

Adopted by Board on February 17, 2022

Adams Housing Authority Reasonable Accommodation/Modification Policy and Procedures

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ATTACHEMNTS:

Request for Reasonable Accommodations/modifications

You may give the Authority more information by (providing the attached Verification of Disability by a Physician or other Professional for Reasonable Accommodation/Modification Request form or by any other information demonstrating the disability related need for your request.

Verification of disability by Physician or other Professional
For Reasonable Accommodation/Modification Request.

INTRODUCTION

This Reasonable Accommodation/Modification Policy and Procedures, comprised of Part A and Part B, sets forth the policy and procedures of the Adams Housing Authority regarding making reasonable accommodations and reasonable modifications for qualified applicants or residents with disabilities for participants in the AHA programs and activities. A copy of this Reasonable Accommodation/Modification Policy and Procedures is posted in the AHA common areas and on the AHA website at (www.ahauthority.com). You may also obtain a copy of this policy upon request by contacting the Adams Housing Authority at 413-743-5924 or by email at adamsha@bcn.net.

PART A: POLICY

SECTION 1. DEFINITIONS

1.1 The term "ADA" shall mean Americans with Disabilities Act, as amended.

1.2 The term "FHA" shall mean the Fair Housing Act of 1968, as amended.

1.3 The term "individual with a disability, shall mean

- 1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- 2) A record of such impairment or
- 3) Being regarded as having such an impairment

This definition shall be interpreted as further detailed in 28 CFR 35.108 (Title II ADA regulations)

1.4 The term "Policy" shall mean Part A of this Reasonable Accommodation/Modification Policy and Procedures, as adopted by the AHA Board, and as may be amended from time to time.

1.5 The term "Procedures" shall mean Part B of this Reasonable Accommodation/Modification Policy and Procedures and as may be amended from time to time, in a manner consistent with the Policy, by the AHA's Board.

1.6 The term "Reasonable Accommodation" as used herein means a change in the AHA's rules, policies, practices, or services, that may be necessary to provide persons with disabilities an equal opportunity to participate in AHA's programs, activities, and services and/or to enjoy AHA's dwellings and facilities.

1.7 The Term "Reasonable Modification" as used herein means a physical change, such as to a dwelling unit, building, common or public area, etc., necessary to afford persons with disabilities an equal opportunity to use and enjoy the premises and to/or to access programs, activities, and services.

SECTION 2. POLICY STATEMENT

The AHA is committed is committed to ensuring that its policies and practices do not deny individuals with disabilities the equal opportunity to access, participate in , or benefit from, the AHA's housing services, programs, and facilities, nor otherwise discriminate against individuals with disabilities in connection with the operation of the LHA's housing services or programs. Therefore, if an individual with a disability requires a reasonable accommodation, i.e, a physical alteration to a housing unit or public or common use area, the AHA will provide such a

reasonable accommodation/modification, unless doing so would result in a fundamental alteration to the nature of the program or an undue financial and administrative burden. In such a case, the AHA will engage in an interactive process with the individual or person acting on the individual's behalf to make another accommodation/modification that would not result in a fundamental alteration or financial and administrative burden.

SECTION 3. PURPOSE

3.1 This Policy is intended to :

- a. Communicate the AHA's position regarding reasonable accommodations/modifications for persons with disabilities in connection with the LHA's housing programs, services, and policies;
- b. Establish a procedural guide for implementing such Policy; and
- c. Comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by the AHA.

SECTION 4. AUTHORITY

4.1 The requirements of this Policy are based upon the following statutes and regulations:

- (a) Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"), and implementing regulations at 24 CFR part 8, which prohibit discrimination on the basis of disability status by recipients of federal financial assistance;
- (b) The Fair Housing Act ("FHA"), as amended, which prohibits discrimination in the sale, rental and financial of dwellings on the basis of disability and other protected classes. Reasonable accommodation requirements are further clarified under The Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations under the Fair Housing Act;
- (c) Title II of the Americans with Disabilities Act "ADA"), as amended, and implementing regulation at 28 CFR part 35, prohibit discrimination on the basis of disability, status by public entities, except as provided in 35.102(b), of 28 CFR Part 3.5, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments and agencies).

- (d) Massachusetts General Laws chapter 151B, which prohibits discrimination against persons with disabilities and other protected classes in renting, leasing, or sale of housing accommodations.

