

DAVIS COMMUNITY HOUSING AUTHORITY REASONABLE ACCOMMODATION POLICY AND PROCEDURES

Policy Statement

It is the policy of Davis Community Housing Authority (DCHA) to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment. All persons will be treated fairly and equally without regard to race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation or gender identity.

No individual with disabilities shall be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination because DCHA facilities are inaccessible to or unusable by persons with disabilities. Therefore, if an individual with a disability requires an accommodation, DCHA will provide reasonable accommodations to rules, policies, practices and procedures to enable an individual with a disability to benefit from the program(s) offered by DCHA where the individual is an applicant, tenant or employee. DCHA will make accommodations that are both *reasonable* and *necessary* to afford equal opportunity to an individual with a disability.

Applications shall be made available in accessible formats. DCHA shall provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.

Reasonable Accommodation Policy

To request a reasonable accommodation due to a disability, an applicant or participant must qualify under the following Americans with Disabilities (ADA) definition of a disability:

- (1) Have a physical or mental impairment that substantially limits one or more major life activities;
- (2) Be regarded as having such an impairment; and
- (3) Have a record of such an impairment.

DCHA will fully comply with the obligations found in HUD Notices PIH 2010-26(HA) and PIH 2006-13 (HA) [Non-Discrimination and Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the American with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988].

The term “individual with disabilities” is referenced in 24 CFR Part 9.103(2).

The Reasonable Accommodation Policy and Procedures shall be posted in the main office lobby as well as in the common area as available on each property owned by DCHA. A copy of the Reasonable Accommodation Policy and Procedures shall be available online, distributed to each applicant/participant during the application and leasing process, and upon request.



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Monitoring and Enforcement

The DCHA Section 504 Coordinator is responsible for monitoring DCHA's compliance with the Policy. Individuals who have questions regarding this Policy, its interpretation or implementation, should contact DCHA's Section 504 Coordinator in writing, by telephone, or by appointment as follows:

Section 504 Coordinator
Davis Community Housing Authority
352 S. 200 W., Suite #1
Farmington, UT 84025
Telephone: (801) 939-9198
Fax: (801) 451-6484
State Relay Service: 711

The Section 504 Coordinator will ensure that all appropriate DCHA staff receives annual training on the Reasonable Accommodation Policy and Procedures, including all applicable Federal, State and Local requirements regarding reasonable accommodation.

Procedure for Processing Requests for Reasonable Accommodation of Disabilities

This procedure establishes a framework for the receipt, processing, and final disposition of informal and formal client reasonable accommodation requests. While individual requests may require special handling, these guidelines are to be followed whenever possible. Proper documentation and tracking for each step in the process is essential.

DCHA shall provide all Residents with the Request Form during the Lease signing appointment, at the annual recertification, and upon request. Residents seeking accommodations(s) may contact the Property Management and the Housing Choice Voucher staff. Residents may also contact the Section 504 Coordinator directly to request the accommodation(s).

DCHA may deny a request for reasonable accommodation if:

1. The request was not made by or on behalf of a person with a disability
2. There is no disability-related need (nexus) for the accommodation
3. The accommodation is not reasonable
 - a. Would result in a violation of State, Local and/or Federal Law
 - b. Would require a fundamental alteration in the nature of DCHA programs
 - c. Would cause an undue financial and/or administrative burden on DCHA
 - d. Would be a structurally infeasible alteration; or
 - e. Would require the removal or alteration of a load-bearing structural member.

Informal Reasonable Accommodation Requests

When a client requests an accommodation which appears, on its face, to be reasonable in relation to the client's visible disability, staff should handle the request informally. "Informally," means that the request can be granted with only supervisory review and approval, without first submitting it to the Section 504 Coordinator for review (the Section 504 Coordinator review will take place after the fact.)



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Informal reasonable accommodation requests may be granted expeditiously. Staff must still provide information to the Section 504 Coordinator as well as notating the tenant file per the request and approval of the reasonable accommodation.

Annual approvals for informal requests for reasonable accommodations will not be required during any subsequent re-certifications. However, DCHA retains the right to re-evaluate the need for the RA at any time. The case worker will then require third party verification in order to verify the need for the RA.

Some examples of disabilities that may fit the informal approval procedure include:

- A person with quadriplegia requesting accessibility modifications such as, but not limited to, a front door ramp, wider doorways, grab bars, and reduced-height and cut-out kitchen cabinetry, or an additional bedroom for an existing live-in aide. The client's self-certification and the caseworker's observations are sufficient to informally grant the reasonable accommodation request when there is a nexus between the observed disability and the requested reasonable accommodation (for Public Housing).
- Increases in the Payment Standard up to 120% of the SAFMR to accommodate disabled residents' higher cost for housing that meets particular needs, when those particular needs are visible.
- A visible disability or impairment which would require an accommodation wherein business will be conducted over the telephone, by home visits, or by other means not involving trips to the office.

