



Abt Associates, Inc.

Fair Housing Policies in Public Housing

Sample Policies and Procedures

June 14, 2004



PHA ADMISSIONS & CONTINUED OCCUPANCY POLICY

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PUBLIC HOUSING AUTHORITY

Admissions and Continued Occupancy Policy for HUD-Aided Public Housing

Explanatory Note 1: This Admissions and Continued Occupancy Policy (ACOP) is the policy of the Board of Commissioners governing Public Housing occupancy in property PHA owns). The ACOP sets forth the Board's mandatory requirements for staff and management agents performing occupancy-related work. The ACOP cannot be altered or amended by staff. It can only be revised by Board resolution.

The ACOP is designed to be used with a series of procedures that are referenced throughout the text in ***bold-face type, italicized and underlined***. The procedures are implementing requirements that describe how this policy is to be carried out. Operational details, forms, checklists, methods and systems are contained in procedures, rather than in this policy. All procedures will be dated and numbered.

Explanatory Note 2: The citations to applicable HUD regulations (effective 4/02) follow the text they reference. Footnotes are denoted with superscript Arabic numbers and are presented at the end of each page.

I. Nondiscrimination

A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in operating its programs. It is the policy of the Housing Authority (PHA) to comply with all Civil Rights laws now in effect and subsequently enacted, including but not limited to:
 - a. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; **24 CFR § 1 and 100**
 - b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; **24 CFR § 100**
 - c. Executive Order 11063; **24 CFR § 107**
 - d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; **24 CFR § 8**
 - e. Age Discrimination Act of 1975, which establishes certain rights of the elderly; **24 CFR § 146**
 - f. Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.); and
 - g. Any applicable State laws or local ordinances.
2. The PHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract (ACC) with HUD. **24 CFR § 100**
3. PHA shall not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a



particular group will be treated as an individual based on his or her attributes and behavior. **24 CFR § 960.203(a)**

4. PHA shall not permit these policies to be subverted to do personal or political favors. **24 CFR § 206(e)**
5. PHA will offer units only in the order prescribed by this policy, since any other method violates the policy, federal law, and the civil rights of the other families on the wait list. **24 CFR § 206(e)**

B. Reasonable Accommodations Policy

1. PHA, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants and residents if they or any family members have a disability. **24 CFR § 8.4**
2. A reasonable accommodation is some modification or change PHA can make to its units, buildings, or procedures that will assist an otherwise eligible applicant or resident with a disability to take full advantage of and use PHA's programs, including those that are operated by other agencies in PHA-owned public space. **24 CFR § 8.20**
3. An accommodation is not reasonable if it: **24 CFR § 8.21(b) and 24 CFR § 8.24(a)(2)**
 - a. Causes an undue financial and administrative burden; or
 - b. Represents a fundamental alteration in the nature of PHA's program.
4. Examples of reasonable accommodations include, but are not limited to: **24 CFR § 8.4**
 - a. Making alterations to a PHA unit to make it fully accessible so it could be used by a family member with a wheelchair;
 - b. Transferring a resident from a unit that cannot be made accessible to a unit that is accessible;
 - c. Widening the door of a community room or public restroom so a person in a wheelchair may use the facility;
 - d. Adding or altering unit or building features so they may be used by a family member with a disability, including but not limited to:
 - 1) Installing strobe-type flashing light smoke detectors in a unit for a family with a hearing impaired member;
 - 2) Adding structural grab bars in the bathroom;
 - 3) Changing the doorknobs to lever-type door handles;
 - 4) Modifying for an accessible kitchen;
 - 5) Providing accessible kitchen appliances;
 - 6) Installing a magnifier over the thermostat;
 - 7) Modifying for an accessible bathroom; and
 - 8) Lowering the peephole on the door;
 - e. Permitting a family to have an animal to assist a family member with a disability in a PHA family development where no pets are allowed or the size of the animal is usually limited; **24 CFR § 8.20**
 - f. Providing a van to take PHA resident children to and from their development, where the childcare facility is not accessible, to an accessible childcare facility; **24 CFR § 8.21**



