### **Reasonable Accommodation Procedure for Residents**

### **MANAGER’S GUIDE**

**1.00 Background**

The Authority must comply with Federal, state and local laws that prohibit discrimination on the basis of disability, including but not limited to the Federal Civil Rights Act (Title VI), the Federal Fair Housing Amendments Act (Title VIII), Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act (ADA).

It is necessary to provide an applicant or resident with a disability an equal opportunity to apply for and live in housing. An applicant or resident with a disability may ask for specific changes in rules, policies, procedures, and methods of communication or may ask for physical modifications to a unit or common area to enable him/her access to a building, unit or program. Such changes are referred to as “Reasonable Accommodations.”

**1.01 How “Disability” is Defined**

HUD defines disability for the purpose of being eligible for consideration for a reasonable accommodation or structural modification as any physical, mental or emotional impairment that substantially limits one or more major life activities. For the complete definition, see the definition section at the end of this manual.

**1.02 The Authority’s Obligations**

The Authority must evaluate requests for reasonable accommodations to determine if and how requests can be accommodated. The Authority is permitted to deny the request if the request constitutes a fundamental alteration in the nature of the program or constitutes an undue financial and administrative burden. The determination not to grant a reasonable accommodation shall not be made without the concurrence of Authority’s 504/ADA Coordinator.

**1.03 The 504/ADA Coordinator**

The 504/ADA Coordinator is the person the Authority designates as responsible for ensuring that the Authority complies with Federal, state and local laws that protect the rights of people with disabilities. The 504/ADA Coordinator is responsible to ensure the Authority meets its obligations set forth in these laws. The 504/ADA Coordinator also logs and tracks all requests from individuals with disabilities for unit modifications or reasonable accommodations.

* 1. **Notification to Applicants and Residents**

The Authority will provide all applicants/residents written and verbal notice of any obligation to provide qualified individuals with disabilities a reasonable accommodation. This shall occur at the initial application process, and at every re-certification. Written notification will also be contained in the resident handbook if any***.***

**1.05 How Reasonable Accommodations are Administered**

The procedures below outline how applicants and residents make requests for reasonable accommodations and how property staff (managers in public housing, leasing agents in project-based voucher properties) must respond. Please direct any questions you may have regarding the procedures to the 504/ADA Coordinator.

**STEP 1: Managers Ensure Reasonable Accommodation Packets are Provided to** Residents at each Annual Reexamination

1. Each property management office must have copies of the Request for Reasonable Accommodation / Modification Packet available for applicants and residents.
2. For residents, Packets include:
3. Request for a Reasonable Accommodation information sheet
4. Reasonable Accommodation/Structural Modification Request Form.
5. For Management, Packets include:
6. The Certification of Need Form
7. Determination Notice
8. Reasonable Accommodation Agreement Form located in the Appendix.

**STEP 2: Managers to Respond to Applicant/Resident Requests**

1. If a resident asks for a change in rules, policies, procedures, or physical structures or type of unit because of a disability, give the resident a Reasonable Accommodation/Modification Packet.
2. Request or assist the resident fill out the Reasonable Accommodation~~/~~Structural Modification Request Form and return it to the management office. Once the resident returns the Reasonable Accommodation/ Structural Modification Request Form, give the resident a copy.
3. If a resident asks for a different method of communication or assistance reading or completing the forms, a member of the management staff must provide the requested assistance (i.e. providing a copy of the forms in large print, forms in Braille, or a sign language interpreter or whatever the resident needs). If the person requesting the accommodation is a minor, the parent or guardian must fill out the form.

Steps 3 through 9 are for Resident Requests Only

**STEP 3: Managers Complete and Mail the Certification of Need Form**

1. Complete the top portion of the Certification of Need form and send it with the completed Reasonable Accommodation/Structural Modification Request Form to the 504/ADA Coordinator.
2. The 504/ADA Coordinator will send it to the qualified medical practitioner identified by the resident.

Note that the Certification of Need form specifies that the medical provider should not disclose information about the nature or extent of a resident’s disability or provide his/her medical records.

**STEP 4: Managers Distribute/File Copies of the Forms**

1. Place a copy of all documents in the resident folder.

**STEP 5: 504/ADA Coordinator Obtains Certification of Need Form from Medical Provider**

1. Make a note to follow-up with the resident within 30 days from the date the Certification of Need form was mailed to the medical provider.
2. If you have not received the Certification of Need form within 30 days, contact the resident to request that he/she follow up with the medical provider.
3. Once the medical provider returns the Certification of Need form, the 504/ADA Coordinator will make 2 copies for: the resident file, and the site staff.

**STEP 6: 504/ADA Coordinator Reviews Certification of Need form & completes the Determination Notice**

1. The 504/ADA Coordinator reviews the Certification of Need form and completes the Determination Notice within 5 business days of receipt.
2. In completing the Determination Notice, the 504/ADA Coordinator must approve or deny the request.
3. If the 504/ADA Coordinator needs clarification about the requested accommodation, he/she contacts the resident.
4. If there is a question about whether the request may be a fundamental alteration in the nature of the program, or may constitute an undue financial and administrative burden, the 504/ADA Coordinator shall make the final determination in these cases.