The processing of Informal Reasonable Accommodation requests should be done promptly to reduce the time the client must wait to obtain their reasonable accommodation. When possible, housing staff should immediately begin the process of securing the requested reasonable accommodation.

Informal handling of Reasonable Accommodation requests should not be used as a "shortcut" to third party verification. If the disability is not visible, then it should be put through the formal process.

Formal Reasonable Accommodation Requests

Formal processing of reasonable accommodation requests is required when:

- The disability and/or the need for the specific accommodation is not visible; or
- It is not clear how the requested accommodation is related to the disability, or;
- The reasonable accommodation is unreasonable, cost prohibitive, or approval at the informal level is uncertain.

In these cases, a formal Reasonable Accommodation request must be submitted for review by the Section 504 Coordinator.

Step 1: Client Request for Reasonable Accommodation Due to Disability

A person with a disability or someone who is acting on their behalf may request a reasonable accommodation at any time during the application process, residency in Public Housing, participation in the Housing Choice Voucher program, or any other program offered by DCHA. If the request is made orally, DCHA staff should recommend that the client complete the request form and authorization for



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release of information. If the client refuses, staff will document the request in writing. This will help to prevent miscommunication or misunderstandings regarding what is being requested, or whether the request was made. The preferred request method is to submit the DCHA Request for Reasonable Accommodation and Authorization for Release of Information, as it may expedite the request process. The person may refuse authorization. If authorization is refused, the request will be reviewed with any information that is available and may be denied due to DCHA's inability to verify the need for the accommodation.

If a current letter is received from a qualified professional requesting a reasonable accommodation that provides all the relevant information, the letter can be accepted as an option for the standard form.

Step 2: Staff Action on the Request

Once the completed forms are received, DCHA staff will review the form for completeness and work with the client to clarify the request as needed. Staff will ensure that all appropriate information is provided and will then initial and date the form (designated for office use only). The client will be provided with a copy of the form if requested.

The Section 504 Coordinator shall send via fax the "Request for Reasonable Accommodation and Authorization for Release of Information" form as well as the "Verification" form to the qualified professional identified by the client within seven (7) business days of receipt of the form and any clarifying information has been received. The Section 504 Coordinator should advise the client to contact the qualified professional to encourage their participation and cooperation in the timely processing of their reasonable accommodation request. The Section 504 Coordinator will document in the Reasonable Accommodation Log the date the request was received, the accommodation requested, and the date which the form was faxed to the qualified professional.

Step 3: Responsibilities of the Section 504 Coordinator

The Section 504 Coordinator shall respond to status questions from clients or process questions from qualified professionals. All requested accommodations shall be evaluated in light of the provider's verification of disability-related need and recommendations as to the needs for reasonable accommodations.

Communication with clients may occur via phone, e-mail, or mail, based on client preference.

If the information submitted by the health provider is incomplete, the Section 504 Coordinator may follow up to request additional information or clarification. They may also work interactively with the family to obtain additional information or to look at other alternatives through an interactive process before making a decision to approve or deny a reasonable accommodation request.

Step 4: Client Communication and the Interactive Process

In the event that the qualified provider specified in the Request for Reasonable Accommodation is non-responsive for twenty (20) calendar days, a void letter shall be issued saying that no response has been received from the specified provider. The void letter shall specify that any additional information will be considered.



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In those cases where an evaluation of the qualified provider's recommendation indicates an alternate accommodation may be similarly effective, and based on the Section 504 Coordinator recommendation, an interactive process may be engaged with the client. This negotiation attempts to reach agreement between the original request and an alternate accommodation that would effectively address the disability-related need as stated by the provider. Note that the client must voluntarily agree to an alternate accommodation.

If the qualified professional provided in the request provides a response denying that a disability is present, and/or states that the reasonable accommodation is unnecessary, a denial may occur based on the qualified professional response.

When requests are made for an additional bedroom for medical or exercise equipment, a home visit may be scheduled to evaluate the size and quantity of the equipment to be accommodated.

Staff will provide a copy of the forms completed by the qualified professional if requested by the family.

Step 5: Completing the Reasonable Accommodation Process

When reviewing the information submitted, the Section 504 Coordinator is looking for a nexus between the requested accommodation and the disability-related need. The purpose of granting the accommodation is to either allow a person with disabilities access to the program or to allow a person with disabilities to obtain all of the same benefits of program participation.

The completed and documented file shall be the responsibility of the Section 504 Coordinator, who shall securely maintain the central files containing confidential reasonable accommodation processing paperwork separate from the client files.