- g. Making sure that PHA processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to: **24 CFR § 8.6**
 - 1) Making large type documents, Braille documents, cassettes or a reader available to an applicant or resident with a vision impairment during interviews or meetings with PHA staff;
 - 2) Making a sign language interpreter available to an applicant or resident with a hearing impairment during interviews or meetings with PHA staff;
 - 3) Permitting an applicant or resident to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with PHA if the individual desires such representation;
 - 4) Permitting an outside agency or individual to assist an applicant or resident with a disability to meet the PHA's applicant screening criteria.
5. An applicant or resident family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able **24 CFR § 8.3**
 - a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
 - b. to care for and avoid damaging the unit and common areas;
 - c. to use facilities and equipment in a reasonable way;
 - d. to create no health, or safety hazards, and to report maintenance needs;
 - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
 - g. to comply with necessary and reasonable rules and program requirements of HUD and the PHA.

But there is no requirement that they be able to do these things without assistance.

6. If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, PHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance. **24 CFR § 8.20**
7. If an applicant or resident receives a referral to an agency or individual who can assist the applicant or resident with complying with the essential obligations of tenancy, the applicant or resident is not obligated to accept the service, but if refusing service results in a lease violation, PHA may terminate the lease. **24 CFR § 8.2**
8. At any time an applicant or resident family has a disability and needs or wants a reasonable accommodation, it may be requested. **24 CFR § 8.20**
9. If an applicant or resident would prefer not to discuss the situation with the PHA, that is his/her right.

C. Making Programs and Facilities Accessible to People with Disabilities

1. Subject to the undue burdens and fundamental alterations tests, PHA will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with



Section 504 and the Fair Housing Amendments Act of 1988, PHA shall comply with all requirements and prohibitions in applicable law.

Specific actions are described in the **PHA Procedure on Civil Rights and Disability Rights**. **24 CFR § 8.4**

2. Facilities and programs used by applicants and residents shall be accessible to persons in wheelchairs, persons with sensory impairments and other persons with disabilities. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the PHA has such facilities) will be usable by residents with a full range of disabilities. If PHA offers such facilities, and none is accessible, some¹ will be made so, subject to the undue financial and administrative burden test. **24 CFR § 8.21**
3. Documents and procedures used by applicants and residents will be accessible for those with vision, hearing or other sensory impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Methods used to ensure that communication is understandable by persons with disabilities are described in the **PHA Procedure on Civil Rights and Disability Rights**. **24 CFR § 8.6**

D. Providing Information in Languages other than English

1. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants and residents shall be available in any language spoken by at least fifteen percent of the eligible population of the locality. This includes the following documents related to registration, intake, marketing, outreach, certification, re-examination and inspections:
 - a. Forms;
 - b. Leases;
 - c. Posters;
 - d. Letters; and
 - e. Notices
2. Whenever possible and whenever dictated by marketing and outreach efforts, the above listed materials and messages will be made available in other languages.
3. Information about HUD's requirements related to housing assistance for eligible immigrants, methods of verifying eligible status and other related matters shall be made available in the language spoken by applicants or residents.
4. At all PHA offices a notice will be available that states in multiple languages (and alphabets), "Please make a new appointment and bring someone with you who can interpret for you."

Applicants and residents with low English comprehension may furnish an interpreter to assist in communication with PHA.

¹ It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.



PHA Procedure on Civil Rights and Disability Rights

A. Nondiscrimination: The Fair Housing and Civil Rights Acts require that

1. PHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability:
 - a. Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
 - b. Provide anyone housing that is different (of lower quality) from that provided others ²;
 - c. Subject anyone to segregation or disparate treatment;
 - d. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
 - e. Treat anyone differently in determining eligibility or other requirements for admission;
 - f. Deny anyone access to the same level of services ³; or
 - g. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
2. PHA makes all written materials to be used by or sent to applicants or residents available in both English and Spanish language versions.
 - a. In some cases, materials will be printed with an English version on one side of the paper and the Spanish version on the reverse.
 - b. Complex documents, such as the Lease and Grievance Procedure are available in both English and Spanish versions.
3. Persons who are fluent in Spanish are available for interviews, meetings and other forms of face-to-face communication with families whose first language is Spanish.
4. A simple sheet with the following instruction in multiple languages/alphabets is attached to all materials provided to applicants and residents. "Please bring a person with you to the next interview/ meeting who can translate for you." This will assist persons whose first language is neither English nor Spanish.