SECTION 5 MONITORING AND ENFORCEMENT

The AHA (Reasonable Accommodation Coordinator/Executive Director/Other AHA employee) is responsible for monitoring the AHA's compliance with this Policy and enforcing the requirements under this Policy. Questions regarding this Policy, its interpretation or implementation should be made by contacting the Adams Housing Authority at 413-743-5924 and or adamsha@bcn.net in writing, or in person by appointment.

SECTION 6. GENERAL PRINCIPLES FOR PROVIDING REASONABLE ACCOMMODATIONS/MODIFICATIONS

6.1 Listed below are the general principles which provide a foundation for the Policy and which AHA staff should apply when responding to requests for reasonable accommodations/modifications within all ADA housing programs:

- (a) It is presumed that the individual with a disability is usually knowledgeable of the of the appropriate types of, and methods for providing reasonable accommodations/modifications needed when making a request. However, the AHA may offer equally effective alternatives to the requested accommodation/modification.
- (b) The procedure for evaluation and responding to requests for a reasonable accommodation/modification relies on a cooperative relationship between the AHA and the applicant/resident, or person acting on the applicant/resident's behalf. The process is not adversarial. Instead, it is an interactive process, including for the purposes of addressing any needed clarifications as to what is being requested or information that was submitted, any further information that may be needed, and/or in some cases, to discuss alternative accommodations/modifications that may meet the individual's needs.
- (c) The AHA shall inform all applicants and residents of alternative forms of communication. The Request for Reasonable Accommodations/Modifications form ("Request Form") (a copy of which is attached to this Policy and Procedures as (Attachment 2) is designed to assist the AHA and our applicant/residents. If an applicant/resident does not, or cannot use the Request Form, the AHA will still respond to the request for an accommodation/modification. The applicant/resident may also request assistance with the Request Form, or may request that the Request Form be provided in an equally effective format or means of communication through auxiliary aids and services.

- (i) Some examples of auxiliary aids and services include the following: qualified interpreters, printed material, telecommunications products and systems including text telephones (TTYs), assistive listening devices, or other effective methods of making all delivered materials available to persons who are deaf or hard of hearing or individuals who are blind or have low vision.
- (d) If the accommodation/modification is reasonable (see procedure 3 below), the AHA will grant it.
- (e) In accordance with Procedure 3 below, the AHA will grant the request for a reasonable accommodation/modification only to the extent that an undue financial and administrative burden or alteration to the program is not created. The AHA will make a determination of undue financial and administrative burden on a case by case basis, and the AHA will do our best to meet the requester's disability related needs.

The AHA will also grant reasonable accommodation/modification in accordance with applicable laws including G.L. c> 151B 4(7A) that are at the expense of owners in publicly assisted housing. The AHA will also set aside and consult resources and decisions for its state-aided public housing in accordance with PHN 2011-13.

- (f) All written documents required by or as a result of this policy must contain plain language and be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation/modification.

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- (g) Any in person meetings with a person with mobility impairments will be held in an accessible location. Reasonable accommodations will also be made to meet the person's disability related needs to ensure the person has an equally effective opportunity to attend and participate.

SECTION 7. AMENDMENTS

- 7.1 The Policy may be amended only by resolution of the Board of the AHA.
- 7.2 The procedures may be amended within the scope of the Policy by the Board of AHA.
- 7.3 Legal Compliance: Any amendment to the Policy of Procedures shall be consistent with all applicable laws.

STAFF TRAININGS

The Equal Opportunity Officer/Reasonable Accommodations Coordinator/Executive Director and other AHA employees will ensure that the AHA staff are familiar with this Policy and Procedures and applicable federal, state and local requirements regarding Reasonable accommodations/modifications.

PART B. PROCEDURES

PROCEDURES 1. COMMUNICATION WITH APPLICANT AND RESIDENTS

1. At the time of application, all applicants will be provided with the opportunity to request a reasonable accommodation/modification on the Common Housing Application for Massachusetts Public-Housing (CHAMP) or by paper application or upon the applicant's request. Reasonable Accommodations/Modifications are available for applicants and residents with Mental and/or Physical Disabilities ("Notice") is attached to this Policy and Procedures as Attachment 1.
2. AHA residents seeking accommodations/modifications may contact the AHA office located at 413-743-5924.
3. The AHA is responsible for informing all residents that a request may be submitted for a reasonable accommodations/modifications for an individual with a disability and will be provided the Notice and the Request Form. Upon receiving the request the AHA will respond within ten (10) business days. If additional information is required, a written request will be issued to the resident using the Request for Information or

Verification Form, a copy of which is attached to this Policy and Procedures as Attachment 3. The verification of Disability by Physician or other Professional for Reasonable Accommodation/Modification Request for is attached as Attachment 4.

