

PORT HURON HOUSING COMMISSION

REASONABLE ACCOMMODATION POLICY AND PROCEDURES

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PORT HURON HOUSING COMMISSION REASONABLE ACCOMMODATION POLICY AND PROCEDURES

POLICY STATEMENT

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Port Huron Housing Commission 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 can request accommodations and the guidelines the Port Huron Housing Commission will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Port Huron Housing Commission will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

The PHHC is committed to ensuring that its policy 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 the PHHC's programs, services, and/or activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a PHHC policy, the PHHC 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 PHHC will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration or adaption in policy, procedure, practice, program, facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) activity.

The PHHC will post a copy of this reasonable Accommodations policy in the Administrative office located at 905 - 7th St., Port Huron, MI 48060. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the PHHC's Section 504/ADA Coordinator.

The PHHC is subject to Federal civil rights laws and regulations. This reasonable Accommodation Policy is based on the following statutes or regulations (and the respective implementing regulations for each Act.).

- A. Section 504 of the Rehabilitation Act of 1973 - "Section 504", (29 U.S.C. ' 794; 24 CFR part 8);
- B. Title II of the Americans with Disabilities Act of 1990 – "ADA",

- (42 U.S.C. ' ' 12101 et seq.);
- C. Fair Housing Act of 1968, as amended – “Fair Housing Act”,
(42 U.S.C. ' ' 3601-20;24 CFR Part 100);
- D. Architectural Barriers Act of 1968.

1.0 MONITORING AND ENFORCEMENT

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

Executive Director
905 - 7th St.
Port Huron, MI 48060
810-984-3173 “TDD”
Fax: 810-984-6430

2.0 STAFF TRAINING

The Section 504/ADA Coordinator will ensure that all appropriate PHA staff receive training on the Reasonable Accommodation Policy and procedures, including all applicable Federal, state and local requirements regarding reasonable accommodation.

3.0 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 Program. The individual, PHHC 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 if the individual as well as the nature of the program or activity in which the individual seeks to participate.

4.0 APPLICATION OF REASONABLE ACCOMMODATION POLICY

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

- A. Applicants of Public Housing Program;
- B. Applicants of the Housing Choice Voucher Program;
- C. Residents of the Public Housing Developments;
- D. Participants of the Housing Choice Voucher Program;
- E. Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the PHHC, its agents, or contractors, including all non-housing facilities and common areas owned or operated by the PHHC.

5.0 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, 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 who’s participation, by reason of such current alcohol abuse, would constitute a direct threat to property or safety of others.

6.0 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 PHHC 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 PHHC 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 CFR 8.258 and 982.504(b)(2).

7.0. PROCESSING OF REASONABLE ACCOMMODATION REQUESTS

The PHHC will provide the "Request for Reasonable Accommodation", (Request Form), (See Appendix "A"), to all applicants, residents, or individuals with disabilities who request a reasonable accommodation.

Anyone requesting an application will also receive a notice that a Request for Reasonable Accommodation form is available upon request. Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting 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 PHHC will ensure that all reasonable accommodation request will be reduced to writing. If needed as a reasonable accommodation, the PHHC will assist the individual in completing the request form.

- A. The PHHC will provide all applicants, attached to the application, information on how to obtain a Request form.
- B. Reasonable accommodations will be made for all applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. The PHHC will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- C. The PHHC will provide all residents with the Request Form upon request. The PHHC will provide the Request Form in an alternate form upon request.
- D. Residents seeking accommodation(s) may contact the PHHC Management office.
- E. Within two (2) business days of receipt, the PHHC staff will forward the residents reasonable accommodations request(s) to 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 written notification, stating what is needed, and will give 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, the PHHC 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 the PHHC approves the accommodation request(s), the resident will be notified in writing of the projected date for implementation.
- J. If the accommodation is denied, the resident will be notified in writing of the reasons for denial. In addition, the notification of the denial will also

provide the resident with information regarding the PHHC's HUD approved Grievance Procedures.

- K. All recommendations that have been approved by the Section 504/ADA Coordinator will be forwarded to the appropriate staff for implementation. All requests for reasonable accommodations that are approved will be promptly implemented or begin the process of implementation.

8.0 VERIFICATION OF REASONABLE ACCOMMODATION REQUEST

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

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

Upon receipt, the PHHC staff will forward the recommendation, including all supporting documentation, to the Section 504/ADA Coordinator within two (2) days of receipt.