B. Modification of Physical Facilities for Persons with Disabilities

1. Occupancy staff must be familiar with PHA's obligations to modify its physical facilities so they can explain these obligations to applicants.
2. In making physical modifications to PHA property, (sites, parking lots, common spaces, routes through buildings and individual apartments), the following requirements apply, considering reasonable accommodations in procedures or practices:
 - a. PHA **must**, upon request by an applicant or resident with a disability,
 - 1) make structural modifications to its housing and non-housing facilities and

² PHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program.

³ This requirement applies to services provided by PHA and services provided by others with PHA's permission on public housing property. Thus, a health screening program offered by the local health department in a public housing community room would have to be fully accessible to persons with disabilities.



- 2) make reasonable accommodations in its procedures or practices **24 CFR § 100.204** **unless** such structural modifications or reasonable accommodations
 - 1) would result in an undue financial ⁴ and administrative burden on the Authority, or
 - 2) would result in a fundamental alteration in the nature of the program
 - b. In making structural modifications to "Existing housing programs" **24 CFR § 100.204** or in carrying out "Other Alterations" **24 CFR § 8.23(b)** for otherwise qualified persons with disabilities, PHA **may**, but is not required to:
 - 1) Make each of its existing facilities accessible **24 CFR § 8.24 (b)**; or
 - 2) make structural alterations when other methods can be demonstrated to achieve the same effect **24 CFR § 8.24 (b)** ;
 - 3) Make structural alterations that require removal or altering a load-bearing structural member **24 CFR § 8.24 (b)**;
 - 4) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level **24 CFR § 8.26**;
 - c. When the PHA is making "Substantial Alterations" ⁵ to an existing housing facility, PHA **may**, but is not required to:
 - 1) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level **24 CFR § 8.26**;
 - 2) Make structural alterations that require the removal or altering of a load-bearing structural member **24 CFR § 8.32 (c)**; or
 - 3) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable ⁶ also **24 CFR § 8.32 (c) and § 40, Uniform Federal Accessibility Standards, 3.5 and 4.1.6(3)**
 - d. The undue burdens test is not applicable to new housing or housing undergoing substantial alteration.
3. PHA bears the cost of modifying units for residents with disabilities.
 4. Residents with disabilities are not required to accept PHA's modification of their units nor to accept PHA transfer offers.
 5. If the residents do not accept PHA's attempts at reasonable accommodation the residents cannot hold PHA liable for failure to make reasonable accommodations.

C. Communications with Persons with Disabilities

1. PHA and its property managers communicate with all persons with disabilities in a manner that is understandable to them.
 - a. Simply mailing out written material is insufficient.

⁴. Considering all the PHA's sources of revenue, including both operating and capital funds

⁵ defined in **24 CFR § 8.23** as Comprehensive Modernization or work in developments with 15+ units, work whose value exceeds 75% of the replacement cost of the facility

⁶ Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved.



- b. People who have sensory or cognitive impairments are entitled to the form of communication that they request and that will be intelligible to them.
 - c. In some cases this will require different forms of communication (large print, Braille, taped materials, sign language interpretation); and
 - d. In other cases, it will require communicating with someone other than or in addition to the applicant or resident (a family member, friend, advocate, case worker, etc.), as requested by the applicant or resident.
 - e. When PHA or a management agent has first contact with all applicants, they ask whether the applicant needs some form of communication other than plain language paperwork.
 - f. Alternative forms of communication might include:
 - 1) sign language interpretation;
 - 2) having materials explained orally by staff, either in person or by phone;
 - 3) large type materials; information on tape;
 - 4) having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials;
 - 5) permitting applicants to file applications by mail; and
 - 6) permitting alternative sites for application taking. **24 CFR § 8.6**
 - g. If an applicant requests alternate forms of communication, the applicant's file is noted and all future communications (notices, letters, etc.) are provided in the appropriate format. The note explaining the alternate method of communication must stay on top of the left side of the folder at all times.
 - h. PHA or management agent staff present examples to help persons with cognitive impairments understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance.
 - i. PHA staff and management agents explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand. **24 CFR § 8.6**
 - j. Intake and management staff read and explain anything that they would normally hand to an applicant to applicants and residents who cannot read (or read English or Spanish).
 - k. PHA provides written material in English and Spanish.
 - l. Applicants and residents who read or understand little English or Spanish may furnish an interpreter who can explain what is going on.
2. PHA prepares the following information for applicants and residents in plain-language accessible formats:
- a. Marketing, promotional and informational materials
 - b. Information about the application process
 - c. General statement about reasonable accommodation
 - d. How rents and utility allowances are determined
 - e. The application form and required certifications
 - f. Information about opening, updating or closing the waiting list