4. The AHA will approve or deny the request as soon as possible, but not later than thirty (30) days after receiving all needed information and documentation from the resident. All decisions to grant or deny reasonable accommodations/modifications will be communicated in writing or if required, in an alternate format. A copy of the letter denying request and or the letter approving the request is attached to this policy as Attachment 5 and Attachment 6.
5. The AHA will maintain its offices written materials which summarize this Policy and highlights the procedures for making a request for reasonable accommodation/modification.

PROCEDURE 2. SEQUENCE FOR MAKING DECISIONS

Step 1. Is the applicant/resident a qualified individual with a disability?

- (a) If no, the AHA is not obligated to make a reasonable accommodation/modification. Therefore, the AHA may deny the request.
- (b) If yes, proceed to step 2.
- (c) If more information is needed, the AHA will seek additional information as appropriate through the standard Request for Information Letter, the standard Request for Meeting letter, and/or another effective method of communication (a copy of the Request for Meeting Letter is attached to this Policy and Procedures as Attachment 7).

Step 2. Is the requested accommodation/modification related to the disability?

- (a) If no, the AHA is not obligated to make the accommodation/modification; therefore, the AHA may deny the request.
- (b) If yes, proceed to step 3.
- (c) If more information is needed, the AHA will seek additional information as appropriate through the standard Request for Information letter, the Standard for Request Meeting letter and/or another effective method of communication.

Step 3. Is the requested accommodation reasonable? This determination will be made by following PROCEDURE 3. GUIDELINES FOR DETERMINING REASONABLENESS.
Below.

- (a) If yes, the AHA will approve the request for reasonable accommodation/modification will be prepared and included in the Letter Approving the Request.

- (b) If no, the AHA may deny the request. Submit the denial using the Letter Denying Request for Reasonable Accommodation/Modification.
- (c) If more information is needed, the AHA will seek additional information as appropriate through the standard Request for Information letter, the Standard Request for Meeting letter and/or an another effective method of communication.

PROCEDURE 3. GUIDELINES FOR DETERMINING REASONABLESS

1. In accordance with Section 6.1 of the Policy, the AHA will consider the requested method for providing reasonable accommodations/modifications for an individual with a disability. However, unless the disability related need for an accommodation/modification is obvious or otherwise known the AHA, the AHA may require the individual with a disability to provide further information to demonstrate the need for the request to enable an equal opportunity to access, use, or enjoy the housing program or AHA services and activities. The AHA may offer equally effective alternatives to the request and/or alternative methods for providing the requested accommodation through the interactive process.
2. Requests for reasonable accommodation/modification will be considered on a case-by case basis. Decisions regarding reasonable accommodations/modifications will be made in compliance with all applicable laws, regulations, and requirements. Additionally, in those circumstances where the AHA deems that a proposed reasonable accommodation/modification would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, the AHA has the burden of proving such result(s).
3. The responsibility for the decision that a proposed reasonable accommodation/modification would result in such alteration or burdens shall rest with the Executive director or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by written statement of the reasons for reaching that conclusion. If an action would result in or require a fundamental alteration or financial and administrative burden as part of the interactive process.
4. Direct Threat. Generally, an accommodation is not required if it would pose a "direct threat" to the health and safety of other individuals or would result in substantial physical damage to the property of others. The AHJA's assessment of "direct threat" will be individualized and based on reliable objective evidence (e.g., current conduct, or a recent history of overt acts). The AHA's assessment will

consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate the direct threat. In evaluating a recent history of overt acts, the AHA will take into account circumstances, such as intervening treatment or medication, that have eliminated the direct threat (i.e, a significant risk of substantial harm).

