



## NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY

### REASONABLE ACCOMMODATION SECTION 504 POLICY

The Newport News Redevelopment and Housing Authority (NNRHA) is committed to operating all of its housing programs in a fair and impartial way. All core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. NNRHA is committed to providing programs in a way that does not discriminate based on race, color, sex, national origin, religion, familial status, disability or elderliness. No otherwise qualified person will be denied housing or otherwise discouraged from obtaining housing at NNRHA because of his/her race, color, sex, national origin, religion, familial status, disability or elderliness.

Pursuant to Section 504 of the Rehabilitation Act, no qualified individual with disabilities will be excluded, solely on the basis of disability from participation in or the benefits of the program or activities administered by NNRHA. NNRHA will provide reasonable accommodations to all applicants, residents, and employees, who need such accommodations to be able to enjoy the benefits of the housing and employment provided by NNRHA. In addition, reasonable modifications will be provided to the structure and features of the apartments and public and common use areas of the property should such modifications be necessary to provide full enjoyment to the premises if such modifications do not result in an administrative and financial burden to NNRHA.

NNRHA will post a copy of this 504 Policy in the Administrative Office located at 227 27<sup>th</sup> Street, Newport News, VA 23607, on its website at [www.nnrha.com](http://www.nnrha.com) and in the management office in each public housing development. In addition, individuals may obtain a copy of this 504 Policy upon request from the NNRHA's 504 Coordinator. NNRHA will notify and advise residents of the 504 Policy.

#### **1. Definition of Disability**

Federal laws define a person with a disability as "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 an impairment." In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

## **2. Prohibition of inquiries about the nature and severity of a disability**

Under the Fair Housing Act, NNRHA cannot make an inquiry to determine whether an individual has a disability or an inquiry as to the nature or severity of an individual's disability.

The NNRHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The NNRHA may not require the individual to disclose the specific disability (ies); or the nature or extent of the individual's disability (ies). HUD and the Department of Justice have said that if a person's disability is obvious or otherwise known to the provider, and the need for the requested accommodation is also readily apparent or known, then the provider (NNRHA) may not request any additional information about the requester's disability or the disability-related need for the accommodation. If the requestor's disability is known or readily apparent to the provider (NNRHA) but the need for the accommodation is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

## **3. Requirement to provide reasonable accommodation, including accommodations in policies and practices and structural modifications to enable persons with disabilities to live in and enjoy housing**

NNRHA is subject to laws governing rights of the disabled, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Section 504 of the Rehabilitation Act mandates that federal fund recipients such as NNRHA, ensure that their programs are accessible to qualified individuals with disabilities. Section 504 also requires NNRHA to ensure those individuals with physical and mental disabilities have the opportunity to participate equally in programs and activities. It aims to eliminate discrimination against people with disabilities by ensuring certain accessibility standards are met when building or altering facilities, as well as protection and in programs and activities.

## **4. Examples of reasonable accommodation and structural modifications**

### **Applicants**

- Making documents available in large type or providing a reader to a vision-impaired applicant;
- Permitting an outside agency or family member to assist an applicant or resident to meet NNRHA's applicant screening criteria or meeting essential lease obligations.

## **Public Housing Residents**

- Making a NNRHA unit, part of a unit or public and common use element wheelchair accessible for the head of household or a household member with a disability that is on the lease;
- Installing strobe type flashing light smoke detectors and lights or other such equipment in a NNRHA housing unit for a family member with a hearing-impairment;
- Permitting a family to have a service animal necessary to assist a household member with a disability in a NNRHA development;
- Allowing a live-in aide to reside in an appropriately sized NNRHA unit;
- Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability at NNRHA's expense;
- Transferring a resident to a unit on a lower level or a unit that is completely on one level at NNRHA's expense;
- Transferring a resident to a unit that is handicap accessible at NNRHA's expense.
- Lower the entry threshold of a unit; and
- Install grab bars in a bathroom.

## **Section 8 Housing Choice Voucher Program Applicants**

- Permitting requests for extensions of Housing Choice Vouchers if there is difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family;
- As a reasonable accommodation for a family member with a disability approving a request for a reasonable exception payment standard amounts under the Section 8 Housing Choice Voucher Program;
- Provide search assistance to disabled Section 8 Housing Choice Voucher Program participants; and
- Provide to Section 8 Housing Choice Voucher Program participants a list of properties known to NNRHA that has accessibility features.

**5. Description of procedure for verification of disability (including a provision that prohibits written verification when the nature of the disability is obvious)**

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

The NNRHA 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 PHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the NNRHA may not require specific details regarding the individual's disability. The NNRHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The NNRHA may not require the individual to disclose the specific disability (ies); or the nature or extent of the individual's disability (ies). HUD and the Department of Justice have said that if a person's disability is obvious or otherwise known to the provider, then the provider (NNRHA) may not request any additional information about the requester's disability.

**6. Identification of the staff person (s) responsible for monitoring Respondent's compliance with the Policy**

The person assigned with Section 504 and ADA responsibilities has open and regular communication throughout the organization to coordinate and oversee ongoing compliance efforts with the support of the Executive Director. NNRHA has designated Steve Hagwood as the 504 Coordinator and Nicole Jones as the Alternate 504 Coordinator.

