about this process.
41. If applicants or residents do not inform PHA of their disability needs or if they are unwilling to disclose the fact that they have a disability, PHA is not able to make reasonable accommodations

1. PHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program. [↑](#footnote-ref-1)
2. This requirement applies to services provided by Authority and services provided by others with Authority’s permission on public housing property. Thus, a health screening program offered by the local health department in a public housing community room would have to be fully accessible to persons with disabilities. [↑](#footnote-ref-2)
3. 4. Considering all PHA's sources of revenue, including both operating and capital funds [↑](#footnote-ref-3)
4. defined in **24 CFR § 8.23** as Comprehensive Modernization or work in developments with 15+ units, work whose value exceeds 75% of the replacement cost of the facility [↑](#footnote-ref-4)
5. Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved. [↑](#footnote-ref-5)