

REASONABLE ACCOMMODATION POLICY AND PROCEDURES

POLICY STATEMENT

Bristol Housing (BH) is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of BH's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a BH policy, BH will provide such accommodation unless doing so would result in a fundamental alteration in the nature of BH's programs; or an undue financial and administrative burden. In such a case, BH will make another accommodation that would not result in a financial or administrative burden.

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

BH will post a copy of this Reasonable Accommodation Policy and Procedures in BH's Administrative Offices. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the Section 504/ADA Coordinator.

LEGAL AUTHORITY

BH is subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations. *See* Section 504 of the Rehabilitation Act of 1973 (Section 504); Title II of the Americans with Disabilities Act of 1990 (ADA); the Fair Housing Act of 1968, and the respective implementing regulations for each Act.

MONITORING AND ENFORCEMENT

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

**Regina Edwards
204 Bluff City Hwy.
Bristol, TN 37620
Phone: 423-274-8150
Fax: 423-274-8155**

STAFF TRAINING

The Section 504/ADA Coordinator will ensure that all appropriate BH staff receives annual training on the Reasonable Accommodation Policy and Procedures, including all applicable federal, state and local requirements regarding reasonable accommodation.

REASONABLE ACCOMMODATION

A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing or participation in the Housing Choice Voucher Program of BH. The individual, BH staff or any person identified by the individual, must reduce all requests to writing.

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.

APPLICATION OF REASONABLE ACCOMMODATION POLICY

The Reasonable Accommodation Policy applies to individuals with disabilities in the following programs provided by the BH:

- a) Applicants of public housing;
- b) Applicants of the Housing Choice Voucher Program;
- c) Residents of public housing developments;
- d) Participants of the Housing Choice Voucher Programs and Housing Choice Voucher Homeownership Program; and
- e) Participants in all other programs or activities receiving federal financial assistance that are conducted or sponsored by BH, its agents or contractors including all non-housing facilities and common areas owned or operated by BH.

PERSON 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. As used in this definition, the phrase “physical or mental impairment” includes:

- a) 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; genitourinary; hemic and lymphatic; skin; and endocrine; or
- b) 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.

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

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 safety of others.

EXAMPLES OF REASONABLE ACCOMMODATIONS

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 who 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 PHA unit;
- d) Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;

- 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) Providing qualified sign language interpreters for applicant or 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;
- j) Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family; and
- k) As a reasonable accommodation for a family member with a disability, approving a request for exception payment standard amounts under the Housing Choice Voucher Program in accordance with 24 C.F.R. § 8.28 and 982.504 (b) (2).

PROCESSING OF REASONABLE ACCOMMODATION REQUESTS

BH will provide the “Request for Reasonable Accommodation”, (“Request Form”), attached hereto, to all applicants, residents or individuals with disabilities who request a reasonable accommodation. The Reasonable Accommodation Request Form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, the BH will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the BH will assist the individual in completing the Request Form.

- a) BH will provide all applicants with the Request Form as an attachment to the BH application. The Request for Reasonable Accommodation Form must be provided in an alternative format, upon request.
- b) 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. BH will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- c) BH will provide all residents with the Request Form during the annual re-certification, and upon request. BH will provide the Request Form in an alternative form, upon request.

- d) Residents seeking accommodation(s) may contact the Housing Management office. In addition, residents may also contact the Section 504/ ADA Coordinator's office directly to request the accommodation(s).
- e) Within ten (10) calendar days of receipt, the Housing Management office, will forward the resident's reasonable accommodation request(s) to the Office of the Section 504/ ADA Coordinator.
- f) Within twenty (20) calendar days of receipt, the Office of the Section 504/ ADA Coordinator, or the Management office will respond to the Resident's Request.
- g) If additional information or documentation is required, the Section 504/ ADA Coordinator's office will notify the resident, in writing, of the need for the additional information or documentation. The Section 504/ ADA Coordinator's office will provide the resident with the "Request for Information or Verification Form" ["Request for Information"], a copy of which is attached. The written notification should provide the resident with a reply date for submission of the outstanding information or documentation.
- h) Within thirty (30) calendar days of receipt of the request and, if necessary, all supporting documentation, BH will provide written notification to the resident of its decision to approve or deny the resident's request(s). Upon request, the written notification will be provided in an alternate format. A copy of the "Letter Denying Request for Reasonable Accommodation(s) and "Letter Approving Request for Reasonable Accommodation(s)" are attached.
- i) If BH approves the accommodation request(s), the resident will be notified of the projected date for implementation.
- j) If the accommodation is denied, the resident will be notified of the reasons for denial. In addition, the notification of the denial will also provide the resident with information regarding BH's HUD-approved Grievance Procedures.
- k) All recommendations that have been approved by the ADA/ 504 Coordinator will be forwarded to the appropriate housing department manager for implementation. All requests for reasonable accommodation that are approved by the housing department manager will promptly be implemented or begin the process of implementation.