**7. A detailed description of the procedure for accepting and processing requests for reasonable accommodation and structural modification**

NNRHA will provide the "Request for Reasonable Accommodation Request" Form, to all applicants, residents or individuals 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. If needed as a reasonable accommodation, NNRHA will assist the individual in completing the Request Form.

- The NNRHA will provide the “Request for Reasonable Accommodation Form to all applicants, residents or individuals with disabilities who request a reasonable accommodation. The Reasonable Accommodation form must be offered in an alternate format if requested.
- NNRHA will provide all applicants with the Request Form as an attachment to the NNRHA application. The Request for Reasonable Accommodation Form must be provided in an alternative format, upon request.
- 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. NNRHA will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- NNRHA will provide all residents with the Request Form during the annual re-certification. NNRHA will provide the Request Form in an alternate form, upon request.
- Residents seeking accommodation(s) may contact the housing management office to fill out the Reasonable Accommodation Form. In addition, residents may also contact the 504/ADA Coordinator’s office directly to request the accommodation(s).
- When the disability is obvious or known to the staff, documentation of the disability will not be required. When the disability and/or need is not obvious or known to staff, requests will require verification of disability status, need for equal access, and/or when relevant, likelihood that the request will resolve problem.
- When documentation is necessary, NNRHA strongly recommends that applicants or residents use the “Request for Reasonable Accommodation Verification” form in order to avoid delays. Management reserves the right to require documentation on a verification of need and release form provided by NNRHA if other forms of documentation are not sufficient to document need. It is the applicant's or resident's responsibility to secure such documentation or to give NNRHA the information necessary to secure such documentation. Documentation must come from a reliable source with sufficient professional and personal knowledge of the applicant/resident to answer the applicable questions such as a physician, licensed health professional, professional representing a social service agency or disability agency or clinic.
- As soon as the property manager receives a Reasonable Accommodation request, they will send applicant’s request, verification of need and release form to the verification source identified by the applicant or resident for verification.

- The property manager forwards the request and all materials and verifications to the 504 Coordinator.
  - The 504 Coordinator may approve or deny a request for a reasonable accommodation or structural modification. The decision to approve or recommend denial of the request shall be made no later than 15 days after the request.
  - Once the decision has been made to approve a request for a reasonable accommodation or structural modification, the resident will be notified in writing of the final reasonable accommodation or structural modification determination by the 504 Coordinator with a copy to the Property Manager. If the request is approved, the resident will be notified of the projected date for implementation. If the request is denied, the resident will be notified in writing of the reasons for denial by the 504 Coordinator.
8. **A detailed list of the procedure that will be used to verify the need for a requested accommodation (including a provision that prohibits written verification when the need for the accommodation is obvious)**

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

The NNRHA 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 PHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the NNRHA may not require specific details regarding the individual's disability. The NNRHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The NNRHA may not require the individual to disclose the specific disability (ies); or the nature or extent of the individual's disability (ies). NNRHA prohibits written verification if the need for the accommodation is obvious.

The following may provide verification of a resident's disability and the need for the requested accommodation or structural modification:

- (a) Physician;
- (b) Licensed health professional;

- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

**9. Procedures for transfers requested as reasonable accommodation, including the waiver of any transfer fee**

The NNRHA 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 complex or another complex, NNRHA may offer to transfer the resident to the vacant unit in his/her complex or another complex in lieu of providing structural modifications.

If the resident accepts the transfer, the cost of moving a disabled tenant from the non-accessible unit to an accessible unit that meets UFAS standards will be at NNRHA expense. Nothing contained in this paragraph is intended to modify the terms of NNRHA's Tenant and Assignment Plan and any resident's rights thereunder.

**10. Procedures for requesting the reasonable accommodation of a live-in-aide**

A person with a disability can request that NNRHA approve a live-in aide to live in the unit with the person with a disability. The NNRHA must approve a live-in aide if the live-in aide is needed as a reasonable accommodation to make the program accessible to and usable by the person with a disability. A live-in aide affects the size of the family unit and, therefore, may increase the number of bedrooms a person can receive. For example, a single person is entitled to a one-bedroom apartment, but if there is a live-in aide, that person is eligible for a two-bedroom apartment. However, the NNRHA can refuse a particular live-in aide if that person committed a corrupt or criminal act; has committed drug-related or violent criminal activity; or owes money to any PHA under a federal housing program. In accordance with 24 CFR Section 982.316, the PHA must approve the person identified as the live-in aide. The PHA may disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt criminal act in connection with any federal housing program; (2) committed drug related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

**11. Procedures for approving and acting upon requested structural modifications, including designation of appropriate responsible parties.**

If an individual with a disability requires a structural modification, NNRHA 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. Property Manager must seek bids if required by the Procurement Policy for the work to be done. Once property management approves a bid, the selected contractor can begin working on the structural modification. The 504/ADA Coordinator will contact the resident and inform them of the projected day of completion of the modification.

**12. Procedures outlining the right to appeal a denial of a requested accommodation or modification and any applicable grievance process.**

Clients and applicants of assisted housing programs that are not satisfied with the decision on their request for reasonable accommodation by the 504 Coordinator may file a complaint requesting an administrative hearing with the Office of Human Affairs (OHA). In addition, public housing residents may request a grievance hearing through the rental office and HCV clients may request a grievance hearing through the Housing Choice Voucher Program.



