

Reasonable Accommodation Policy

(Appendix IX of the Admissions and Continued Occupancy Policy and Appendix VII of the Administrative Plan)

Purpose:

The Housing Authority of the County of Kern (HACK) is subject to several laws governing rights of the disabled, including Section 504 of the Rehabilitation Act, Fair Housing Law, and the Americans with Disabilities Act. HACK will assist people with disabilities who may need a reasonable accommodation in order to take full advantage of the programs and related services provided by HACK. This policy clarifies how people can request an accommodation and the guidelines in determining whether it is reasonable to provide a requested accommodation.

HACK will post a copy of the Reasonable Accommodation Policy in the Central Administrative office located at 601 24th street, Bakersfield, CA 93301, on its website at www.kernha.org and in the management office in each housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy, upon request, from any HACK employee.

Definitions:

Reasonable Accommodation - 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.

Individual with a Disability – Any individual 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.

Legal Authority:

Section 504 of the Rehabilitation Act mandates that Federal fund recipients such as HACK, ensure that their programs are accessible to qualified individuals with disabilities. Section 504 provides civil rights protection in several areas to people with disabilities. It similarly provides for the elimination of discrimination against individuals with disabilities. The Americans with Disabilities Act (ADA) extend section 504's mandate of nondiscrimination based on disability to state and local government agencies not covered by Section 504. ADA seeks to dispel stereotypes and assumptions about disabilities and ensures equal opportunity and encourages full participation, independent living, and economic self-sufficiency for disabled people. For more information on these laws see Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; and the Fair Housing Act of 1968, as amended.

Monitoring and Enforcement:

HACK must designate and publicize the availability of at least one person to coordinate its efforts to comply with Section 504 and the ADA. The person assigned Section 504 and ADA responsibilities have open and regular communication throughout the organization to coordinate and oversee ongoing compliance efforts with the support of the Assistant Executive Director. The Section 504 Coordinator is also responsible for ensuring that all appropriate HACK staff receive annual training on the Reasonable Accommodation Policy, including all applicable Federal, State, and local requirements regarding reasonable accommodation.

HACK's Section 504 Coordinator is responsible for monitoring compliance with this policy. Individuals who have questions regarding this policy, its interpretation or implementation should visit <https://kernha.org/menus/staff-directory.html> and contact the listed Section 504 Coordinator in writing, by telephone, or by email.

Requesting an Accommodation:

An individual with a disability, or someone acting on their behalf, may request a reasonable accommodation at any time during their program participation. Because disabilities are not always apparent, HACK will ensure that all applicants are aware of the opportunity to request reasonable accommodation. Anyone requesting an application will also receive a Request for Reasonable Accommodation Form.

Reasonable Accommodation requests may be submitted in writing, orally, or by any other equally effective means of communication. However, HACK will ensure that all reasonable accommodation requests are recorded in writing on the Reasonable Accommodation Request Form. Individuals seeking accommodation(s) may contact their assigned Housing Specialist or Housing Manager to initiate the process.

- a. Housing Specialist/Manager immediately provides the individual with the Reasonable Accommodation Request Form. If the request was made orally, or the individual cannot complete the form, HACK staff will document the request on their behalf.
- b. Within three (3) business days of receipt, the Housing Specialist/Manager will forward the request to the appropriate Housing Administrator.

Review Process:

The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis. These decisions take into consideration the disability and the needs of the individual, as well as, the nature of the program or activity in which the individual seeks to participate. Below are the steps that may be taken when reviewing a reasonable accommodation request.

- a. HACK may request documentation of the need for a reasonable accommodation as identified on the Reasonable Accommodation Request form. HACK may verify an individual'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. Below is a list of acceptable entities to verify an individual's disability, and the nexus between that disability and program participation.
 1. Physician;
 2. Licensed health professional;
 3. Professional representing a social service agency; or
 4. Disability agency or clinic
- b. HACK may not require individuals to disclose confidential medical records in order to verify a disability. In addition, HACK may not require specific details regarding the individual's disability. HACK may only request documentation to confirm the disability related need(s) for the requested reasonable accommodation(s). HACK may not require the individual to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).
- c. HACK does not have to provide an accommodation which would fundamentally alter the nature of the service, program, or activity, or would provide an undue financial and/or administrative burden. The Housing Administrator shall determine if the request is reasonable by reviewing the following factors:
 1. Would there be a violation of State and/or Federal law
 2. Nature and cost of the accommodation
 3. The extent to which the accommodation would materially alter the marketability of the housing
 4. The overall size of the housing development including number and type of units
 5. The size of the budget and operating reserves
 6. The amount of administrative burden
 7. The extent to which the accommodation would change the fundamental structure of the program or service
- d. If other information or documentation is required in order to make a decision, the Housing Administrator will notify the individual, in writing. The written notification should provide the individual with a reply date for submission of the outstanding information or documentation.

Interactive Process:

At times HACK will determine that the requested accommodation is not reasonable, but that an alternate accommodation can be made. If an alternate accommodation is offered, it will be made in writing to the individual by the Housing Administrator. The

individual will need to inform the Housing Administrator of their decision to accept or decline the alternate accommodation within seven (7) days of the offer.

Accommodation Request Determinations:

- a. If HACK approves the accommodation request(s), the Housing Administrator will notify the Housing Specialist/Manager within three (3) business days of the decision. The individual who made the request will be notified of the decision in writing, with instructions to contact their Housing Specialist/Manager to coordinate the accommodation (i.e. scheduling maintenance to make modifications, alternative meeting locations, or transfer to another unit).
- b. If HACK denies the accommodation request(s), the Housing Administrator will notify the individual in writing including the reason for the denial.

Right to Appeal/Grievance Process:

Individual(s) shall have the right to grieve the decision made to their accommodation request. A request for a review of the decision must be made in writing within seven (7) business days of the date of the written notification. Review requests should be made to the Section 504 Coordinator. After review the Assistant Executive Director will send the individual a final decision letter.

Document Retention:

A copy of the written decision, along with all documentation used in making that determination, will be forwarded to the Section 504 Coordinator within three (3) business days. The Section 504 Coordinator will review the information to ensure compliance with all relevant Federal, state, and local laws. The information will then be stored in a secure data base for historical purposes.