The Section 504 Coordinator shall issue the final disposition of the reasonable accommodation request in writing to the client. The disposition letter shall provide the client with:

- A brief rationale for the accommodation's approval, modification, or denial;
- Specific information regarding the client's right to additional reconsideration if/when they submit further information to support their request;
- The client is also provided with a phone number, which they may call to speak with the Section 504 Coordinator if there are any questions; and
- The family's right to the grievance or appeal process

A copy of this letter will be placed in the tenant file. No confidential health-related information shall be included in the tenant or case file.

The Section 504 Coordinator shall have the ultimate responsibility to ensure the final accommodation is implemented in a timely manner.

Step 6: Subsequent Third-Party Verification for Formal Requests

If the client's health care provider has certified that the condition is not expected to improve over the long term, no further annual approvals for reasonable accommodations will be needed. However, DCHA



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retains the right to re-evaluate the need for the RA at any time. Staff will then require third-party verification in order to verify the need for the RA.

If it is believed the reasonable accommodation was granted under false pretenses, an interim examination and re-evaluation may be initiated with supervisory approval.

Step 7: Confirmation at Inspection

When the Section 504 Coordinator approves an additional bedroom for any purpose, a note is sent to the inspectors at the time of the annual/biennial inspection so that the Agency can verify that the bedroom is continuing to be used for its approved purpose. If the purpose of the bedroom has been changed from what was approved, the inspector will take photographs and send to the caseworker who will then call the family in for a Mandatory Tenant Conference (MTC). At the MTC, the staff will determine the next appropriate steps.

Step 8: Grievance or Appeal Process

If the Section 504 Coordinator denies the requested accommodation, a letter is sent to the family stating that any additional information will be considered at any time it is received. The client is also provided with a phone number, which they may call to speak with the Section 504 Coordinator. Additionally, the family is notified of their right to appeal the decision by requesting an Informal Hearing before a third party. During the Informal Hearing the family may present their reasons for requesting the reasonable accommodation and any supporting documentation.

Transfer as a Reasonable Accommodation

DCHA shall not require a Resident with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a Public Housing Resident with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS-compliant unit in that Resident's project or an adjacent project, DCHA may offer to transfer the Resident to the vacant unit in his/her project in lieu of providing structural modifications. However, if the Resident rejects the proffered transfer or voucher, DCHA shall make modifications to the Resident's unit unless doing so would be structurally impracticable or would result in an undue financial and administrative burden.

If the Resident accepts the transfer, DCHA will 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 thirty (30) days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of DCHA's Admissions and Continued Occupancy Plan or Tenant Selection Plan, and any Resident's rights thereunder.



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REQUEST FOR REASONABLE ACCOMMODATION AND AUTHORIZATION FOR RELEASE OF INFORMATION

RE: Head of Household Date of Request
Requestor of Reasonable Accommodation Date of Birth
Street Address City, State and Zip Code
Telephone Number E-mail (if available)

If you need assistance with this form or have any additional questions, please contact Davis Community Housing Authority at (801) 451-2587 or your Housing Specialist.

Please return the completed and signed form to:

Section 504 Coordinator
Davis Community Housing Authority
352 S. 200 W., Suite 1
Farmington, UT 84025

This request form does not require any disclosure of the disability/disabilities related to the Reasonable Accommodation request. The only information necessary is the type of accommodation you are asking the Housing Authority to provide and a brief explanation of how the request will benefit your household.

In order to process your request, the Section 504 Coordinator will submit a Verification form to the provider listed on page two of this document. The decision to approve or deny requests is based on their response. The Section 504 Coordinator may attempt to contact you if there is a significant delay in receiving a response from your provider.

It may be helpful to speak with your provider to discuss the Reasonable Accommodation you are requesting and inform them that they will be receiving a verification form.





Please describe the Reasonable Accommodation you are requesting:

Three horizontal lines for describing the accommodation.

How will this accommodation provide you with an equal opportunity for full use and enjoyment in the participation in and use of our housing program(s), your unit, and/or common areas:

Three horizontal lines for describing the accommodation's impact.

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____(printed name), authorize the release of information, relative to my disability, to verify the need for the Reasonable Accommodation I have requested, to the Davis Community Housing Authority.

Applicant/Resident or Guardian Signature Date

Please provide the name, address, telephone number and fax number** of a physician, licensed health care professional, professional representing a social service agency, or disability agency/clinic that can verify the need for the requested Reasonable Accommodation as it relates to your disability.

Name of Provider Agency

Street Address City, State and Zip Code

Telephone Number *Fax Number

If a fax number is not provided, delays may occur in processing your request

Note: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make any willful false statements or misrepresentations to any Department or Agency of the United States as to any matter within its jurisdiction.



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