

## **Housing Authority of Jackson County (HAJC)**

### **REASONABLE ACCOMMODATION POLICY**

#### POLICY STATEMENT

HAJC 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 HAJC's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a HAJC policy, HAJC will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, the HAJC 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.

HAJC will post a copy of this Reasonable Accommodation Policy and Procedures in its main office located at 2251 Table Rock Road, Medford, OR and the management offices in each development owned/managed by HAJC. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the HAJC's Section 504/ADA Coordinators.

#### LEGAL AUTHORITY

The HAJC 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, as amended (Fair Housing Act); the Architectural Barriers Act of 1984, and the respective implementing regulations for each Act.

#### MONITORING AND ENFORCEMENT

Due to the number of families served by HAJC, the Section 504 coordination is split into two positions, one coordinator will handle all reasonable accommodations that relate to physical changes to buildings, units, common areas, etc. The other coordinator will handle all reasonable accommodations that relate to changes in policies or procedures. The HAJC's Section 504/ADA Coordinators are responsible for monitoring HAJC's compliance with this Policy. Individuals who have questions regarding this Policy, its interpretation or implementation should contact HAJC's Section 504/ADA Coordinators in writing, by telephone, or by appointment, as follows:

<u>Building Related Requests</u>	<u>Policy Related Requests</u>
Christian Edelblute	Cara Carter
2251 Table Rock Road, Medford, OR 97501	
PH/TTY: (541) 779-5785 or toll free: (888) 276-7890	

## STAFF TRAINING

The Section 504/ADA Coordinators will ensure that all appropriate HAJC staff receive 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 or participation in programs administered by HAJC. The individual, HAJC 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 all individuals with disabilities in all programs managed, owned or administered by the Housing Authority of Jackson County whether that individual is an applicant, participant or resident of such programs.

## 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; genito-urinary; hemic and lymphic; 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 the 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 HAJC 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 with HAJC 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;
- (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

The HAJC will provide the "Notification of Reasonable Accommodation", attached hereto, to all applicants, residents or individuals who request a reasonable accommodation. This 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 HAJC will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the HAJC will assist the individual in completing the Request Form.

(a) The HAJC will provide all applicants with the Notification Form as an attachment to the HAJC application. The Notification 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. HAJC will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.

(c) HAJC will provide all residents with the Notification Form during the annual re-certification and upon request. The HAJC will provide the Notification Form in an alternate form upon request.

(d) Residents seeking accommodation(s) may contact the HAJC office, including management offices in properties owned/managed by HAJC, within their housing development. Residents may also contact the Section 504/ADA Coordinators directly to request the accommodation(s).

(e) Within seven (7) business days of receipt, HAJC will forward the resident's reasonable accommodation request(s) to the appropriate Section 504/ADA Coordinator.

(f) Within ten (10) business days of receipt, HAJC will respond to the Resident's Request.

(g) If additional information or documentation is required, HAJC notify the resident, in writing, of the need for the additional information or documentation. HAJC will provide the resident with the "Reasonable Accommodation/Modification Verification Form", 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) business days of receipt of the request and, if necessary, all supporting documentation, HAJC 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 HAJC 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 HAJC's Grievance Procedures if applicable to the program in which they are an applicant/resident/participant.

Reasonable accommodation requests that are approved by HAJC staff do not need to be reviewed by the Section 504 Coordinators before implementation, but copies must be provided to them and kept in a secure location. All requests for reasonable accommodation that are approved will promptly be implemented or begin the process of implementation.

#### VERIFICATION OF REASONABLE ACCOMMODATION REQUEST

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

The HAJC 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, the HAJC may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the HAJC may not require specific details regarding the individual's disability. The HAJC may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The HAJC 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.

#### 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 the program;
- (c) An undue financial and administrative burden on HAJC;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

HAJC staff who wish to deny a reasonable accommodation request must have approval from the appropriate Section 504 coordinator prior to notifying the requestor of the denial. HAJC staff shall provide all supporting documentation along with their written recommendation to the Section 504 coordinator. The 504 coordinator will then notify the staff within five (5) days if the denial is appropriate or if there is another course of action to take.

#### TRANSFER AS REASONABLE ACCOMMODATION

HAJC shall not require a resident with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a 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 a nearby project, HAJC may offer to transfer the resident to the vacant unit in his/her project or nearby project in lieu of providing structural modifications. However, if that resident rejects the proffered transfer, HAJC 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.

#### HOUSING CHOICE VOUCHER AS REASONABLE ACCOMMODATION

- (1) When issuing a voucher as an accommodation, HAJC must include a list of current available accessible units known to HAJC, upon request. HAJC will also provide search assistance. HAJC 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 twenty (120) 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) HAJC 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, HAJC 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 HAJC.

(5) In exceptional cases, HAJC 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.

### SERVICE OR ASSISTANCE ANIMALS

Residents of HAJC with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. HAJC residents or potential residents who need an assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy. Assistance animals are not subject to the requirements of HAJC's Pet Policy.

### RIGHT TO APPEAL/GRIEVANCE PROCESS

(1) Applicants, residents and/or participants in HAJC's Housing Choice Voucher, Project Based Voucher, Mod Rehab or other HUD or Rural Development funded programs may file a complaint in accordance with HAJC's Grievance Procedure following a formal determination by the HAJC's ADA/504 Coordinator.

(2) An applicant or resident may, at any time, exercise their right to appeal a HAJC 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  
Portland Office  
400 SW Sixth Avenue, Suite 700  
Portland, OR 97204  
Ph: (971) 222-2600  
Fax:(971) 222-0357  
TTY:(971) 222-2625