

Reasonable Accommodations POLICY

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Reasonable Accommodation Policy and Procedures

SECTION 1.0 POLICY STATEMENT

The Houston Housing Authority (“Housing Authority”) is dedicated to ensuring that persons with disabilities are not discriminated against on the basis of disability in connection with the Housing Authority’s programs, services and activities. If a person with a disability requests an accommodation to an existing rule, policy, practice, or service in order to have an equal opportunity to use a dwelling unit or enjoy the benefits of participating in the Housing Authority’s services, the Housing Authority will provide the accommodation. The Housing Authority is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden.

A copy of the Housing Authority’s Reasonable Accommodation Policy (“Policy”) shall be available at each public housing development and at the Housing Authority’s Main Administrative Office at 2640 Fountain View Drive, Houston, Texas 77057, and online at www.housingforhouston.com.

SECTION 2.0 LEGAL AUTHORITY

This Policy is in compliance with the statutory authority listed below:

1. Section 504 of the Rehabilitation Act of 1973 (Section 504);
2. Titles II and III of the Americans with Disabilities Act of 1990 (ADA);
3. The Fair Housing Act of 1968, as amended (Fair Housing Act);
4. The Architectural Barriers Act of 1968; and
5. 24 C.F. R. Part 8 etc.

SECTION 3.0 MONITORING

The Legal Compliance Officer is responsible for monitoring compliance with this Policy and shall be available to applicants, residents, participants, and staff for discussing issues and questions regarding the interpretation or implementation of this Policy. The Legal Compliance Officer’s contact information is provided below:

Legal Compliance Officer
2640 Fountain View Drive
Houston, Texas 77057
Phone: (713) 260-0353 • Fax: (713) 260-0376
TTY: (713) 260-0547

Each housing applicant shall be provided with a copy of either the Notice to Houston Housing Authority Public Housing Applicants and Residents Regarding Reasonable Accommodations or the Notice to Houston Housing Authority Housing Choice Voucher Program Applicants and



Participants Regarding Reasonable Accommodations. These notices shall be posted at all times at the public housing developments and at the Housing Authority's Main Administrative Office.

SECTION 4.0 DEFINITIONS

An "individual with a disability" is defined as a person who has a physical and/or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. 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
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.
3. The definition of disability does not include any individual whose current use of alcohol prevents the individual from participating in the public housing program or activities or other Housing Authority housing programs or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. Additionally, this definition of disability does not include any individual who is engaging in an illegal drug related criminal activity or who is unqualified to participate in the public housing or other housing programs and activities in accordance with applicable Housing Authority policies and HUD regulations. Generally, individuals with a drug addiction that are engaged in and are able to evidence full participation in an appropriate treatment program are qualified to participate in HUD Housing programs.

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

A "reasonable accommodation" is defined as a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from, a program or activity.

SECTION 5.0 EXAMPLES OF REASONABLE ACCOMMODATIONS WITHIN THE HOUSING CHOICE VOUCHER PROGRAM

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

1. Allowing a live-in aide for a resident or program participant with a disability to reside in an appropriately sized housing unit;
2. Making documents available in larger type, computer disc or Braille;
3. Providing an additional bedroom for a disabled family member's medical equipment;
4. Providing qualified sign language interpreters for applicants, residents and program participants at appointments with Housing Authority staff, Resident Council meetings, or Housing Authority Board of Commissioners meetings;
5. Permitting an outside agency or family member to assist an applicant, resident or program participant with a disability in meeting screening criteria or meeting essential lease obligations; and
6. Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a housing unit with suitable accessible features or that is otherwise appropriate for the family that has a family member with a disability.

SECTION 6.0 EXAMPLES OF REASONABLE ACCOMMODATIONS/MODIFICATIONS WITHIN THE PUBLIC HOUSING PROGRAM

Examples of reasonable accommodations/modifications within Public Housing may include, but are not limited to:

1. Making an offer to transfer a resident with a disability to a public housing unit with the required accessibility features;
2. Making a housing unit, part of a housing unit, or public and common use areas accessible for an individual with a disability;
3. Providing an additional bedroom for a disabled family member's medical equipment;
4. Permitting a family to have a service or assistance animal necessary to assist a household member with a disability;¹
5. Transferring a family that is participating in the public housing program to a larger size housing unit in order to provide a separate bedroom for the resident with a disability;
6. Transferring a resident with a disability that is participating in the public housing program to a ground floor level unit;
7. Installing strobe-type flashing lights and other such emergency equipment for a household member with a hearing impairment;
8. Allowing a live-in aide for a resident or program participant with a disability to reside in an appropriately sized housing unit;
9. Making documents available in larger type, computer disc or Braille;

¹ With regard to service animals as a reasonable accommodation, a housing provider may not ask a tenant or applicant to provide documentation showing the disability or disability-related need for a service or assistance animal, if the disability or disability-related need is readily apparent.