- g. All form letters and notices to applicants and residents
- h. Information about hearings for rejected applicants
- i. Orientation materials for new residents
 - 1) The lease and house rules, if any
 - 2) Guidance or instructions about care of the housing unit
 - 3) All information related to applicant's rights (to informal hearings, Grievance Procedure etc.)
- j. Some applicants and residents with disabilities will be unable, because of their disabilities, to come to PHA facilities for meetings, interviews, etc. In this case, PHA staff or property management staff go to the location where they are to conduct meetings, interviews, etc.
- k. PHA or the property manager bears the cost for providing alternate methods of communication, plain language paperwork and going to the homes or other locations for residents with disabilities.

D. Updating Resident Information on Needs of Persons with Disabilities

- 1. Each year, as part of the annual reexamination, property managers ask every resident whether they need any special features in their units or other PHA-owned facilities, or any changes in procedures because they or someone in their family has a disability.
- 2. People who formerly had no disability-related needs may become disabled after becoming PHA residents.

E. Cross Reference: Procedure on Reasonable Accommodation for Persons with Disabilities

- 1. PHA and its property managers have an ongoing responsibility to make modifications to PHA's physical facilities and reasonable accommodations in procedures and practices to ensure that its programs are fully usable by persons with disabilities. See the **Procedure on Reasonable Accommodations** for further information about this process.
- 2. If applicants or residents do not inform PHA of their disability needs or if they are unwilling to disclose the fact that they have a disability, PHA is not able to make reasonable accommodations.



PHA REASONABLE ACCOMMODATIONS PROCEDURE FOR RESIDENTS

MANAGER'S GUIDE

1.00 Background

PHA and any Private Management Company under contract to PHA (Collectively PHA) **must** comply with Federal, state and local laws that prohibit discrimination on the basis of disability, including but not limited to the Federal Civil Rights Act (Title VI), the Federal Fair Housing Act (Title VIII), Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act (ADA).

It is necessary to provide an applicant or resident with a disability an equal opportunity to apply for and live in housing. An applicant or resident with a disability may ask for specific changes in rules, policies, procedures, and methods of communication or may ask for physical modifications to a unit or common area to enable him/her access to a building, unit or program. Such changes are referred to as "Reasonable Accommodations."

1.01 How "Disability" is Defined

HUD defines disability for the purpose of being eligible for consideration for a reasonable accommodation or structural modification as any physical, mental or emotional impairment that substantially limits one or more major life activities. For the complete definition, see the definition section at the end of this manual.

1.02 PHA's Obligations

PHA and property management firms must evaluate requests for reasonable accommodations to determine if and how requests can be accommodated. PHA and its agents can deny the request if the request constitutes a fundamental alteration in the nature of the program or constitutes an undue financial and administrative burden. The determination not to grant a reasonable accommodation shall not be made without the concurrence of PHA's 504/ADA Coordinator.

1.03 The 504/ADA Coordinator

The 504/ADA Coordinator is the person the PHA designates as responsible for ensuring that the PHA complies with Federal, state and local laws that protect the rights of people with disabilities. The 504/ADA Coordinator is responsible to ensure the PHA meets its obligations set forth in these laws.

1.04 Notification to Applicants and Residents

The PHA and property management staff will provide all applicants/residents written and verbal notice of any obligation to provide qualified individuals with disabilities a reasonable accommodation. This shall occur at the initial application process, and at every re-certification. Written notification will also be contained in the resident handbook.

1.05 How Reasonable Accommodations are Administered

The procedures below outline how applicants and residents make requests for reasonable accommodations and how property managers must respond. Please direct any questions you may have regarding the procedures to the 504/ADA Coordinator.