5. Verification. The AHA may generally verify a person has a disability only to the extent necessary to determine that the person: is qualified for the housing for which they are applying; is entitled to any disability-related preference or benefit they may claim; or has a disability-related need for requested accommodation/modification in order to have an equal opportunity to enjoy the housing and/or participate in or benefit from the AHA's activities, programs, services. In response to reasonable accommodation/modification requests, the AHA may not require verification of disability if the disability is obvious or otherwise known. The AHA also may ask what the disability is or require specific details as to the disability. The AHA may require documentation of the disability-related need (i.e., information showing that there is a relationship or nexus between the requested accommodation/modification and the individual's disability or effects of the disability, require access to confidential records, or require specific types of evidence of disability-related needs.
6. Confidentiality: Information provided to the AHA in relation to a reasonable accommodation/modification request will be kept confidential and will not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation/modification request or unless disclosure by law.
7. Additional Procedures: Applicant Appeals and Tenant Grievances

(For programs subject to 760 CMR 5.08(2) and/or 760 CMR 6.02 & 6.08) When an LHA determines that an applicant may be disqualified for housing because of a lease violation at a prior tenancy or other disqualifying conduct, if the applicant shows that the lease violation or disqualifying conduct was due to a disability, then these facts shall be considered by the AHA as mitigating circumstances pursuant to 760 CMR 5.08(2). Disability-related circumstances relating to a lease violation may also be presented by or on behalf of a resident with a disability as part of the grievance process pursuant to 760 CMR 6.02 & 6.08. For example, a tenant may demonstrate that a lease violation arose from a disability and that some circumstance has changed, and/or some reasonable accommodation could be provided, making the conduct unlikely to occur. Such circumstances may also be presented separately through a reasonable accommodation

request (e.g., a request to forgo eviction) independent of the grievance process. Tenants may also grieve AHA responses or inaction with respect to a reasonable accommodation/modification request through the grievance process pursuant to 760 CMR 6.02 & 6.08.

ATTACHEMENTS:

Attachment 1 – Notice to All Applicants and Residents: Reasonable Accommodations and Modifications are Available for Applicants and Residents with Mental and/or Physical Disabilities

Attachment 2 – Request for Reasonable Accommodations/Reasonable Modifications

Attachment 3 – Request for Information or Verification

Attachment 4 – Verification of Disability by Physician or other Professional for Reasonable Accommodation/Modification Request

Attachment 5 – Letter Denying Request for Reasonable Accommodation/Modification

Attachment 6 – Letter Approving Request for Reasonable Accommodation/Modification

Attachment 7 – Request for Meeting

Attachment 8 – Additional Program-Specific Requirements

Policy amended by Board of Directors on February 17, 2022.

Notice of Availability of Reasonable Accommodations/Modifications

Notice to ALL Applicants and Residents: Reasonable Accommodations and Modifications are Available for Applicants and Residents with Mental and/or Physical Disabilities

Local Housing Authority (LHA) does not discriminate against applicants or residents on the basis of mental (including psychiatric) or physical disabilities. In addition, the LHA has an obligation to provide "reasonable accommodations and reasonable modifications" on account of a disability if an applicant or resident or a household member is limited by the disability and for this reason needs such an accommodation or modification. A reasonable accommodation is a change that the LHA can make to its rules, policies, practices, or services, and a reasonable modification is a change an LHA can make to its facilities (including physical alterations to the housing unit or public or common use areas) that will assist an otherwise eligible person with a disability to have equal opportunity to use and enjoy the housing or common or public use areas or to participate fully in the LHA's programs, activities, or services. Such changes may not be reasonable if they are not financially and programmatically feasible for the housing authority.

An applicant or resident household which has a member with a mental and/or physical disability must still be able to meet essential obligations of tenancy (for example, the household must be able to pay rent, to care for the apartment, to report required information to the LHA, and to avoid disturbing neighbors), but an accommodation or modification may be the basis by which the household is able to meet those obligations of tenancy.

The LHA has an Accommodation Coordinator. If you need an accommodation or modification, please complete the attached form and return it to the LHA. Upon reasonable request by the LHA, you must also submit documentation verifying the existence of a disability and the disability-related need for the accommodation or modification. Within (30) calendar days of receipt of your request and documentation, the Accommodation Coordinator will contact you to discuss what the LHA can reasonably do to provide you an accommodation or modification on account of your disability.

If you or a member of your household has a mental and/or physical disability, and as a result needs an accommodation or modification, you, the household member, or authorized representative, may request it at any time. However, you are not obligated to make such a request, and if you prefer not to do so that is your right.

