

## **TAUNTON HOUSING AUTHORITY REASONABLE ACCOMMODATION POLICY AND PROCEDURES**

The Taunton Housing Authority (hereinafter referred to as THA) 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 Taunton Housing Authority's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a THA policy, the THA 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 THA 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.

The THA will post a copy of this Reasonable Accommodation Policy and Procedures at the main office located at 30 Olney Street, Taunton, MA; Site Manager Offices of the THA; and in each public housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the THA's Section 504/ADA Coordinator.

### **LEGAL AUTHORITY**

The THA 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 of each Act.

### **MONITORING AND ENFORCEMENT**

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

**Kimberly Lavigne, Assistant Executive Director  
30 Olney Street, Taunton, MA 02780  
(508) 823-6308 Ext. 212**

## **STATE TRAINING**

The Section 504/ADA Coordinator will ensure that all appropriate THA 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 THA. The individual, THA 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**

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

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

## **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 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, 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 ACCOMMODATION**

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 THA 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 THA 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 THA 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 THA will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the THA will assist the individual in completing the Request Form.

- (a) The THA will provide all applicants with the Request Form as an attachment to the PHA application. The Request for Reasonable Accommodation Form must be provided in an alternative format, upon request.
- (b) Reasonable Accommodation 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. THA will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- (c) THA will provide all residents with the Request Form during the annual re-certification and upon request. The THA will provide the Request Form in an alternate form, upon request.
- (d) Residents seeking accommodation(s) may contact the housing main office or site management offices.

In addition, residents may also contact the Section 504/ADA Coordinator's office directly to request the accommodation(s).

- (e) Within seven (7) business days of receipt, the housing management staff shall forward the resident's reasonable accommodation request(s) to the Office of the Section 504/ADA Coordinator.
- (f) Within twenty (20) business days of receipt, the Section 504/ADA Coordinator will respond to the Resident's Request.
- (g) If additional information or documentation is required, the Section 504/ADA Coordinator will notify the resident, in writing, of the need for the additional information or documentation. The Section 504/ADA Coordinator will provide the resident with the "Request for Information or Verification Form" ["Request for Information"]. 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, THA 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.
- (i) If THA 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 procedures to request an informal hearing.
- (k) All recommendations that have been approved by the 504/ADA Coordinator will be forwarded to the appropriate staff for implementation.

## **VERIFICATION OF REASONABLE ACCOMMODATION REQUEST**

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

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

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 Manager or Resident Selector, will forward the recommendation, including all supporting documentation, to the THA's Section 504/ADA Coordinator within seven (7) 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 the PHA public housing program;
- (c) An undue financial and administrative burden on PHA;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

## **TRANSFER AS REASONABLE ACCOMMODATION**

THA 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 Standards-compliant unit in that resident's project or an adjacent project, THA 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, THA 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, THA 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, THA shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of THA's policies and procedures and any resident's rights there under.

#### **HOUSING CHOICE VOUCHER AS REASONABLE ACCOMMODATION**

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