



POLICY AND PROCEDURE FOR REASONABLE ACCOMMODATION

Definitions:

Reasonable accommodation is intended to provide persons with disabilities with equal opportunity to participate in HAPHousing's Rental Assistance Programs through the modification of program policies and procedures. An accommodation may be considered "reasonable" if it does not cause an undue burden or cause a fundamental alteration in the nature of the housing program.

Mitigating circumstances are verifiable facts that overcome or outweigh negative information.

A *disability* is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing major tasks, walking, seeing, hearing, speaking, breathing, learning and working; a record of such an impairment; or being regarded as having such an impairment. THIS TERM DOES NOT INCLUDE CURRENT ILLEGAL USE OF A CONTROLLED SUBSTANCE.

A. CIRCUMSTANCES FOR CONSIDERATION OF REASONABLE ACCOMMODATION

HAPHousing will consider a request for a reasonable accommodation when a disability interferes with equal opportunity to participate in the housing program and a reasonable modification of policies and procedures will provide equal access to program services. For example, reasonable accommodation will be considered in the following circumstances:

1. An applicant/participant is having difficulty finding an appropriate unit for reasons relating to that person's disability.
2. An applicant/participant's is being penalized by HAPHousing for failure to comply with program requirements, when such failure is the result of a disability.
3. An applicant/participant is being denied Section 8 assistance or being terminated from the program as a result of program violations when failure to comply is result of a disability.

B. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION

The applicant/participant, or someone acting on their behalf, must submit a request in writing, if possible, for a reasonable accommodation. The request must include the following:

1. The reason for the request.
2. Documentation of the existence of a disability.
3. A proposal for a reasonable accommodation, which, if implemented, would result in overcoming barriers to equal access and facilitate the use of the housing program. If HAPHousing is terminating assistance for failure to meet program requirements, the reasonable accommodation requested should ensure compliance with essential program provisions.
4. Documentation of the involvement of any person, agency or organization, which will assist or monitor the implementation of the reasonable accommodation requested.
5. A plan for continued implementation, which could reasonably be expected to prevent recurrence of non-compliance with program requirements.



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C. IMPLEMENTATION OF THIS POLICY

1. A copy of this policy will be posted in a public area.
2. Copies of this policy will be provided at application intake, and with any notices of denial of assistance, program violation or termination.
3. Case managers or intake workers will collect the appropriate information from the person requesting the reasonable accommodation and will review it with their coordinator. In cases involving violations of the Policy on Drug-Related and Violent Criminal Activity, a recommendation for approval or disapproval of the request will be forwarded to **HAPHousing's** Information Reporting Manager for review. In all other cases, the Coordinator will determine the approval or disapproval of the request.
4. In reviewing the request, **HAPHousing** will consider the following:
 - a. Whether the request is reasonable in terms of not causing an undue burden or fundamental alteration in the nature of the housing program;
 - b. Whether documentation provided is sufficient to make a determination on the reasonableness of the request;
 - c. Whether a failure to comply with program requirements was caused by the disability;
 - d. Whether mitigating circumstances exist which impact the decision to deny or terminate assistance.
 - d. Whether the proposed reasonable accommodation can reasonably be expected to prevent further violations of program requirements.
 - e. Whether the proposed accommodation is necessary to provide equal access to housing programs.
5. Reasonable accommodation decisions will be made by **HAPHousing** in a timely manner, and will be documented in writing, and if applicable, in another format accessible to the requester.
6. Any denials or terminations will be in accordance with **HAPHousing's** existing policies. A reasonable accommodation which cannot be granted by **HAPHousing** because a waiver of federal regulations is required will be forwarded to HUD.

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