

HOUSING AUTHORITY OF PORTLAND POLICY / GUIDE ON REASONABLE ACCOMMODATION

· Introduction

It is the policy of the Housing Authority of Portland (HAP) to provide reasonable accommodation in housing for individuals with disabilities where reasonable accommodation is needed to provide an equal opportunity to use and enjoy HAP's housing programs. HAP's goal is to provide clean, safe, affordable housing to low and moderate income persons regardless of disability. This Guide will provide information about HAP's Reasonable Accommodation Policy and how it works.

In all housing programs it provides, HAP complies with applicable federal and Oregon state housing legislation, including, without limitation:

(1) the Fair Housing Act, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601-3631) and Oregon Civil Rights legislation under Chapter 659 of the Oregon Revised Statutes, with respect to requirements to provide reasonable accommodation for individuals with disabilities; and

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d - 2000d-5); Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. § 5309); Executive Order 11063, on Equal Opportunity in Housing (27 Fed. Reg. 11,527 (1962)); Section 504 of the Rehabilitation Act of 1973 (42 U.S.C. § 794); the Age Discrimination Act (42 U.S.C. § 6101); Title II (42 U.S.C. § 12131) and III (42 U.S.C. § 12181) of the Americans With Disabilities Act (ADA) and Oregon Civil Rights legislation under Chapter 659 of the Oregon Revised Statutes, with respect to the prohibition on discrimination against individuals with disabilities.

In addition, HAP complies with the related rules, regulations and procedures prescribed under the above-mentioned federal and state law.

· Reasonable Accommodation Policy Applies to all HAP Programs - Public Housing / Affordable Housing / Section 8 Programs

The policies and procedures outlined here apply to each program offered by HAP. In some circumstances reasonable accommodation methods or actions that may be appropriate for a particular program, such as the Public Housing Program, may be found to fundamentally alter the nature

of the Section 8 and/or Affordable Housing Programs, create undue financial or administrative burdens, or otherwise be inappropriate. If a requested reasonable accommodation would result in such an alteration or burden, HAP will take any other action that would not result in such an alteration or such burdens but would nonetheless ensure that, to the extent possible, individuals with disabilities receive the benefits or services provided by each service, program or activity in the most integrated setting appropriate.

· Fair Housing Act / Americans With Disabilities Act / Section 504 of the Rehabilitation Act / Oregon Civil Rights & Reasonable Accommodation

Federal law includes the Federal Fair Housing Act, the Americans With Disabilities Act and Section 504 of the Rehabilitation Act, and Oregon state law includes the Oregon Civil Rights statutes, which provide the statutory requirement to make reasonable accommodation through modifications in rules, policies, practices, or services, when such modifications may be necessary to prevent discrimination against otherwise qualified individuals solely on the basis of their disability and to afford a disabled person equal opportunity to use and enjoy the programs offered by HAP.

· Intention of the Law

The express policy and intent of federal and Oregon state law is to prevent discrimination against otherwise qualified individuals solely on the basis of their disability. A disabled individual is considered otherwise qualified if he or she can, with reasonable accommodation, have an equal opportunity to enjoy his or her dwelling unit. However, the law does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. In addition, an accommodation is not considered reasonable if the accommodation imposes an undue financial or administrative burden or requires a fundamental alteration in the nature of HAP's program(s). HAP is committed to providing reasonable accommodation to otherwise qualified persons with disabilities to afford equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

Definition of Disability

Applicable federal and state law defines “disability,” with respect to the individual, as:

- (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities;
- (2) a record of having such an impairment;
- (3) being regarded as having such an impairment, but such term does not include current, illegal drug use or addiction to a controlled substance.

Major life activities are defined as functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Auxiliary Aids and Services

To facilitate communication with disabled individuals who want to make a request for reasonable accommodation, HAP will furnish appropriate auxiliary aids upon request. Auxiliary aids are services or devices which enable persons with impaired sensory, manual or speaking skills, to have an equal opportunity to participate in, and, to enjoy the benefits of programs and activities. Auxiliary aids include, but are not limited to, the following:

- Providing additional information on program rules and requirements.
- Offering information in accessible formats (e.g., large type) or in plain language.
- Permitting required information to be mailed rather than delivered in person.
- Providing auxiliary aids (e.g., pencil and paper) for those with speech difficulties, and telecommunication devices for the deaf (such as a teletypewriter or TTY), Assisted Listening Devices (ALD), a sign interpreter or a reader.
- Sending mail or making phone calls to a contact person, as designated by the disabled individual.
- Allowing the use of service/assistance/companion animals.
- Reinstating the application of a disabled individual if the failure to respond in the required time period was reasonably related to his/her disability.

