

Reasonable Accommodations

Is your PHA meeting its
obligations and responsibilities?

DISABILITY

Any person who has a physical or mental impairment that substantially limits one or more major life activities or

- who has a record of such impairment or
- who is regarded as having such an impairment

Responding to and providing Reasonable Accommodations, does not relieve the PHA of its responsibility to provide fully accessible UFAS compliant units or meet other regulations.

Provision of Reasonable Accommodations is just one component of a PHA's responsibility under Section 504

What is a Reasonable Accommodation?

A “reasonable accommodation” is a change, adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job.

Since persons with disabilities may have special needs due to their disabilities, in some cases, simply treating them exactly the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling unit or housing program.

**THERE MUST BE AN
IDENTIFIED
RELATIONSHIP
BETWEEN THE
REQUESTED
ACCOMMODATION AND
THE INDIVIDUAL'S
DISABILITY.**

IS IT REASONABLE

MUST BE DECIDED ON CASE-BY-CASE
BASIS

Determination depends on the answer to
two questions.

- ❖ Does the request impose any undue financial and administrative burden on the housing provider?
- ❖ Would making the accommodation require a fundamental alteration in the nature of the provider's operations?

Even if unreasonable, provider is still required to provide other requested accommodations that do qualify as reasonable

Things to consider:

- ❖ Costs
- ❖ How are requests made
- ❖ When can requests be made
- ❖ What happens if provider doesn't respond
- ❖ Can provider offer alternative accommodations

Are there things I can and cannot ask?

It is unlawful for a housing provider to ask:

- ❖ If an applicant for a dwelling unit has a disability or if a person intending to reside in a dwelling unit has a disability
- ❖ About the nature or severity of an disability
- ❖ If an applicant is capable of independent living

What can I ask?

Housing providers may ask the following, provided they ask this of all applicants regardless of whether the applicant appears to have a disability or says he/she has a disability

- ❖ If the applicant is able to meet the requirements of tenancy
- ❖ If the applicant is a current illegal drug abuser or addicted to a controlled substance
- ❖ If the applicant qualifies for a dwelling legally available only to persons with a disability or persons with a particular type of disability
- ❖ If the applicant qualifies for housing that is legally available on a priority basis to persons with disabilities or to a person with a particular disability. This means that the PHA can ask applicants if they need units with accessible features.

What about verification

Housing Authorities are required to verify that an applicant qualifies as a person with a disability before permitting them to move to housing designated for persons with disabilities or granting the \$400 rent deduction, disability expense allowance or deduction for unreimbursed medical expenses.

Applicants and residents cannot be compelled to reveal the fact that they have a disability.

Remember PHA may need to verify whether a person who requests a reasonable accommodation meets the Section 504 definition and whether the requested accommodation is necessary to allow more effective use of his or her housing.

PHAs may only ask for information actually necessary to verify tenant's need

PHA is still not permitted to inquire about the nature or extent of the person's disability, nor is it necessary or permitted for PHA staff to ask about diagnosis or details of treatment

UNDER NO
CIRCUMSTANCES
SHOULD A PHA
REQUEST AN
APPLICANT OR
RESIDENT'S MEDICAL
RECORD

What if the tenant poses a “direct threat to health and safety”

- ❖ PHAs are not required to accommodate a person whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- ❖ PHAs must be able to support such action with recent, credible and objective evidence of the “direct threat”.

Items to consider in Public Housing

- ❖ Unit location
- ❖ Utility allowance
- ❖ Unit size
- ❖ Outreach to
underserved/eligible
applicants
- ❖ Alternate methods of
accepting applications
- ❖ Modifications to
policies/practices

Items to consider in Section 8

- ❖ Appropriate outreach to persons with disabilities
- ❖ Outreach to landlords to recruit/encourage accessible units
- ❖ Alternate methods of accepting applications
- ❖ PHA must provide a current list of known accessible units
- ❖ PHA must extend the voucher term to give a person more time to find an accessible unit
- ❖ PHA is required to assist a person find an accessible unit

Items to consider in Section 8

- ❖ PHA may approve leasing from a relative
- ❖ PHA may approve a higher payment standard for rent reasonable units with accessible features.
- ❖ PHA may request an exception payment between 110%-120% of FMR from local field office
- ❖ PHAs must permit vouchers to be used in special housing types such as SRO, shared housing, group homes, congregate housing and assisted living
- ❖ PHAs may grant larger units or utility allowances.