

## **ENGLEWOOD HOUSING AUTHORITY**

### **REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Englewood Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people who believe they require a reasonable accommodation can make a request. Because disabilities are not always apparent, the Englewood Housing Authority will make reasonable efforts to ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

A reasonable accommodation is a change, adaptation or modification to a policy, program, service, or workplace that will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, for example, those which are necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces. 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.

In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. What is reasonable must be determined on a case-by-case basis. However, experience has shown that the following examples are often reasonable accommodations.

A federally assisted housing provider has a policy of not providing assigned parking spaces. A tenant with a mobility impairment who has difficulty walking is provided a reasonable accommodation by being given an assigned accessible parking space in front of the entrance to his unit.

A federally assisted housing provider has a policy of requiring tenants to come to the rental office to pay their rent. A tenant with a mental disability who is afraid to leave her unit is provided a reasonable accommodation by being allowed to mail her rent payment.

A federally assisted housing provider has a no pets policy. A tenant who uses a wheelchair and has difficulty picking up items off the ground is allowed to have an assistive animal that fetches things for her as a reasonable accommodation for her disability.

An older tenant has a stroke and begins to use a wheelchair. Her apartment has steps at the entrance and she needs a ramp to enter the unit. Her federally assisted housing provider pays for the construction of a ramp as a reasonable modification to accommodate the tenant's disability.

All prospective applicants for EHA housing shall be informed at the time they submit an application for tenancy of their right to request a reasonable accommodations for a disability from the EHA. A written Notice to Applicants with Disabilities Regarding Reasonable Accommodation shall also be provided by the Occupancy Department staff to each prospective applicant at that time. A copy of this Notice shall be posted conspicuously at all times at the EHA administrative office located at 3460 South Sherman Street #101, Englewood Colorado.

For prospective applicants who are visually, hearing or cognitively impaired, information relating to the right to request reasonable accommodation shall be provided in an alternative accessible format (for example, using EHA staff to make an oral statement or having a third party representative explain the information).

When a prospective applicant is unable to visit the EHA administrative office to obtain the necessary forms because of a disability, he or she shall write to the Occupancy Department, to explain that because of the effect of the disability, he or she is unable come to the office. As a result, EHA will mail all applicable forms to the prospective applicant.

### ***COMMUNICATION***

Anyone requesting an application will receive information and forms about requesting reasonable accommodations. Each new tenant will also receive a copy of the policy. The Housing Authority will not make inquiry of an applicant as to the nature or severity of a disability except as allowed by applicable fair housing laws. After the EHA has received a request for a reasonable accommodation, EHA will acknowledge its receipt and enter into initial discussion with the requestor within 7 business days. The verification process will begin after all information and applicable forms are returned to the EHA.

Annual notifications of reexamination will include information and forms about requesting a reasonable accommodation. Each request for reasonable accommodation will be evaluated by a panel composed of the executive director, the property manager and the operations manager. A decision on whether to grant the request will be reached within 30 days of receiving all verifications.

All decisions granting or denying requests for reasonable accommodations will be in writing. If an applicant or tenant disagrees with the decision, s/he retains the right to file a grievance as set out on pages 139 through 149.

### ***ISSUE TO BE CONSIDERED IN EVALUATING ACCOMMODATION REQUESTS***

The following outlines certain issues to be considered by the Housing Authority in evaluating requests for reasonable accommodation:

- A. In determining if the requestor is a person with disabilities, the housing authority will use the Section 504 definition and the Fair Housing definition (as it may be amended). The Section 504 definition is:
- B.

Handicapped persons means any person who (i): has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

The Fair Housing definition currently is as follows:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Englewood Housing Authority will request and assist in obtaining, if needed, acceptable verification that the person is a person with a disability.

- B. In determining if the requested accommodation is related to the disability, the housing authority will consider information such as the following: if there is a disability-related need for the reasonable accommodation; the type of accommodation requested; how the accommodations will help the requestor obtain equal opportunity to use and enjoy housing, etc. If it is apparent that the request is related to the apparent or documented disability, the housing authority will document its rationale. If it is not apparent, the Englewood Housing Authority will seek further documentation from the requestor indicating that the requested accommodation is needed due to the disability.
- C. In determining whether or not the requested accommodation is reasonable, the accommodation must meet three criteria:
1. Would the accommodation constitute a fundamental alteration? The Englewood Housing Authority's business is housing. If the request would alter the fundamental business that the Englewood Housing Authority conducts, that would not be reasonable.
  2. Would the requested accommodation create an undue financial hardship **and** administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Englewood Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.
  3. Is the requested accommodation feasible and practical under the circumstances? The accommodation must be reasonable and this must also be evaluated by the Housing Authority. What is reasonable will differ under the circumstances of each case and must be evaluated on a case-by-case basis.
- D. Generally the individual knows best what it is they need; however, the Englewood Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Englewood Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Englewood Housing Authority's programs and services, the Englewood Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the housing authority unless such accommodation would impose an undue hardship on the operation of the housing authority programs.

If the Tenant requests, as a reasonable accommodation, physical modifications the Englewood Housing Authority will implement and finance any reasonable modification in accordance with Section 504.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

The Housing Authority may separately set forth further detailed guidance regarding evaluation of reasonable accommodation requests and related fair housing issues for the purpose of promoting fair housing awareness by the agency.