VERIFICATION OF REASONABLE ACCOMMODATION REQUEST

BH may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, BH may request that the individual provide suggested reasonable accommodations.

BH may verify a person's disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation have a disability-based need for the requested accommodation.

However, BH may not require individuals to disclose confidential medical records in order to verify a disability. In addition, BH may not require specific details regarding the individual's disability. BH may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). BH may not require the individual to disclose the specific disability (ies); or the nature or extent of the individual's disability (ies).

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

- a) Physician;
- b) Licensed health professional;
- c) Professional representing a social service agency; or
- d) Disability agency or clinic.

Upon receipt, the resident's Property or HCV Manager will forward the recommendation, including all supporting documentation, to BH's Section 504/ ADA Coordinator within seven (7) calendar days of receipt.

DENIAL OF REASONABLE ACCOMMODATION REQUEST(S)

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

- a) A violation of State and/ or Federal law;
- b) A fundamental alteration in the nature of BH public housing program;
- c) An undue financial and administrative burden on BH;
- d) A structurally infeasible alteration; or
- e) An alteration requiring the removal or alteration of a load-bearing structural member.

TRANSFER AS A REASONABLE ACCOMMODATION

BH 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 Uniform Federal Accessibility Standard (UFAS)-compliant unit in that resident's project or an adjacent project, BH may offer to transfer the resident to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that resident rejects the proffered transfer or voucher, BH 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, BH 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) calendar days of the assignment of the dwelling unit, BH shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of BH's Tenant and Assignment Plan and any resident's rights hereunder.

REASONABLE ACCOMMODATIONS IN THE HOUSING CHOICE VOUCHER PROGRAM

The following are examples of reasonable accommodations that may be granted for applicants or participants of the Housing Choice Voucher Program. This listing is not intended to be all inclusive and other requested accommodations may be approvable if determined necessary to accommodate an individual's disability (ies).

- 1) When issuing a voucher as an accommodation, BH must include a list of current available accessible units known to BH, upon request. BH will also provide search assistance. BH may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing. *See* 24 C.F.R. § 8.28.
- 2) Extensions beyond the maximum term of one hundred eighty (180) days are available as a reasonable accommodation to eligible individuals with disabilities. These extensions are subject to documentation that a diligent effort to locate a unit has been conducted considering any impediments to searching because of a family member's disability.

- 3) BH may, if necessary, as a reasonable accommodation for an individual with a disability, approve a family's request for an exception payment standard amount under the Housing Choice Voucher Program so that the program is readily accessible to and usable by individuals with disabilities. *See* 24 C.F.R. § § 8.28 and 982.504 (b) (2).
- 4) Upon request by an applicant, participant, or their representative, BH will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent (FMR). However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to BH.
- 5) In exceptional cases, BH may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or the representative provides the appropriate supporting documentation.

RIGHT TO APPEAL/GRIEVANCE PROCESS

- 1) The public housing applicant or resident may file a complaint in accordance with BH's HUD-approved Grievance Procedure following a formal determination by BH's ADA/ 504 Coordinator.
- 2) The Housing Choice Voucher Program participant and applicant complainant may file a complaint in accordance with BH's HUD-approved Grievance Procedure following a formal determination by BH's ADA/ 504 Coordinator.
- 3) An applicant or resident may, at any time, exercise their right to appeal a BH decision through the local HUD office or the U.S. Department of Justice. Individuals may contact the local HUD office at:

**U.S. Department of Housing and Urban Development
HUD Office
John J. Duncan Federal Building
710 Locust Street, Third Floor
Knoxville, TN 37920-2526
Telephone: (865) 545-4370
Facsimile: (865) 545-4569
TDD/TTY Number: (865) 545-4559**

EXAMPLES OF REASONABLE ACCOMMODATION METHODS FOR RESIDENTS OF PUBLIC HOUSING

The following list of reasonable accommodation methods are examples of modifications that may constitute reasonable accommodations for individual BH residents. These accommodations may not necessarily be “reasonable” for all individuals. In addition, each accommodation may not be available to every resident in every unit and/or in every development.

