

Reasonable Accommodation Policy and Procedures

POLICY STATEMENT

BHA 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 BHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a BHA policy, BHA 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 BHA 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 no housing) or activity. BHA will post a copy of this Reasonable Accommodation Policy and Procedures in the Administrative Offices located at 161 Davis Road, Bangor, Maine 04401 in the community rooms' of each public housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the BHA's Section 504 Coordinator.

LEGAL AUTHORITY

The BHA 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 1968, and the respective implementing regulations for each Act.

MONITORING AND ENFORCEMENT

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

Becky Foley

161 Davis Road Bangor, ME 04401

Tel: 207-942-6365 Fax: 207-942-6043

Email: bfoley@bangorhousing.org

STAFF TRAINING

The Section 504 Coordinator will ensure that all appropriate BHA 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 and Moderate Rehabilitation Programs of BHA and all other properties managed by Bangor Housing. Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, the BHA will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the BHA will assist the individual in completing the Request Form. 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 BHA:

- (a) All housing Applicants;
- (b) Residents of public housing developments;
- (c) Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs; and
- (d) Participants in all other programs or activities conducted or sponsored by the BHA as required by Federal law, its agents or contractors including all non/housing facilities and common areas owned or operated by the BHA.

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. Physical or mental disability, defined. "Physical or mental disability" means:

1. A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
2. Significantly impairs physical or mental health;
3. Requires special education, vocational rehabilitation or related services;
4. Without regard to severity unless otherwise indicated: absent, artificial limbs, hands, feet or vital organs, alcoholism, amyotrophic lateral sclerosis; bipolar disorder; blindness or abnormal vision loss; cancer, cerebral palsy; chronic obstructive pulmonary disease; Crohn's disease; cystic fibrosis; deafness or abnormal hearing loss; diabetes; substantial disfigurement; epilepsy; heart disease; HIV or AIDS; kidney or renal diseases; lupus; major depressive disorder; mastectomy; mental retardation; multiple sclerosis; muscular dystrophy; paralysis; Parkinson's disease; pervasive development disorders; rheumatoid arthritis; schizophrenia; and acquired brain injury;

- B. With respect to an individual, having a record of any of the conditions in paragraph A; or
- C. With respect to an individual, being regarded as having or likely to develop any of the conditions in paragraph A.

"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 BHA 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 BHA 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.

PROCESSING OF REASONABLE ACCOMMODATION REQUESTS

The BHA will provide the "Reasonable Accommodation Request", ("Request Form"), attached hereto, to all applicants, residents or individuals with disabilities who request a reasonable accommodation.

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

- (a) The BHA will provide all applicants with notice of the Right to Request a Reasonable Accommodation as an attachment to the BHA application. This 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. BHA will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.

- (c) BHA will provide all residents with the Notice of Right to Reasonable Accommodation during the annual recertification, inspection, appointment, eviction notice or termination notice and upon request. The BHA will provide the Notice of Right to Reasonable Accommodation in an alternate form, upon request.
- (d) Residents seeking accommodation(s) should contact their property manager or program manager or the Section 504 Coordinator's office directly to request the accommodation(s).
- (e) Within seven (7) business days of receipt, the BHA employee will forward the resident's reasonable accommodation request(s) to the Office of the Section 504 Coordinator.
- (f) If additional information or documentation is required, the Section 504 Coordinator's office will send to the third party verifier listed on the request form.
- (g) Within thirty (30) business days of receipt of the request and, if necessary, all supporting documentation, BHA 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. Copy of the "Letter Denying Request for Reasonable Accommodation(s) and "Letter Approving Request for Reasonable Accommodation(s)" are attached.
- (h) If BHA approves the accommodation request(s), the resident will be notified of the projected date for implementation.
- (i) 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 BHA's Grievance Procedures.
- (j) All recommendations that have been approved by the 504 Coordinator will be forwarded to the appropriate BHA employee for implementation.

VERIFICATION OF REASONABLE ACCOMMODATION REQUEST

BHA may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, BHA may request that the individual provide suggested reasonable accommodations. The BHA 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 BHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the BHA may not require specific details regarding the individual's disability. The BHA may only request documentation to confirm the disability related need(s) for the requested reasonable accommodation(s). The BHA 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 BHA public housing program;
- (c) An undue financial and administrative burden on BHA;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

TRANSFER AS REASONABLE ACCOMMODATION

BHA 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, BHA 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 offered transfer; BHA 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, BHA 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, BHA shall pay the reasonable moving expenses, including utilities fees and deposits.

HOUSING CHOICE VOUCHER AS REASONABLE ACCOMMODATION

- (1) When issuing a voucher as an accommodation, BHA must include a list of current available accessible units known to BHA, upon request. BHA will also provide search assistance. BHA may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing.
- (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) BHA 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.
- (4) Upon request by an applicant, participant, or their representative, BHA can grant 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 BHA.
- (5) In exceptional cases, BHA 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 BHA with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. BHA 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 subject to the requirements of BHA's Service Animal Policy.

RIGHT TO APPEAL/GRIEVANCE PROCESS

- (1) The public housing applicant or resident may file a complaint in accordance with BHA Grievance Procedure following a determination by the BHA's 504 Coordinator.
- (2) The Housing Choice Voucher participant and applicant complainant may file a complaint in accordance with BHA Grievance Procedure following a determination by the BHA's 504 Coordinator.
- (3) An applicant or resident may, at any time, exercise their right to file a discrimination