9.0 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

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 Port Huron Housing Commission will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Port Huron Housing Commission will obtain documentation that the requested accommodation is needed due to the disability. The Port Huron Housing Commission will not inquire as to the nature of the disability
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? The Port Huron Housing Commission's business is housing. If the request would alter the fundamental business that the Port Huron Housing Commission conducts, that would not be reasonable. For instance, the Port Huron Housing Commission would deny a request to have the Port Huron Housing Commission do grocery shopping for a person with disabilities.
 2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Port Huron Housing Commission may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the Port Huron Housing Commission retains the right to be shown how the requested accommodation enables the individual to access or use the Port Huron Housing Commission's programs and services. If more than one accommodation is equally effective in providing access to the Port Huron Housing Commission's programs and services, the Port Huron Housing Commission retains the right to select the most efficient or economic choice.

For the Public Housing Program, the cost necessary to carry out approved

requests, including requests for physical modification, will be borne by the Port Huron Housing Commission if there is no one else willing to pay for the modifications. If another party pays for the modification, the Port Huron Housing Commission will seek to have the same entity pay for any restoration costs. If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Port Huron Housing Commission will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

For the Section 8 Program, If the participant requests as a reasonable accommodation that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The PHHC does not have responsibility for the owner=s unit and does not have responsibility to make the unit accessible. The PHHC may however, grant a higher payment standard for units where property owners make physical modifications for persons with disabilities, so long as the payment standard does not exceed 110% of the FMR.

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.

10.0 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 local law;
- B. A fundamental alteration in the nature of the PHHC administered programs;
- C. An undue financial and administrative burden on the PHHC;
- D. A structurally infeasible alteration; or
- E. An alteration requiring the removal or alteration of all load bearing structural member.

11.0. TRANSFER AS REASONABLE ACCOMMODATION

The PHHC 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, approximately sized UFAS-compliant unit in that resident=s project or an adjacent project, the PHHC 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, the PHHC 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, the PHHC will work with the resident to obtain assistance with moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within 30 days of the assignment of the dwelling unit, the PHHC shall pay the reasonable moving expenses, including utility fees and deposits. Nothing contained in this paragraph is intended to modify the terms of the of the PHHC's Tenant selection and Assignment Plan and any resident's rights there under.

12.0 HOUSING CHOICE VOUCHER AS A REASONABLE ACCOMMODATION

- A. When issuing a voucher as an accommodation, the PHHC must include a list of current available accessible units known to the PHHC, upon request. The PHHC will also provide search assistance. The PHHC may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing. (See 24 CFR § 8.28.
- B. Extensions beyond the maximum term of one hundred eighty(180) 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.
- C. The PHHC 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. (See 24 CFR §§ 8.28 and 982.504(b)(2).
- D. Upon request by an applicant, participant, or their representative, the PHHC will ask the HUD Field Office for 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 the PHHC.
- E. In exceptional cases, the PHHC may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over the 120% of the FMR, provided the applicant, participant, or the representative provides the appropriate supporting documentation.

13.0 SERVICE OR ASSISTANCE ANIMALS

Residents of the PHHC with disabilities are permitted to have assistance animals., if such animals are necessary as a reasonable accommodation for their disabilities. PHHC 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 not subject to the requirements of the PHHC=s Pet Policy.

14.0 RIGHT TO APPEAL/GRIEVANCE PROCESS

- A. The public housing applicant or resident may file a complaint in accordance with the PHHC=s HUD-approved Grievance procedure following a formal determination by the Section 504/ADA Coordinator.
- B. The Housing Choice voucher program participant and applicant complainant may file a complaint in accordance with the PHHC=s HUD-approved Grievance procedure following a formal determination by the Section 504/ADA Coordinator.
- C. An applicant or resident may at any time, exercise their right to appeal a PHHC decision through the local HUD office or the US Department of Justice. Individuals may contact the local Detroit HUD Field Office located at:

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
DETROIT FIELD OFFICE
PATRICK V. MCNAMARA BLDG.
477 MICHIGAN AVE.
DETROIT, MI 48226
PHONE: 313-226-7900

Appendix A

Request for Reasonable Accommodation Form

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PORT HURON HOUSING COMMISSION REQUEST FOR REASONABLE ACCOMMODATION

Pursuant to the Federal Fair Housing Act with respect to Disabilities and Reasonable Accommodations, this form must be completed by any new applicant or existing resident who requires special program accessibility.

Name:		
Address:		
Phone:		
Please check one:	<input type="checkbox"/>	New Applicant
	<input type="checkbox"/>	Existing Resident

Please state your request and reason:

Is there anyone willing to pay for these modifications? _____

Signature

Date

(For Office Use Only)

Is the disability apparent?

Yes No
 Are
 verifications attached?
 Yes
 No

Review Date: _____

Reviewed by: _____

Approved

Disapproved

By: _____

Executive Director

Date