

**Housing Authority of the City of Fort Lauderdale**

**Reasonable Accommodation Policy**

**And**

**Reasonable Accommodation Methods**

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

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

HACFL will post a copy of this Reasonable Accommodation Policy and Procedures in the Central Administrative Offices located at 100 SW 18<sup>th</sup> Avenue, Fort Lauderdale, Florida 33312; other offices of the HACFL; and, the management office in each public housing development. In addition, Individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the HACFL's Section 504/ADA Coordinator.

**LEGAL AUTHORITY**

The HACFL is subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations.

See Section 504 of the Rehabilitation Act of 1973 (Section 504); Title II of the Americans with Disabilities Act of 1990 (ADA); the Fair Housing Act of 1968, as amended (Fair Housing Act); the Architectural Barriers Act of 1968, and the respective implementing regulations for each Act.

**MONITORING AND ENFORCEMENT**

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

Name of Section 504/ADA Coordinator: Willie Mosley

Address: 500 West Sunrise Boulevard, Fort Lauderdale, Florida 33311

Telephone Number: 954-556-4100 Ext. 1403

TDD/TTY Number: 954-523-0514

Facsimile Number: 954-556-4104

## **STAFF TRAINING**

The Administration of the HACFL will ensure that all appropriate HACFL staff receive annual training on the Reasonable Accommodation Policy and Procedures, including all applicable Federal, state and local requirements regarding reasonable accommodation.

## **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 Programs of the HACFL. The Individual, HACFL 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 of the individual as well as the nature of the program and HUD and Board approved Administrative and Occupancy Policies of the program in which the individual seeks to participate.

## **APPLICATION OF REASONABLE ACCOMMODATION POLICY**

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

1. Applicants of public housing;
2. Applicants of all Housing Choice Voucher and/or other voucher programs
3. Residents of public housing developments;
4. Participants of the Housing Choice Voucher and /or other Tenant Based Assistance Programs; and
5. Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the HACFL including all non-housing facilities and common areas owned or operated by the HACFL.

## **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:

1. 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

2. 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 whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

### **EXAMPLES OF REASONABLE ACCOMMODATIONS**

Examples of reasonable accommodations may include, but are not limited to:

1. 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;
2. Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
3. Allowing a live-in aid to reside in an appropriately sized HACFL unit;
4. Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;
5. Transferring a resident to a unit on a lower level or a unit that is completely on one level;
6. Making documents available in an accessible format;
7. Providing qualified sign language interpreters for applicant or resident meetings with HACFL staff; or at resident meetings;
8. Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
9. Permitting an outside agency or family member to assist a resident or an applicant in meeting screening criteria or meeting essential lease obligations;
10. 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 as per Section 8 Administrative Manual; and
11. 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 C.F.R. §§ 8.28 and 982.504 (b)(2).

### **PROCESSING OF REASONABLE ACCOMMODATION REQUESTS**

The HACFL will provide a "Request for Reasonable Accommodation", ("Request Form"), to all applicants, residents or participants with disabilities who request a reasonable accommodation. The Reasonable Accommodation Request Form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, the HACFL will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the HACFL will assist the individual in completing the Request Form.

- a. The HACFL will provide all applicants with the Request Form as an attachment to the HACFL Orientation. The Request for Reasonable Accommodation Form will be provided in an alternative format, upon request.
- b. Reasonable Accommodations will be made for applicants during the – application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. HACFL will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request as per the ACOP and Section 8 Administrative Manual.

- c. HACFL will provide all residents with the Request Form during the annual re-certification upon request. The HACFL will provide the Request Form in an alternate form, upon request.
- d. Residents seeking accommodation(s) may contact the housing management office, within their housing development or the Central Office or appropriate Management Office for the Program In which they participate or to which they have applied. In addition, residents may also contact the Section 504/ADA Coordinator's office directly to request the accommodation(s).
- e. Within seven (7) business days of receipt, the housing management office, will forward the resident's reasonable accommodation request(s) to the Office of the Section 504/ADA Coordinator.
- f. Within twenty (20) business days of receipt, the Office of the Section 504/ADA Coordinator, or the resident's management office will respond to the Resident's Request.
- g. If additional information or documentation is required, the Section 504/ADA Coordinator's office will notify the resident and/or staff, In writing, of the need for the additional information or documentation. The Section 504/ADA Coordinator's Office will provide the resident with the "Request for Additional Information or Verification Form" ["Request for Information"]. The written notification should provide the resident with 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, HACFL 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 HACFL approves the accommodation request(s), the resident will be notified of the projected date for Implementation.
- j. If the accommodation is denied, the resident will be notified of the reasons for denial. In addition, the notification of the denial will also provide the resident with information regarding HACFL's HUD-approved Grievance Procedures.
- k. All recommendations that have been approved by the Section 504/ADA Coordinator will be forwarded to the appropriate housing manager for implementation. All requests for reasonable accommodation that are approved by the housing manager will promptly be implemented or begin the process of implementation.