Section 504 states that a design, construction or alteration of buildings in conformance with § § 3-8 of the Uniform Federal Accessibility Standards (UFAS), Appendix A to 24 C.F.R. § 40, shall be deemed to comply with the requirements of 24 C.F.R. § § 8.21; 8.22; 8.23 and 8.25. However, the UFAS citations noted below are provided as a reference to assist in providing a reasonable accommodation and are not intended to govern every request for a modification. In order to meet the individual’s specific disability-related need(s), BH may need to deviate from the UFAS. In addition, the reference to a UFAS section does not require all elements in that section to be made accessible. Rather, only the specific reasonable accommodation item requested is required to be accessible per the needs of the individual requesting the reasonable accommodation.

However, some modifications may not be structurally feasible in all units or all developments; in addition, some modifications may represent an undue financial and administrative burden. In such situations, the requirement to provide a reasonable accommodation is not alleviated, but must be provided by some other means such as transferring a family with a disabled member to a unit/development where the reasonable accommodation can be provided; or, offering a Housing Choice Voucher if such a unit would address the reasonable accommodation(s) requested. Nevertheless, BH will work with each qualified resident with a disability who requests a reasonable accommodation in order to identify a reasonable, effective and appropriate accommodation.

Common Areas –

- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hanging door to lay flat against a wall when opened
- Re-hanging door to swing outward instead of into the accessible space
- Provide accessible or adjustable closet rods and shelves
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms

- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical outlets for TDD/TTY equipment
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual alarms for individuals who are deaf or hard of hearing
- Provide accessible cabinets and countertops in public kitchens
- Provide accessible appliances [i.e., refrigerator, oven, stove] in public kitchens

Elevators -

- Elevators shall be located on an accessible route
- Residential or fully enclosed wheelchair lifts may be used, when appropriate, and when approved by local administrative authorities. *See UFAS § § 4.10.1; 4.11*

Building Entrances and Accessible Routes -

- Accessible signage
- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closures
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms
- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide extra electrical outlets for TDD/TTY equipment
- Provide visual alarms for individuals who are deaf or hard of hearing
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide an accessible route into a building

Trash Disposal Facilities -

- Provide accessible route into and through trash disposal facilities; or, provide an equally-effective accommodation such as personal trash disposal by housing staff

Laundry Facilities –

- Provide accessible route into and through common-use laundry facilities. Provide at least one (1) front loading washer and one (1) front loading dryer in public-use laundry facilities; or, provide an equally effective accommodation such as the provision of a front-loading washer and dryer in resident's unit; or, provision of laundry services at BH's expense.

Mail Delivery/Mail Boxes –

- Provide accessible route into and through mail boxes/mail facilities. Provide mailbox at lower height, upon request; or, provide equally effective accommodation such as home delivery.

Apartment Entrance and Interior Doors –

- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closure speed
- Adjust door opening force required for pushing/pulling the door
- Provide lower peep holes or “telescoped” peep holes
- Provide a visual door knocker for individuals with hearing impairments
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide ramp from accessible route to accessible entrance into unit

Apartment Interior –

- Provide extra electrical outlets for TDD/TTY equipment

- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual and audible alarms for individuals who are deaf or hard of hearing; and, provide visual alarms in each room of unit
- Provide windows which requires five pounds or less of opening force; provide crank type opening mechanism with large levers, when feasible
- Provide accessible storage spaces, including lowering clothes rods and/or adjustable closet shelves. Accessible storage spaces shall comply with UFAS § 4.25; Fig. 38

Apartment Kitchens –

- Lower kitchen sink
- Provide lever type hardware on kitchen faucet
- Provide accessible kitchen cabinets; provide accessible hardware on kitchen cabinets
- Provide accessible kitchen counters and work space

If the following items are provided to non-disabled residents in a development:

- Provide accessible refrigerators. *See UFAS § 4.34.6.8*
- Provide accessible ovens. *See UFAS § 4.34.6.7*
- Provide accessible dishwashers. *See UFAS § 4.34.6.9*

Apartment Bathrooms –

- Provide wider door
- Provide lever type hardware on lavatory faucet
- Lower wash basin
- Lower mirror
- Provide accessible toilet
- Relocate toilet paper dispenser
- Provide grab bars at toilet
- Provide grab bars at bathtub and/or shower
- Provide seat in bathtub or shower
- Provide hand-held shower device
- Relocate bathtub and/or shower controls
- Provide roll-in shower/bathtub seat