RESIDENT REASONABLE ACCOMMODATION REQUEST PROCESS

STEP 1: Property Managers Ensure Reasonable Accommodation Packets are Provided to Residents at each Annual Reexamination

- a. Each property management office must have copies of the Request for Reasonable Accommodation/Modification Packet available for applicants and residents.
- b. For residents, Packets include:
 - 1) Request for a Reasonable Accommodation Guide
 - 2) Reasonable Accommodation/Structural Modification Request Form.
- c. For Property Management, Packets include:
- d. The Certification of Need Form
 - 1) Determination Notice
 - 2) Reasonable Accommodation Agreement Form located in the Appendix.

STEP 2: Property Managers to Respond to Applicant/Resident Requests

- a. If a resident asks for a change in rules, policies, procedures, or physical structures or type of unit because of a disability, give the resident a Reasonable Accommodation/Modification Packet.
- b. Request the resident fill out the Reasonable Accommodation/Structural Modification Request Form and return it to the management office. Once the resident returns the Reasonable Accommodation/Structural Modification Request Form, give the resident a copy.
- c. If a resident asks for a different method of communication or assistance reading or completing the forms, he/she can ask for assistance. A member of the management staff must provide the requested assistance (i.e. providing a copy of the forms in large print, forms in Braille, or a sign language interpreter). If the person requesting the accommodation is a minor, the parent or guardian must fill out the form.

Steps 3 through 9 are for Resident Requests Only

STEP 3: Property Managers Complete and Mail the Certification of Need Form

- a. Complete the top portion of the Certification of Need form and mail it with the completed Reasonable Accommodation/Structural Modification Request Form to the medical provider listed on the Reasonable Accommodation/Structural Modification Request Form.

Note that the Certification of Need form specifies that the medical provider should not disclose the resident's disability or provide his/her medical records.

STEP 4: Property Managers Distribute/File Copies of the Forms

- a. Place a copy of all documents in the resident folder.



- b. Forward a copy of all documents to the 504/ADA Coordinator.

STEP 5: Property Managers Obtain Certification of Need Form from Medical Provider

- a. Make a note to follow-up with the resident within 30 days from the date the Certification of Need form was mailed to the medical provider.
- b. If you have not received the Certification of Need form within 30 days, contact the resident to request that he/she follow up with their medical provider.
- c. Once the medical provider returns the Certification of Need form, the Property Manager will make 3 copies for: the resident file, the 504/ADA Coordinator, and the Asset Manager.

STEP 6: Property Manager to Review Certification of Need form & complete the Determination Notice

- a. The Property Manager reviews the Certification of Need form and completes the Determination Notice within 5 business days of receipt.
- b. In completing the Determination Notice, the Property Manager must approve or deny the request.
- c. If the Property Manager needs clarification about the requested accommodation, he/she contacts the resident.
- d. If the Property Manager needs assistance in making the determination, or thinks the request may be a fundamental alteration in the nature of the program, or may constitute an undue financial and administrative burden, he/she should contact the Asset Manager and/or the ADA/504 Coordinator prior to sending the Determination Notice. The 504/ADA Coordinator, together with guidance from the Asset Manager shall make the final determination in these cases.
- e. The Property Manager must send a copy of the Determination Notice to the 504/ADA Coordinator and Asset Manager. In addition, the property manager may have to give written or verbal notification depending on the situation.

STEP 7: Property Manager to arrange a meeting with the resident making the request

- a. Once a determination has been made, the Property Manager must meet with the resident within 5 business days to discuss the determination.
- b. For approvals, the meeting agenda should include:
 - 1) How the reasonable accommodation will be provided.
 - 2) When the reasonable accommodation will be made.
 - 3) A discussion of administrative solutions if the resident qualifies for a reasonable accommodation/ modification, but the specific requested change is not possible. For example, a resident requests a widening of a doorframe. Widening the doorframe would require moving a load-bearing wall. Therefore, at a meeting, the PHA would recommend a transfer to a unit with wider doorframes.