## **VERIFICATION OF REASONABLE ACCOMMODATION REQUEST**

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

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

1. Physician;
2. Licensed health professional;
3. Professional representing a social service agency; or
4. Disability agency or clinic.

Upon receipt, the resident's Property Manager, will forward the recommendation, including all supporting documentation, to the HACFL's Section 504/ADA Coordinator within seven (7) days of receipt.

## **DENIAL OF REASONABLE ACCOMMODATION REQUEST(S)**

Requested accommodations will not be approved if one of the following would occur as a result:

1. A violation of State and/or federal law;
2. A fundamental alteration in the nature of the HACFL public housing program;
3. A fundamental alteration in the nature of the HACFL's HCV and/or other tenant based assistance programs.
4. An undue financial and administrative burden on HACFL;
5. A structurally infeasible alteration; or
6. An alteration requiring the removal or alteration of a load-bearing structural member, however compliance will be met to the "maximum extent feasible" under such circumstances.

## **TRANSFER AS REASONABLE ACCOMMODATION**

HACFL 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, appropriately sized UFAS-compliant unit in that resident's development or an adjacent one, the HACFL may offer to transfer the resident to the vacant unit in his/her project or adjacent development in lieu of providing structural modifications.

However, if that resident rejects the proffered transfer the HACFL 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, HACFL will work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, HACFL shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of HACFL's ACOP and Section 8 Administrative Manual and/or any resident's rights thereunder.

### **HOUSING CHOICE VOUCHER PROGRAM**

- (1) When issuing a voucher the HACFL must include a list of current available accessible units known to HACFL, upon request. HACFL will also provide search assistance via gosection8.com website. HACFL may also partner with a qualified, local disability organization to assist the participant or applicant with the search for available, accessible housing. See 24 C.F.R. §8.28.
- (2) Extensions beyond the maximum term of one hundred twenty (120) days are available as a reasonable accommodation to eligible individuals with disabilities as per the HUD and Board approved Policies in the HACFL's Agency Plan and the Section 8 Administrative Manual 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.
- (3) HACFL 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 C.F.R. §§ 8.28 and 982.504(b)(2).
- (4) Upon request by an applicant, participant, or their representative, HACFL 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 HACFL.
- (5) In exceptional cases, HACFL may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or the representative provides the appropriate supporting documentation.

### **SERVICE OR ASSISTANCE ANIMALS**

Residents of HACFL with disabilities are permitted to have assistance animals, If such animals are necessary as a reasonable accommodation for their disabilities. HACFL 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 HACFL's Pet Policy.

### **RIGHT TO APPEAL/GRIEVANCE PROCESS**

1. The public housing applicant or resident may file a complaint In accordance with HACFL's Board and HUD-approved Grievance Procedure in the HACFL'S Admissions and Continued Occupancy Policies (ACOP).
2. The Housing Choice Voucher participant and applicant complainant may file a complaint In accordance with the HACFL's HUD and Board Approved Informal Hearing and Informal Reviews Procedure in the Section 8 Administrative Manual.

3. An applicant or resident may, at any time, exercise their right to appeal a HACFL decision through the local HUD office or the U.S. Department of Justice. Individuals may contact the local HUD office at:

**U.S. Department of Housing and Urban Development  
Atlantic Region, Miami Field Office  
Brickell Plaza Federal Building  
909 SE First Avenue, Rm. 500  
Miami, Florida 33131-3042  
Telephone: 305-536-4443  
Facsimile: 305-536-5663**