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## **CHAPTER 3 - REASONABLE ACCOMMODATIONS POLICY**

24 CFR Part 8, 24 CFR Part 966.7(b)

### **PURPOSE**

The Richmond Redevelopment and Housing Authority (RRHA) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, elderliness, matriculation and place of residence or business, RRHA is committed to providing programs in a way that does not discriminate against individuals with disabilities.

A Reasonable Accommodation is a change, modification, alteration, or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

RRHA will fully bear the cost of all reasonable accommodations unless doing so would create undue financial and administrative burdens.

### ***A. Persons to Whom Policy Applies /Application of Reasonable Accommodations Policy***

This chapter applies to individuals with disabilities in the following programs provided by the RRHA:

1. Applicants of public housing;
2. Residents of public housing developments; and
3. Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the RRHA its agents or contractors including all non-housing facilities and common areas owned or operated by the RRHA.

### ***B. Definition(s) - Persons With A Disability***

A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities.

Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

As used in this definition, the phrase "physical or mental impairment" includes:

1. Any *physiological* disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

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2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 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, mental retardation, emotional illness, drug addiction and alcoholism.

The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

### ***C. Requests for Reasonable Accommodations***

A person with a disability may request a reasonable accommodation at any time during the application process or residency in public housing. All requests must be reduced to writing by the individual, RRHA staff or any person identified by the individual.

Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate.

1. All applicants will be provided the Request for a Reasonable Accommodation Form with the application.
2. All residents will be provided the request form again at the time of recertification, and upon request.
3. RRHA will respond in writing to all requests for a reasonable accommodation.
4. All decisions to grant or to deny reasonable accommodations will be communicated in writing and in the form requested by the individual.

Examples of reasonable accommodations may include, but are not limited to:

- a. Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability that is on the lease;
- b. Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
- c. Allowing a live-in aid to reside in an appropriately sized RRHA unit;
- d. Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;

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- e. Transferring a resident to a unit on a lower level or a unit that is completely on one level;
- f. Making documents available in large type, computer disc or Braille;
- g. Making sign language interpreters available to meet with staff or at resident meetings;
- h. Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- i. Permitting an outside agency or family member to assist a resident or an applicant in meeting screening criteria or meeting essential lease obligations;

***D. Request for A Reasonable Accommodation By Public Housing Residents And Applicants***

Requested accommodations will not be approved if one of the following would occur as a result:

- 1. A violation of State Law and/or federal law;
- 2. A fundamental alteration in the nature of the RRHA public housing program;
- 3. An undue financial and administrative burden on RRHA,
- 4. A structurally unfeasible alteration; or
- 5. An alteration requiring the removal or alteration of a load-bearing structural member.

All requests for a reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the resident or potential resident, RRHA staff, or any person identified by the individual. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

The Property Manager may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the resident in the opportunity to fully enjoy the dwelling unit or non-housing program.

Although RRHA may not ordinarily inquire as to the nature and severity of an individual's disability, in response to a request for a reasonable accommodation, RRHA may request reliable disability-related information. This request must be limited to information that (1) is necessary to verify that the person meets the Fair Housing Act's definition of disability, (2) describes the needed accommodation, and (3) show the relationship between the person's disability and the need for the requested accommodation.

Information verifying that the person meets the Fair Housing Act's definition of disability can usually be provided by the individual himself or herself (e.g., proof that an individual is under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by

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the individual). A reliable third-party who knows about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

The following may provide verification of a resident's disability and the need for the requested accommodation:

1. Physician
2. Licensed health professional
3. Professional representing a social service agency or
4. Disability agency or clinic or
5. Other knowledgeable professional

Once RRHA has established that a person meets the Act's definition of disability, the RRHA's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law. RRHA is still not permitted to inquire about the nature or extent of the person's disability, nor is it necessary or permitted for RRHA to ask about anyone's diagnosis or details of treatment. If a verification source sends such information it should not be placed in the file; it should be disposed of in a secure manner.

If a person's disability is obvious, or otherwise known to RRHA, and if the need for the requested accommodation is also readily apparent or known, then RRHA may not request any additional information about the requester's disability or the disability-related need for the accommodation. If the requester's disability is known or readily apparent to RRHA, but the need for the accommodation is not readily apparent or known, RRHA may request only information that is necessary to evaluate the disability-related need for the accommodation.

The decision to approve or deny the reasonable accommodation request shall be made as expeditiously as possible but must be within sixty (60) working days of the receipt of the request. If the request is approved, schedule of timely completion will be documented and communicated to the requestor.

If the Property Manager's recommendation is to deny the request, the property manager forwards their recommendation and all materials and verifications to the Assistant Vice President of Property Management.

All recommendations for denial from the Assistant Vice President of Property Management must be forwarded to the 504 Coordinator/Compliance Officer for further review and final determination.

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Once the decision has been made to approve a request for a reasonable accommodation, a copy of all documents shall be forwarded to the ADA/504 Coordinator.

The resident will be notified in writing of the final reasonable accommodation determination by the Property Manager. If the accommodation is approved, the resident will be notified of the projected date for implementation. If the accommodation is denied, the resident will be notified of the reasons for denial.

All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the Assistant Vice President of Property Management for implementation. All requests for reasonable accommodation that are approved by the Assistant Vice President of Property Management will promptly be implemented or begin the process of implementation.

If a request for a reasonable accommodation is denied, RRHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by RRHA.

RRHA will make every reasonable effort to provide reasonable accommodations to residents with a disability including transfer to an available UFAS compliant unit. However, if a resident rejects the offered transfer or voucher, RRHA will be willing to make minor modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden. Examples of this type of impractical requests may be, but is not limited to, the installations of ramps, widening of doorways, major kitchen, or bathroom modifications.

