

# **Moline Housing Authority Reasonable Accommodations Policy and Procedures**

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**MOLINE HOUSING AUTHORITY  
REASONABLE ACCOMMODATIONS POLICY  
& PROCEDURES IN PUBLIC HOUSING**

**INTRODUCTION**

This Reasonable Accommodation Policy and Procedure comprised of Part A and Part B sets forth the policy and procedures of the Moline Housing Authority in connection with making reasonable accommodations for qualified applicants or residents with disabilities for participation in MHA public housing programs and activities. A copy of this policy and procedures is posted in the main office of the MHA located in Spring Brook Courts, and in the offices located at each MHA development. Additionally, a copy of the Reasonable Accommodation Policy and Implementation Procedures may be obtained upon verbal or written request at the Moline Housing Authority main office.

**PART A. POLICY**

**SECTION 1. Definitions**

a. The term “ADA”: shall mean the Americans with Disabilities Act.

b. The term “FHA” shall mean the Fair Housing Act of 1968.

The term “MHA” shall mean the Moline Housing Authority.

The phrase “individuals with disabilities” shall have the same meaning as the term “individuals with handicaps” under 24 CFR 8.3 as follows:

24 CFR 8.3 Definitions:

“Individuals with handicaps” means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

The term “Policy” shall mean Part A of the Reasonable Accommodation Policy and Procedure, as adopted by the Board of Commissioners of the Moline Housing Authority.

c. The term “Procedures” shall mean Part B of the Reasonable Accommodations Policy Procedure, as may be revised and amended from time to time.

d. The term “reasonable accommodation” means a modification or change in MHA Rules, policies, practices, or services that will provide the opportunity to participate in MHA programs and services and to meet essential requirements of the tenancy to an otherwise eligible individual with a disability.

**SECTION 2. Policy Statement**

MHA is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, not otherwise discriminate against individuals with disabilities in connection with, the operation of MHA housing services or programs, solely on the basis of such disabilities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature or modification to MHA policy, MHA will provide such accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such a case, MHA will make another accommodation that would not result in a financial or administrative burden.

### **SECTION 3. Purpose**

This policy is intended to:

- communicate MHA's position regarding reasonable accommodations for persons with disabilities in connection with the agency's housing program services and policies;
- establish a procedural guide for implementing such policy; and
- comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by MHA.

### **SECTION 4. Authority**

The requirements of this policy are based upon the following statutes or regulations:

- Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) prohibits discrimination on the basis of disability status and state that:
- "No qualified individual with handicaps shall, solely on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department."
- The Fair Housing Act (FHA) prohibits discrimination in the sale, rental and financing of dwellings. The FHA requires reasonable accommodations in rules, policies, practices, services and reasonable modifications to dwelling units and public common areas;
- Title II of the Americans with Disabilities Act (ADA), prohibits discrimination on the basis of disability status by public entities. Except as provided in 35.102 (b), of the 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and Local Governments); and
- Part 8, of the Code of Federal Regulations, Title 24, Housing and Urban Development, entitled Non-Discrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development applies to recipients of federal funds and implements the requirements of the Rehabilitation Act.

### **SECTION 5. Monitoring and Enforcement**

The Chicago Housing and Urban Development Fair Housing and Equal Opportunity Office (FH&EO Office) is responsible for monitoring MHA compliance with, and enforcing the requirements under this policy. Questions regarding this policy, its interpretation or implementation should be made by contacting that office in writing, or in person by appointment, at 77 W. Jackson Blvd., Chicago, IL 60604, or by calling the field office at 312-355-1915. The FH&EO Office may require the submission of data from the MHA public housing developments in order to evaluate and document MHA compliance with this policy.

## **SECTION 6. General Principles For Providing Reasonable Accommodations**

Listed below are general principles which provide a foundation for the policy and which MHA staff should apply when responding to requests for reasonable accommodations within all MHA housing programs:

- 6.1 It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods of providing, reasonable accommodations needed when making a request. However, MHA reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.
- 6.2 The procedure for evaluation and responding to requests for reasonable accommodation relies on a cooperative relationship between MHA and the applicant/tenant. The process is not adversarial.
- 6.3 MHA shall inform all applicants and tenants of alternative forms of communication. The request form is designed to assist MHA and our applicants/tenants. If an applicant/tenant does not, or cannot use the request form, MHA will still respond to the request for an accommodation. The applicant/tenant may also request assistance with the request form or such applicant/tenant may request that the form be provided in an equally effective format or means of communication.
- 6.4 If the accommodation is reasonable (see Procedure 3 below), MHA will grant it.
- 6.5 In accordance with Procedure 3, MHA will grant the request for a reasonable accommodation only to the extent that an undue financial and administrative burden is not created thereby.
- 6.6 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.
- 6.7 Any required meetings with a person with a disability will be held in an accessible location.

## **SECTION 7. Amendment**

- 7.1 Policy. The policy may be amended only by resolution of the Board of Commissioners of the Moline Housing Authority.

7.2 Procedures. The procedures may be amended within the scope of the Policy by the Executive Director of the Moline Housing Authority.