The Reasonable Accommodation Request

How to make a request for reasonable accommodation.

Applicants, residents and program participants will be informed about how to make a request for reasonable accommodation during the admissions and occupancy cycle.

Who may submit a reasonable accommodation request and when?

Any applicant, resident or program participant may submit a request for a reasonable accommodation at any time.

How is a reasonable accommodation request submitted?

The applicant, resident or program participant must submit the Request for Reasonable Accommodation form provided for the respective program with information concerning the requested accommodation. This form requires independent verification of the existence of the applicant's, resident's or program participant's disability (e.g. by a doctor, licensed professional representing a rehabilitation center, disability agency, or clinic, or the disability agency liaison).

The Review Process

Does the applicant/resident/program participant meet the definition of an individual with a disability?

- If **NO**, then HAP is not obligated to make a reasonable accommodation and may deny the request.
- If **YES**, then the request and any related information will be reviewed by the designated HAP staff. The review will include an examination of the Request for Reasonable Accommodation and the Reasonable Accommodation Verification, on the appropriate form, together with any other related information provided by the applicant/resident/program participant.

Would the requested accommodation facilitate the ability of the

applicant/resident/program participant to function?

· If **NO**, then HAP is not obligated to make the accommodation and may deny the request.

· If **YES**, then HAP will consider whether the requested accommodation violates state and/or federal law or (1) requires a fundamental alteration in the nature of the HAP program; (2) imposes an undue financial hardship on HAP; or (3) imposes an undue administrative burden on HAP. If more information is needed by HAP to make this determination, then HAP will request the additional information from the applicant/resident/program participant, or a meeting will be held to obtain the additional information.

Is the requested accommodation and modification to HAP rules, policies, practices or services reasonable?

· If **NO**, then HAP may deny the request under certain conditions. The basis for denial may include the following:

· the requested accommodation violates a state or federal statute or regulation; and/or

· the requested accommodation (1) requires a fundamental alteration in the nature of the HAP program; or (2) imposes an undue financial hardship on HAP; or (3) imposes an undue administrative burden on HAP. If the requested accommodation is denied for one of the above reasons, HAP will take any other action that would not result in such alteration or such undue burdens but would nevertheless ensure that the person with the disability receives the benefits or services provided by HAP. The applicant/resident/program participant may request such alternatives for consideration by HAP. HAP will also propose possible alternatives for consideration by the applicant/resident/plan participant.

· If **YES**, then HAP will approve the request for reasonable accommodation and take action necessary to implement the request. HAP may propose alternative methods of providing the requested accommodation for consideration of the person requesting the accommodation. However, the person requesting the accommodation is under no obligation to accept HAP's proposed alternatives. It is HAP's goal to work to provide reasonable accommodations that will satisfy the needs of the individual with a disability and be cost-effective and accessible.

The Response

All requests for reasonable accommodation are a high priority and will be addressed by HAP in a timely manner. The response to the request will be in writing or in the appropriate alternative format upon request and with reasonable notice to HAP.

- **Denial of Request**

If a request for reasonable accommodation is denied, HAP or HAP's representative will inform the applicant/resident/program participant in writing (or other appropriate form of communication) of the denial and the reason for denial. If the request is denied because the requested accommodation (1) requires a fundamental alteration in the nature of the HAP program; or (2) imposes an undue financial hardship on HAP; or (3) imposes an undue administrative burden on HAP, HAP will take any other action that would not result in such alteration or such undue burdens but would nevertheless ensure that the person with the disability receives the benefits or services provided by HAP. The notice of denial will also advise the applicant/resident/program participant of his/her right to a grievance hearing if the request is under the Public Housing Program, or an informal review or informal hearing if the request is under Section 8 Programs or the Affordable Housing Program.

- **Approval of Request**

If a request is approved, the applicant/resident/program participant will be notified of the approved accommodation, in writing, or in the appropriate alternative format upon request and with reasonable notice to HAP.