If the resident accepts the transfer, RRHA may work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within 30 days of the assignment of the dwelling unit, RRHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of RRHA's Tenant and Assignment Plan and any resident's rights thereunder.

When issuing a voucher as an accommodation, RRHA must include a list of current available accessible units known to RRHA, upon request. RRHA will also provide search assistance. RRHA may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing.

Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. Sign language interpreters and readers will be made available upon request.

#### ***E. Occupancy of Accessible Unit***

RRHA has units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

RRHA will offer these accessible units to families in the following order:

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1. First: Current occupant of a public housing unit who has a disability that requires the special features of that unit;
2. Second: An eligible qualified applicant on the public housing waiting list having a disability that requires the special features of the unit; and
3. Third: If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit. RRHA will require that the non-disabled applicant agree to sign a lease addendum that requires the applicant to move to an available non-accessible unit when either a current resident or applicant needs the special features of the unit.

A Reasonable Accommodation Waiting List will be created and maintained by date and time of request.

The first qualified current resident in sequence on the list of residents seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

Upon inspection of the offered unit, the resident or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. RRHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

A current resident will receive one (1) offer of an accessible unit before his/her name is removed from the Reasonable Accommodations Waiting List.

An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.

#### ***F. Grievances***

The public housing applicant or resident complainant may file a complaint in accordance with RRHA's grievance procedure following a decision by the 504 Coordinator/Compliance Officer.

The Housing Choice Voucher applicant complainant may file a complaint in accordance with RRHA's grievance procedure following a decision by the 504 Coordinator/Compliance Officer.

An applicant or resident may, at any time, exercise their right to appeal a RRHA decision through HUD or the Department of Justice.

#### ***G. Service or Assistance Animals***

Residents of RRHA with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. RRHA residents or potential residents who need an assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy.

Refer to the Pet Policy (Chapter 17)

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Residents must register their assistance animal with their Property Manager before it is brought onto RRHA's property, and must update the registration annually at the Property Manager's Office. The registration must include a certificate signed by a licensed veterinarian or a local authority empowered to inoculate animals (or designated agent of such an authority) stating that the animal has received all inoculations required by applicable local law.

#### **H. *Recertification \ Lease Renewal***

One hundred twenty (120) days before the date for recertification/lease renewal for a public housing resident RRHA will provide a notice along with a package to the family to initiate the recertification/lease renewal process.

If requested as a reasonable accommodation by an individual with a disability, RRHA shall provide the notice of recertification/lease renewal in an accessible format.

RRHA shall also mail the notice to a third party, if requested as a reasonable accommodation for an individual with disabilities. This accommodation will be granted upon verification that it meets the need presented by the disability.

The recertification/lease renewal package will include a Notice of Rights and Opportunities which will include a description of the following:

1. The right of a resident to request a reasonable accommodation for any member of the family who has a disability in order to allow the individual with a disability to better use the residence and RRHA's facilities and programs;
2. The right to file a grievance in accordance with RRHA's Public Housing Grievance Procedures. The right of residents to request a grievance hearing in matters such as reasonable accommodations or any issue in which the resident feels that RRHA has unfairly modified his/her rights, welfare, or status and about which the resident or participant has been unable to resolve with the property manager, the 504 Coordinator/Compliance Officer or the department involved.

Where personal interviews are required as part of the recertification/lease renewal process, individuals with disabilities who are unable to come to RRHA's offices, will be granted an accommodation by conducting the recertification/lease renewal interview at the individual's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

If the family does not cancel a recertification/lease renewal interview scheduled at the RRHA's offices or is not at home at the time of a scheduled home visit, RRHA may initiate action to terminate the family's assistance. However, an exception may be granted if the family is able to document an emergency situation that prevented them from canceling or attending the interview or if requested as a reasonable accommodation for an individual with a disability.

#### **I. *Excess Utility Charge Hardship Reasonable Accommodations in Adjusting the Utility Allowances***

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~~Requests for relief from charges for excess consumption of RRHA purchased utilities may be granted on reasonable grounds. [24 CFR 965.508].~~

**~~1. Reasons for relief include:~~**

- ~~a. Special needs of elderly~~
- ~~b. Disabled residents~~
- ~~c. Special factors affecting utility usage not within the control of the resident.~~

**~~2. Process:~~**

~~Requests for relief from paying the excess utility charge will be treated in the same manner as other requests for relief due to hardship.~~

~~A hardship exists when circumstances beyond the Tenant's control are so serious as to make the Tenant/Resident unable to meet his/her financial obligations under the Dwelling Lease as they become due. To qualify for a Excess Utility Charge hardship relief, the Tenant must notify Management of the circumstances for which the hardship is claimed by the 5<sup>th</sup> day of the month in which the charges are due, or as soon as possible thereafter in the case of an emergency. Management shall consider extending payment as outlined in the Rent Chapter.~~

~~Residents wishing to request relief under this procedure should contact the Property Manager of the development in which the resident resides.~~

**~~3. Criteria for granting relief:~~**

~~Residents will provide written documentation to support a request for relief. Requests will not normally be acted upon without this documentation. Exceptions will be considered on a case-by-case basis. RRHA has sole discretion to grant relief under this procedure without documentation.~~

~~Residents who disagree with a RRHA decision may request an informal hearing in accordance with the Grievance Procedure, a copy of which is maintained in the management offices.~~

On request from a family member that includes an elderly or disabled person, RRHA must approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed to make the program accessible to and usable by the family (Public Housing Occupancy Guidebook, p. 172).