10. Providing an accessible parking space for a disabled resident;
11. Providing qualified sign language interpreters for applicants, residents and program participants at appointments with Housing Authority staff, Resident Council meetings, or Housing Authority Board of Commissioners meetings; and
12. Permitting an outside agency or family member to assist an applicant, resident or program participant with a disability in meeting screening criteria or meeting essential lease obligations.

PLEASE NOTE: BECAUSE A REASONABLE MODIFICATION INVOLVES A STRUCTURAL CHANGE MADE TO AN EXISTING PREMISES, HOUSTON HOUSING AUTHORITY IS ONLY ABLE CONSIDER REQUESTS FOR REASONABLE MODIFICATIONS ON PROPERTIES THAT IT OWNS OR CONTROLS. ACCORDINGLY, HOUSTON HOUSING AUTHORITY IS UNABLE TO CONSIDER REQUESTS FOR REASONABLE MODIFICATIONS IN THE HOUSING CHOICE VOUCHER PROGRAM

SECTION 7.0 POLICY APPLICATION

This Policy applies to individuals with a disability participating in the following programs provided by the Housing Authority:

1. Applicants for public housing;
2. Applicants for the Housing Choice Voucher Program;
3. Residents of public housing developments;
4. Participants of the Housing Choice Voucher Program; and
5. Participants in all other programs or activities receiving federal financial assistance that are conducted or sponsored by the Housing Authority.

SECTION 8.0 PROCEDURES

A person with a disability may request a reasonable accommodation during the application process, residency in public housing, or participation in the Housing Choice Voucher Program of the Housing Authority. The person with a disability may submit all requests in writing, orally, or by any other equally effective means of communication. If the person with a disability is unable to submit a request in writing, the Housing Authority will assist the individual to reduce the request to written form. Reasonable accommodation methods or actions that may be appropriate for a particular program and person may be found to be inappropriate for another program or individual. Decisions to approve or deny requests for reasonable accommodations shall be made on a case-by-case basis with the consideration of the disability and the needs of the person as well as the nature of the program or activity in which the person seeks to participate.

Individuals with a disability may submit reasonable accommodation requests to the Housing Authority Property Manager or to the Legal Compliance Officer in writing, orally, or by any other equally effective means of communication. The "Request for Reasonable Accommodation"

("Request Form") is available at each public housing development, at the Housing Authority's Main Administrative Office, and online at www.housingforhouston.com. The Housing Authority ensures that all reasonable accommodation requests are reduced to writing. The Housing Authority will endeavor to enter into an interactive process with the requester in order to discuss the requester's disability-related need for the requested accommodation and possible alternative accommodations, if any. While it is always the requestor's choice to enter into an interactive process with the Housing Authority, such a process is intended to help all concerned in the process by seeking to provide an effective accommodation that does not pose an undue financial and administrative burden for the Housing Authority.

Reasonable accommodation requests are processed in the order they are received by the Legal Compliance Officer. Any reasonable accommodation documentation (including the request form, if applicable) may be submitted to the Legal Compliance Officer in any of the following manners: (1) in person at the Housing Authority's main office, (2) via U.S. mail to the address listed on the first page of this document, (3) via e-mail to 504ADA@housingforhouston.com, or (4) via fax to (713) 260-0376. If additional information or documentation is required, the Legal Compliance Officer will notify the requester in writing. If the Legal Compliance Officer does not receive the requested information within twenty-one (21) calendar days from the date of the written request for information, the request for a reasonable accommodation will be administratively closed. Because this administrative closure is not a denial, if the requester submits the requested information after twenty-one (21) calendar days, the request for a reasonable accommodation will continue to be processed, but as a reasonable accommodation request as of the date that the requested information was received and in the order it was received with other requests.

The Legal Compliance Officer will contact the health care provider named by the person with the disability requesting the accommodation to verify the need for the requested accommodation. If the health care provider's verification is not received within sixty (60) calendar days, the Legal Compliance Officer will administratively close the request for a reasonable accommodation due to lack of verification and notify the requester in writing. Because this administrative closure is not a denial, it will be without prejudice to the requestor either (1) making another request or (2) resubmitting alternate healthcare provider information along with a new release authorization permitting HHA to contact the alternate provider for verification purposes.

Within ten (10) business days of receipt of all required supporting documentation to render a decision, the Legal Compliance Officer will issue a determination on the request for a reasonable accommodation and notify the requester in writing. Upon request, the written notification will be provided in an alternate format.

Notifications of approved reasonable accommodation requests will be forwarded to the appropriate staff to implement the accommodation. Notifications of denied reasonable accommodation requests will provide information on the procedures for appealing the determination.