**STEP 7: Manager arranges a meeting with the resident making the request**

1. Once a determination has been made, site staff must meet with the resident within 5 business days to discuss the determination.
2. For approvals, the meeting agenda should include:
3. How the reasonable accommodation will be provided.
4. When the reasonable accommodation will be made.
5. A discussion of administrative solutions if the resident qualifies for a reasonable accommodation/ modification, but the specific requested change is not possible. For example, if a resident requests a widening of a doorframe, but widening the doorframe would require moving a load-bearing wall. Therefore, at a meeting, the Authority would recommend a transfer to a unit with wider doorframes.
6. Signing of the Reasonable Accommodation Agreement. When filling out the form, specify the accommodations/modifications that will be made, the proposed timeline, and any administrative solutions.
7. For denials, the meeting agenda should include:
8. How the determination was made.
9. A discussion of administrative solutions.
10. The process for grieving the determination.
11. Inform the 504/ADA Coordinator of this meeting. Either the resident or the Manager may request the 504/ADA Coordinator to be present at such a meeting. The resident may also bring anyone he/she wishes to the meeting.
12. If the resident is unable to come to the office to meet because of his/her disability, the meeting must be held in a manner or place that is accessible to the individual with the disability or the resident may appoint a designee. This can include a meeting by telephone/TTY, or in the resident unit.

### STEP 8: Manager completes the accommodation/modification

1. It is important that reasonable accommodations/modifications be made as expeditiously as possible to meet the needs of residents with disabilities.
2. The Authority must make any approved reasonable change in a rule, policy, procedure or method of communication within 7 days of the reasonable accommodation/modification agreement being signed unless otherwise agreed by the Authority and resident.
3. If the change involves a minor physical modification (installing grab bars, handrails, lowering cabinets, etc.) and costs less than $1000.00, the work must be completed within 30 days of the reasonable accommodation/modification agreement being signed.
4. If the change involves making a major structural change to a unit or common area (widening doorways, putting in a roll-in shower, putting in a ramp, etc.), costing over $1000.00, the work must be completed within 60 days, or in accordance with a construction schedule, unless something unforeseen occurs.

For all work completed:

1. Copies of all work order/purchase orders must be sent to the 504/ADA Coordinator and the Asset Manager.
2. All physical modifications must meet the requirements of the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disability Act Accessibility Guidelines (ADAAG) unless:
3. In order to meet the needs of the resident it is necessary to depart from UFAS; i.e. Resident requests the counters to be lowered to a height higher or lower than the standard.
4. It is structurally impossible to meet UFAS, but a physical change will meet the needs of the resident. i.e. the dimensions of the room did not allow for the normal wheelchair turning radius. However, the requestor uses a small chair so a smaller radius meets the needs of the requestor.
5. For additional information on how to make modifications or the applicable standards, please contact the 504/ADA Coordinator.
6. If a unit or common area needs to be modified, the unit or common areas should be modified to provide the maximum number of accessible features possible.

**STEP 9: Manager documents the completed reasonable accommodation/ modification**

It is very important to document all completed accommodations/modifications.

1. Manager forwards information regarding modifications made to the 504/ADA Coordinator within 10 days. Managers send a letter detailing the resident’s name, address - including the unit number, type of modification(s) made and cost incurred.
2. The Manager updates the Authority database regarding all modified units, specifying the change(s) made.
3. The 504/ADA Coordinator prepares a quarterly report of all accommodation/ modification requests (denials and/or approvals), status of projects and completions for internal use.

**APPENDIX**

**DEFINITIONS**

###### Definition of “Disability”

###### The definition of disability for the purpose of determining if someone may obtain a reasonable accommodation or physical modification is contained in the Fair Housing Act, 504 and the ADA.

###### Under all three laws, an individual is “disabled” if he/she has a physical, mental or emotional impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment

###### The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, AIDS, mental illness, mental retardation, and emotional illness

###### Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, and performing manual tasks, learning, caring for oneself and working.

###### This is not the definition used to determine if someone is eligible for public housing based on his/her disability.

**Definition of “Fundamental alteration in the nature of the program”**

* Determining whether a request poses a fundamental change in the housing program is not a cost-based test. The Authority’s goal is to provide safe and sanitary housing for low and moderate-income tenants.

For example, assume the Authority had a resident who was violating his/her lease because the unit was filled with trash. The resident tells her Property Manager that the unit is unsanitary because he/she cannot clean her unit on a regular basis or empty her trash because she cannot reach the trash chute or open it because of his/her disability. The resident requests the Authority to provide housekeeping services.

It is not reasonable for the Authority to provide housekeeping services because it would fundamentally change the type of services the Authority provides. It is reasonable for the Authority to help the resident in arranging a third party to assist the resident in housekeeping or to pick up the resident’s trash twice a week at the resident’s apartment. The resident must however comply with his/her lease and the accommodations.