

RALEIGH HOUSING AUTHORITY REASONABLE ACCOMMODATION POLICY

INTRODUCTION

The Raleigh Housing Authority (“RHA”) 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 RHA’s programs, services and activities. Therefore, a reasonable accommodation or modification may be made by or on behalf of an individual with a disability. When requests are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability.

Reasonable accommodations can be made for any program applicant or participant. RHA will determine whether the requested accommodation enables the individual to access or use the Housing Authority’s programs or services. To ensure that the accommodation will sufficiently address the disability related barrier, RHA retains the right to interact with the requestor throughout the process including asking for examples or demonstrations of the barrier and how it is being experienced by the person with disabilities. There is no limit to the number of requests made by or on behalf of an individual with disabilities. Requests may be approved on a temporary or permanent basis.

LEGAL AUTHORITY

This Reasonable Accommodation Policy is based on prevailing statutes and regulations including: 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; and the Architectural Barriers Act of 1968; and other relevant Federal, State and local laws. Should laws or regulations covered by this policy change, then changes will be effective thirty days from the date of passage. In the event there is a conflict between this policy and laws/regulations, the laws and regulations will prevail.

DEFINITIONS AND LIMITATIONS

The definition of a person with disabilities is different for reasonable accommodations than the definition used for admission.

Person with disabilities: a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Reasonable accommodation: A change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to participate in or take full advantage of a program or service, or to use and enjoy a dwelling, including public and common use spaces.

Reasonable modification: A structural change to a unit or common space that may be necessary to overcome a disability related barrier.

There are certain limitations to afforded disability protections. Individuals with disabilities may be excluded from disability protections, including reasonable accommodations, in the following instances:

- The disability is based solely on current illegal use of controlled substances or alcohol;
- Sex offender status; or
- The disability poses a direct threat or substantial risk of harm of others.

REQUESTS FOR REASONABLE ACCOMMODATION

The reasonable accommodation process begins when it is made known to staff that an individual with a disability is experiencing a barrier in receiving full benefits or access to an RHA program, service or activity. This notification may come in different forms, including a specific request for a change or a complaint. All individuals will be treated equally and RHA will not assume that an individual is experiencing a disability related barrier prior to that information being disclosed to staff.

The Housing Authority encourages requests to be made in writing using RHA's reasonable accommodation request form. Staff can provide assistance with completing this form upon request. While it is RHA's preference to have requests submitted in writing via the request form, it is not mandatory and all requests will be considered any time it is indicated that an accommodation is needed. Failure to utilize the preferred form will not exclude the request from being reviewed nor will it result in an automatic denial. Decisions to grant or deny requests for reasonable accommodations may be made in writing.

Applicants and residents may contact RHA's Central Administrative Office at (919) 831-8300 or at info@rhaonline.com; the appropriate Property Management office, including office of private management companies acting on behalf of RHA; or the Section 504 Compliance Officer Laura McCann directly at (919) 508-1304 or at lmccann@rhaonline.com to request the accommodation/modification or to seek more information regarding requests.

REVIEWING ACCOMMODATION REQUESTS

In order to review a request, RHA may request disability-related information when it:

- Is necessary to verify a person meets the definition of disabled;
- Describes the needed accommodation; or
- Shows the relationship between a disability and need for the requested accommodation.

This information can be provided in a variety of ways and typically comes in the form of a letter from a third party provider. Letters should include the requestor's name, the relationship of the provider with the requestor, their knowledge of the disability, and their professional opinion on

the need for the accommodation. Letters may be submitted by third party providers including physicians, medical team members, non-medical agencies, peer support group officials, or other reliable third party in a position to know about the individual's disability.

The Housing Authority will not inquire as to the diagnosis, nature, severity or treatment of a disability. However, staff must confirm and/or verify specifics related to the disability and the request. Staff will do this only to the extent necessary to review the request so that a determination can be made for approval or denial. Should staff already have documentation, verification, or knowledge for one or more criteria, or if the need is physically obvious, then no further verification is needed.