7.3 Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

## **SECTION 8. Staff Training**

The Executive Director of the Moline Housing Authority will direct appropriate staff to ensure that training sessions are held concerning the Policy and Procedures and all applicable Federal, State and local requirements regarding reasonable accommodations.

## **PART B. Procedures**

### **Procedure #1 – Communication With Applicants And Tenants**

- 1) At the time of application, all applicants must be provided with the request for Reasonable Accommodation form, a copy of which is affixed hereto as attachment 1, or, upon request, the form must be provided in an equally effective format.
- 2) MHA tenants seeking accommodations may contact staff in the main office located in Spring Brook Courts or the HUD Chicago office directly to request the accommodation.
- 3) MHA is responsible for informing all tenants that a request may be submitted for reasonable accommodations for an individual with a disability. All tenants will be provided the request form when requesting a reasonable accommodation. However, a tenant may submit the request in writing, orally, or use another equally effective means of communication to request the accommodation. Upon receiving the request, MHA and/or the FH&EO Office will respond to the request within (30) thirty business days. If additional information or documentation is required, a written request should be issued to the Physician/Diagnostician by using the Request for Information or Verification Form, a copy of which is affixed hereto as attachment 2. A submission date should be specified in the Request for Information so as not to delay MHA's review of the request.
- 4) MHA will maintain written materials, at their public housing sites, which summarizes this policy and highlights the procedures for making a request for reasonable accommodations.

### **Procedure #2 – Sequence For Making Decisions**

1. Is the applicant/tenant a qualified "individual with a disability"?
  - a. If NO, we are not obligated to make a reasonable accommodation; therefore, we may deny the request.
  - b. If YES, go to step 2.
  - c. If more information is needed, either write for more information using the standard ***Request for Information or Verification*** letter, or request a meeting with the Tenant, a copy of which is affixed hereto as attachment 2.

2. Is the requested accommodation related to the disability?
  - a. If NO, we are not obligated to make the accommodation; therefore, we may deny the request.
  - b. If YES, go to step e.
  - c. If more information either write for more information uses the standard ***Request for Information or Verification*** letter, or request a meeting with the Tenant.
3. Is the requested accommodation reasonable? This determination will be made by the following Procedure #3 – Guidelines for Determining Reasonableness.
  - a. If NO, we may deny the request. Submit the denial stating the reason(s) denying ***Request for Reasonable Accommodation***.
  - b. If YES, we will approve the request for the reasonable accommodation. A written description of the accommodation will be prepared and included in the letter approving ***Request for Reasonable Accommodations***.
  - c. If more information either write for more information uses the standard ***Request for Information or Verification*** letter, or request a meeting with the Tenant.

### **Procedure #3 – Guidelines for Determining Reasonableness**

- 1) In accordance with Policy Principle 6.1, MHA will consider the requested method for providing reasonable accommodations for an individual with a disability. However, MHA is required to evaluate the requested method and may require the individual with a disability to provide further information to demonstrate the need for the requested accommodation to enable access to and use of the housing program. Additionally, MHA may offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the accommodation.
- 2) Requests for reasonable accommodations will be considered on a case by case basis. Decisions regarding reasonable accommodations will be carried out in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where MHA deems that a proposed reasonable accommodation would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, MHA has the burden of proving such results.
- 3) The responsibility for the decision that a proposed reasonable accommodation would result in such alteration or burdens shall rest with the Executive Director or their 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 such an alteration or such burden, MHA shall propose any other action that will not result in or require an alteration or burden.
- 4) Live-In-Aides. In some cases, an individual with a disability may require a live-in-aide. In accordance with the provisions of the MHA's Admissions and Continued Occupancy Policy, MHA may permit a live-in-aide to reside in the dwelling unit to assist an individual with a disability. A live-in-aide means a person who :

- a) is determined by MHA to be essential to the care and well being of a family member with a disability; and
  - b) is not obligated to support the family member; and
  - c) would not be living in the unit except to provide the supportive services.
- 5) A live-in-aide would not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d) (3)]. Prior to granting permission, the live-in-aide must submit to a criminal background check in accordance with MHA policies and procedures. Additionally, verification for the need for a live-in-aide is required. MHA will also take the following factors into consideration when approving a live-in-aide:
- a) whether the addition of a new occupant would create a situation of overcrowding in the dwelling unit or require an additional bedroom, thereby requiring a transfer to another dwelling unit; and
  - b) the availability of an appropriate size dwelling unit with any necessary amenities, (lack of such a unit does not relieve the Authority of its obligations to provide the unit or grant the live-in-aide, it only means the Authority must address this need under item (c) below); and
  - c) MHA's obligation to make reasonable accommodation for persons with disabilities.
- 6) Verification. The MHA may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicant who have requested a reasonable accommodation have a need for the requested accommodation. A MHA may not require applicants to provide access to confidential medical records in order to verify a disability or require specific details as to the nature of the disability. A MHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit. A MHA may not ask what the specific disability is.

### **ATTACHMENTS TO PROCEDURES**

Attachment #1 – Request for a Reasonable Accommodation

Attachment #2 – Request for Information or Verification

Attachment #3 – Your Right To Request a Reasonable Accommodation