- 4) Signing of the Reasonable Accommodation Agreement. When filling out the form, specify the accommodations/modifications that will be made, the proposed timeline, and any administrative solutions.
- c. For denials, the meeting agenda should include:
 - 1) How the determination was made.
 - 2) A discussion of administrative solutions.
 - 3) The process for grieving the determination or filing a complaint.
 - d. Inform the 504/ADA Coordinator of this meeting. Either the resident or the Property Manager may request the 504/ADA Coordinator to be present at such a meeting. The resident may also bring anyone he/she wishes to the meeting.
 - e. If the resident is unable to come to the office to meet because of his/her disability, the meeting must be held in a manner or place that is accessible to the individual with the disability or the resident may appoint a designee. This can include a meeting by telephone/TTY, or in the resident unit.

STEP 8: Property Manager completes the accommodation/modification

- a. It is important that reasonable accommodations/modifications be made as expeditiously as possible to meet the needs of residents with disabilities.
- b. The PHA must make any approved reasonable change in a rule, policy, procedure or method of communication within 7 days of the reasonable accommodation/modification agreement being signed unless otherwise agreed by the PHA and resident .
- c. If the change involves a minor physical modification (installing grab bars, handrails, lowering cabinets, etc.) and costs less than \$1000.00, the work must be completed within 30 days of the reasonable accommodation/modification agreement being signed.
- d. If the change involves making a major structural change to a unit or common area (widening doorways, putting in a roll-in shower, putting in a ramp, etc.), costing over \$1000.00, the work must be completed within 60 days, or in accordance with a construction schedule, unless something unforeseen occurs.

For all work completed:

- a. Copies of all work order/purchase orders must be sent to the 504/ADA Coordinator and the Asset Manager.
- b. All physical modifications must meet the requirements of the Uniform Federal Accessibility Standards (UFAS) unless:
 - 1) In order to meet the needs of the resident it is necessary to depart from UFAS; i.e. Resident requests the counters to be lowered to a height higher or lower than the standard.
 - 2) It is structurally impossible to meet UFAS, but a physical change will meet the needs of the resident. i.e. the dimensions of the room did not allow for a platform chairlift. However, a smaller chairlift may meet the needs of the requestor.



- c. For additional information on how to make modifications or the applicable standards, please contact the Asset Manager and the 504/ADA Coordinator.
- d. If a unit or common area needs to be modified, the unit or common areas should be modified to provide the maximum number of accessible features possible.

STEP 9: Property Manager documents the completed reasonable accommodation/modification

It is very important to document all completed accommodations/modifications.

- a. Property Managers forwards information regarding modifications made to the 504/ADA Coordinator and the Asset Manager within 10 days. Property managers send a letter detailing the resident's name, address - including the unit number, type of modification(s) made and cost incurred.
- b. The Property Manager updates the PHA database regarding all modified units, specifying the change(s) made.
- c. The 504/ADA Coordinator prepares a quarterly report of all accommodation/modification requests (denials and/or approvals), status of projects and completions for internal use.



APPENDIX DEFINITIONS

Definition of “Disability”

The definition of disability for the purpose of determining if someone may obtain a reasonable accommodation or physical modification is contained in the Fair Housing Act, 504 and the ADA.

- Under all three laws, an individual is “**disabled**” if he/she has a physical, mental or emotional impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment
- 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, Human Immunodeficiency Virus infection, AIDS, mental illness, mental retardation, and emotional illness
- Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, and performing manual tasks, learning, caring for one self and working.
- **This is not the definition used to determine if someone is eligible for public housing based on his/her disability.**

Definition of “Fundamental alteration in the nature of the program”

- Determining whether a request poses a fundamental change in the housing program is not a cost-based test. The PHA’s goal is to provide safe and sanitary housing for low and moderate-income tenants.

For example, assume the PHA had a resident who was violating his/her lease because the unit was filled with trash. The resident tells her Property Manager that the unit is unsanitary because he/she cannot clean her unit on a regular basis or empty her trash because she cannot reach the trash chute or open it because of his/her disability. The resident requests the PHA to provide housekeeping services.

It is not reasonable for the PHA to provide housekeeping services because it would fundamentally change the type of services the PHA provides. It is reasonable for the PHA to help the resident in arranging a third party to assist the resident in housekeeping or to pick up the resident’s trash twice a week at the resident’s apartment. The resident must however comply with his/her lease and the accommodations.