When completing the review process, staff will evaluate requests on a case-by-case basis to determine and/or verify:

Disability Status. Requests must be made by or on behalf of a person with disabilities. The Housing Authority will obtain verification of the disability if the disability is not readily apparent or documented.

Necessity and Nexus. A nexus must exist between the disability and the requested accommodation or modification in order to be considered for approval. This nexus must demonstrate that equal use and enjoyment has been diminished in direct connection to the disability, and that the request is necessary in order to remove or relieve the barrier posed by the disability. The Housing Authority will obtain documentation that the request is necessary due to the disability if the nexus or need is not readily apparent.

Reasonability. Requested accommodations must be considered reasonable in order to be approved. Requests will not be considered reasonable if: the accommodation constitutes a fundamental alteration to RHA's business, or it creates an undue financial hardship or administrative burden.

Legality and Safety. Requests must not violate any laws, regulations, building codes, manufacturer guidelines, or negatively affect the safety or the structural integrity of a housing unit or any RHA owned equipment. Unlawful or unsafe requests will not be approved.

Lease Requirements. Requests made on behalf of RHA residents must comply with all essential lease requirements. Requests for an accommodation that would enable a resident to materially violate essential lease terms or affect the ability of others to peacefully enjoy the premises will not be approved.

As needed, the Housing Authority will engage in an interactive process when reviewing reasonable accommodation/modification requests. There may be times where alternative accommodations are offered to the requestor as an equally effective way of addressing the disability-related needs. In these cases, proposed alternatives will be offered to the resident. If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, RHA retains the right to select the least invasive, most efficient or economical choice. Requestors are not obligated to accept alternative

accommodations if the alternative does not meet the disability needs and the requestor's preferred accommodation is reasonable.

If a request is determined to be unreasonable, unlawful, unsafe, or violates essential lease requirements, then RHA may deny the request regardless of disability status or nexus. This denial is not necessarily the end of the request process as the Housing Authority will then engage in the interactive process to determine if there are alternatives that are equally effective in overcoming the disability imposed barrier while satisfying all necessary criteria. Alternative accommodations can be approved if they satisfy all necessary requirements. In the event that no reasonable accommodation or effective alternatives can be provided that meet the criteria, then RHA may deny the request.

REQUEST DETERMINATIONS

RHA will make a determination regarding requests for reasonable accommodations within thirty (30) days of the date of receipt of a complete request with all necessary documentation/verification provided. The Housing Authority will provide notification of the determination to the requestor in accordance with governing RHA program policies. Occasionally, RHA may find it necessary to extend the determination period if additional information is required during the review process. In these circumstances, RHA will notify the requestor of the reason for the delay.

COST OF ACCOMMODATIONS/MODIFICATIONS

Responsibility for the financial and/or administrative costs associated with accommodations and modifications will be determined in accordance with applicable policies, regulations, and laws. The cost necessary to carry out approved requests may be borne by the Housing Authority if there is no one else willing to pay for the modifications. If another party pays for the modifications, the Housing Authority may seek to have the same entity pay for any restoration costs. In the event that multiple methods are equally effective in overcoming the barrier imposed, the Housing Authority retains the right to select the least invasive, most efficient or economical choice. The Housing Authority may approve additional reasonable accommodation requests for physical modifications at the resident's or landlord's own expense.

SERVICE/ASSISTANCE ANIMALS

Service and assistance animals needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to pet policies. Residents with service and assistance animals must:

- Provide adequate care and maintenance for the animal;
- Maintain their units and associated facilities in a decent, safe, and sanitary manner;
- Properly pick up and dispose of all animal waste; and
- Ensure that the animal remains in their control and does not pose a health or safety risk or disturb neighbors' peaceful enjoyment of the property.

RIGHT TO REVIEW

Individuals have the right to request an informal review of RHA's decision with the ADA/504 Coordinator in the event a request is denied or if they feel alternative suggestions are inadequate. Residents may exercise their right to appeal RHA's decision in accordance with the Grievance Policy in the event that the resident does not believe the informal review resolved their request. Individuals may exercise their right to appeal final grievance decisions to their local HUD office or the U.S. Department of Justice.