

## HHA's FY 2021 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 a reasonable 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 or 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](http://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.
6. Texas Fair Housing Act

Additional guidance is found in the HUD/DOJ Joint Statements on Reasonable Accommodations and Reasonable Modifications.

### **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. A physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities.
2. 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" include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

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;<sup>1</sup>
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;
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**

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<sup>1</sup> 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.

## **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.

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](http://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](mailto: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 Houston Housing Authority will not seek additional verification of a disability that is obvious or otherwise known. The Housing Authority may request reliable disability-related information that (1) is necessary to verify that the person meets the Act's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and 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, the requestor may 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.

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 may offer the requester the alternative accommodation and advise the requester of the anticipated time to provide this accommodation.

#### *Live-In Aide*

The Housing Authority will not approve an additional bedroom for a live-in aide under the circumstances that follow:

1. Occasional, intermittent, multiple or rotating care givers do not qualify as live-in aides.
2. The proposed live-in aide is currently being assisted by another HUD housing program (i.e. the proposed live-in aide would have to relinquish assistance prior to approval as live-in aide)
3. The live-in aide has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
4. The live-in aide has committed drug-related criminal activity or violent criminal activity that would otherwise disqualify a HHA program participant in accordance with HHA's Administrative Plan for HCVP or ACOP for public housing;
5. The live-in aide currently owes rent or other amounts to HHA or to another housing authority in connection with Section 8 or public housing assistance under the 1937 Act.

The assisted family must complete a live-in aide housing agreement and live-in aide criminal background check along with every regular reexamination.

The live-in aide is a member of the household but not a member of the assisted family composition. If the disabled member of the family for which the live-in aide was approved is removed from the assisted unit, the live-in aide must be removed from the household composition within 10 business days. If the

disabled family member is the sole member of the assisted family and dies, the live-in aide must leave the assisted unit no later the last day of the month of the deceased family member dies.

#### *Additional Bedroom for Storage of Medical*

The Housing Authority will verify, that when an additional bedroom is approved for the storage of medical equipment, the additional bedroom is being used for the reason for which it was approved. If the additional bedroom is not being used for the approved reason, HHA will reduce the bedroom subsidy and may seek additional remedies such as recoupment of over subsidy from assisted family and termination of the assisted family from the program.

### **SECTION 9.0 VERIFICATION OF NEED FOR A REASONABLE ACCOMMODATION**

If a program participant has an obvious or otherwise known disability, the Housing Authority will not seek additional verification. A disability will be considered obvious or otherwise known, in the following circumstances (non-exhaustive list):

1. A staff member certifies that the disabled family member has an obvious physical impairment (e.g. wheelchair bound, service animal for visual impairment, amputations, deaf, blind) and the disabled family member, under, 65 receives SSI disability benefits;
2. The disabled family member is a family member that qualifies the household for HHA's NED special program;
3. The disabled family member meets HUD's definition of chronically homeless; or
4. The disabled family member's disability has been previously verified by a knowledgeable person, in accordance with this policy, as having a permanent disability (i.e. if a permanently disabled person received a reasonable accommodation in the past, HHA will not require the family to re-apply for the same reasonable accommodation).

In cases where medical 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.

If the family member supplies the verification, the HHA may confirm the authenticity of the verification by contacting the knowledgeable professional.

#### **SECTION 10.0 GUIDELINES FOR DENYING REASONABLE ACCOMMODATION REQUESTS**

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 (15) 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