If an alternative accommodation is available, the Housing Authority will offer the requester the alternative accommodation and advise the requester of the anticipated time to provide this accommodation. In order to accept this offer of an alternative accommodation, the requester must sign the offer letter and submit a copy to the Legal Compliance Officer within seven (7) calendar days of the date of the letter.

If the requester makes a subsequent request for a different reasonable accommodation, such request will be processed as a new reasonable accommodation request.

SECTION 9.0 VERIFICATION OF NEED FOR A REASONABLE ACCOMMODATION

The Housing Authority may request documentation to verify that the person requesting an accommodation is a person with a disability and such person has a disability-related need for the requested reasonable accommodation.

However, the Housing Authority shall request only such documentation that is necessary to verify that the person requesting an accommodation is a person with a disability and such person has a disability-related need for the requested reasonable accommodation. The Housing Authority shall not require unnecessary information regarding the person's disability such as the specific disability or the nature or extent of the disability.

Persons with a verified need for an additional bedroom for any reason must submit a Request for Reasonable Accommodation four (4) to six (6) weeks prior to their annual reexamination date in order to have the need re-verified by a health care provider. When the additional bedroom is for a live-in aide, the requester must also submit the Live-In Aide Housing Agreement, a copy of the aide's social security card, a copy of the live-in aide's identification card, and a Criminal Background Check Release Form for the live-in aide.

Verification of a person's disability may be submitted by the following health care providers:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;
2. Any other person determined to be capable of providing health care services, which include only:
 - a. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; and
 - b. Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice in the State and performing within the scope of their practice as defined under State law;

3. A health care provider who is authorized to diagnose and treat physical or mental health conditions; or
4. Other medical professionals, a peer support group, a non-medical service agency, or a reliable third-party who is in a position to know about the individual's disability.

Generally, a request for a reasonable accommodation must be resubmitted on an annual basis. This usually occurs at the time of re-certification. HHA reserves the right to review the facts and circumstances of any reasonable accommodation and determine whether the situation warrants annual resubmission of the request.

SECTION 10.0 GUIDELINES FOR DENYING REASONABLE ACCOMMODATION REQUESTS

Requested accommodations will not be approved if the person's disability is not verified by a health care professional, the individual is not a person with a disability, or the requested accommodation is not necessary and reasonable based on the health care provider's responses.

Additionally, requested accommodations will not be approved if one of the following would occur as a result of the approval:

1. A violation of state and/or federal law;
2. A fundamental alteration in the nature of the public housing program;
3. An undue financial and administrative burden to the Housing Authority;
4. A structurally impracticable alteration; or
5. A housing unit alteration requires the removal or alteration of a load-bearing structural member.

SECTION 11.0 TRANSFER AS A REASONABLE ACCOMMODATION FOR A PUBLIC HOUSING DEVELOPMENT RESIDENT

If the Legal Compliance Officer approves the public housing development resident's request to transfer, the Housing Authority may offer the resident the opportunity to transfer to another available unit with the required accessibility features as a reasonable accommodation. The resident may reject two offers to transfer before the resident's name is placed at the bottom of the waiting list for an accessible housing unit with the required number of bedrooms. If the resident rejects the transfer for a reason that is not in the control of the resident, the resident's name will remain on the transfer waiting list. If the resident rejects two offers to transfer, the Housing Authority will, at the request of the resident, make reasonable modifications to those elements in the resident's current unit that are necessary to provide accessibility unless doing so would be structurally impracticable or would result in an undue financial and administrative burden.

The Housing Authority is financially responsible for reasonable moving-related expenses incurred by the person with the disability who needs to transfer to an accessible unit and the person

without a disability who needs to move out of the accessible unit. This obligation is part of the Housing Authority's duty to accommodate its residents with disabilities and provide accessible units with accessible features.

SECTION 12.0 RIGHT TO APPEAL DENIAL OF REQUEST FOR A REASONABLE ACCOMMODATION

If the request for a reasonable accommodation is denied, the requester may file a written appeal of the determination by the Legal Compliance Officer. The written appeal must be submitted to the Hearing Officer within ten (10) business days in order to receive an informal hearing. The Legal Compliance Officer shall attend all informal hearings and advise the requester and the Hearing Officer on the applicable laws, regulations, and policies that were used to render the denial of the request for a reasonable accommodation.

Applicants, residents, and participants may at any time exercise their right to appeal a Housing Authority decision through the local HUD office or the United States Department of Justice. The local HUD office's contact information is provided below:

U.S. Department of Housing and Urban Development
1301 Fannin Street, Suite 2200
Houston, Texas 77002
Phone: (713) 718-3199 • Fax: (713) 718-3225
TTY: (713) 718-3289