

## **KHRA Policy & Procedure**

### **504 Reasonable Accommodation & Modification**

#### **HUD Section 504 Overview**

Section 504 compliance is required by the Rehabilitation Act of 1973. HUD's Section 504 regulations became effective on July 11, 1988. Section 504 pertains only to federally funded housing. Section 504 does not apply to market rate housing, low-income tax credit housing (without project-based subsidy), or privately owned properties with that accept Section 8 tenant-based vouchers. These properties are regulated only by Fair Housing Act requirements. Section 504 prohibits discrimination against persons with disabilities: including residents, applicants and employees. The physical accessibility for Section 504 compliance is described in UFAS (Uniform Federal Accessibility Standards).

- The 504 definitions of a person with disabilities is the same as the Fair Housing Act and the Americans with Disabilities Act (ADA): "A physical or mental impairment that substantially limits one or more major life activity, has a record of such an impairment; or is regarded as having such an impairment. [24 CFR 8.3]. Examples of physical and mental impairments:
  - Obvious physical impairments -- sight, hearing, loss of use of legs or arms, illnesses
  - Less obvious physical impairments – breathing problems, allergies, heart limitations
  - Obvious mental impairments -- developmental disabilities, schizophrenia
  - Less obvious mental impairments -- depression, anxiety disorders, bipolar disorder

#### **Section 504 Reasonable Accommodation/Modification Policy**

The lists below provide examples of reasonable accommodations and modifications that are available to an applicant or resident with disabilities. When it is possible and feasible to accommodate a request for a reasonable accommodation or modification, management will make every reasonable effort to meet the needs of disabled residents and applicants by adjusting policies or modifying access to and features of apartments and common areas. Whenever feasible a reasonable alternative to a 504 request will be offered. A request will only be denied if:

- The resident/applicant's disability is not readily apparent and is not verified; or
- The request is unreasonable; or
- The request would result in a financial and administrative burden; or
- The request would fundamentally alter the housing program; or
- The request is structurally infeasible.

#### **ACCOMMODATIONS**

A Reasonable Accommodation is needed when an applicant or resident requires an exception to a rule or practice to use and enjoy the property or dwelling unit. The following list provides examples and is not intended to include all reasonable accommodations:

- Adjustment in animal policies,
- Assistance with garbage disposal,
- Permit a live-in aide to reside with a resident with disabilities if the resident needs assistance with daily living tasks,

- Transfer to a different apartment,
- Modification of Community Policies or Rules, and
- Alteration of maintenance or exterminating services to accommodate allergies or chemical sensitivity.

## MODIFICATIONS

A Reasonable Modification is needed when a structural modification is required to a unit or common area. The following list provides examples and is not intended to include all reasonable accommodations and modifications

- Modification of access to buildings and common areas;
- Modification of plumbing fixtures;
- Addition of handrails and grab bars;
- Modification of door hardware;
- Modification for wheelchair access to sinks, commodes, countertops, appliances, etc.;
- Modification of laundry or mail areas;
- Creation of additional or different accessible parking; and
- Removal of carpet due to allergies or other breathing disabilities.

It is the Policy of KHRA to provide a response as quickly as possible but no more than thirty (30) business days from the date a request is submitted. The response will include one of the following:

1. Request for additional information. Details will be included in the response.
2. Approval of the request.
3. Offer an alternative solution to the request.
4. Denial of the request. The reason(s) for the decision will be explained in the written response. The individual will have ten (10) business days from the date of the letter to appeal the decision to deny the request. Whenever feasible, the review of the appeal will be performed by the KHRA 504 coordinator.

## **Section 504 Reasonable Accommodation/Modification Policy and Procedure**

1. A resident or applicant contacts the site management and makes a **verbal** request for a reasonable accommodation/modification.
2. The applicant/resident is requested to complete the appropriate KHRA Reasonable Accommodation/Modification Request form. For some requests a general request form will be used. For other requests, specialized forms are provided, including requests for assistance animals, live-in aides, assigned parking, changes in flooring, and changes in chemical use due to allergies and multiple chemical sensitivity. The individual should use the KHRA forms available on the portal or can make a written request. If the applicant/resident refuses to complete the appropriate KHRA form (other than the live-in aide forms) the Property Manager or Intake Coordinator will need to document all information relating to the request. *(All forms are on the KHRA Portal).*
3. If the disability or need for the accommodation/modification is **not readily observable or the connection between the disability and requested accommodation is not readily apparent**, the individual is asked to provide the identity and contact information for a third-party professional on the appropriate KHRA 3<sup>rd</sup> Party Verification form. The verifier can be a medical provider or other

professional with first-hand information concerning the applicant/resident's disability status and need for the requested accommodation/modification. Management will then mail/fax the Verification form to the verifier (with a return envelope if mailed). We cannot require the use of our forms (*except for live-in aide*) if adequate information is provided using a different method. **However**, the 3<sup>rd</sup> Party Verification **MUST** provide confirmation that the person is disabled **AND** that there is a direct connection between the disability and the requested reasonable accommodation/modification.

If the form is not returned within five (5) business days, it is management's responsibly to follow up first with the professional and then with the individual making the request if the professional fails to return the completed verification.

4. When the verification of disability and need for the Reasonable Accommodation is returned, the Property Manager should **review all documentation for completeness** (including the full name and address of the applicant/resident) and then all **completed** documents should be sent to the KHRA 504 Coordinator and include a recommendation and any pertinent details/information that are needed to approve or deny the request.
5. If further information is needed to make a decision, the KHRA 504 Coordinator may contact the Property Manager, resident, applicant or 3<sup>rd</sup> party verifier. In some cases, before responding the KHRA 504 Coordinator may need to seek guidance from a fair housing attorney or management.
6. Prior to refusing a requested accommodation or modification or offering an alternative, the Property Manager will schedule a meeting with the resident to discuss the matter. The purpose of this meeting is to discuss any concerns with the request and to achieve a resolution by offering alternatives to the request. The content of the meeting should be documented for the resident file and if a resolution is achieved, a letter confirming the agreement should be sent to the resident. A copy of the letter should be sent to KHRA.
7. Once a decision is reached, a determination letter will be sent to the applicant/resident and a copy of the decision, including the approval/disapproval/alternate accommodation letter will be retained by the KHRA 504 Coordinator.
8. The KHRA 504 Coordinator will maintain documentation of all 504 requests and resolutions.

### **Most Common Reasonable Accommodation Requests from Residents**

1. **Unit Transfers to lower floors or H/C units:** If approved, the resident should be placed on the in-house transfer list as a preference for the next available unit that meets their needs.
2. **Live-In Aide: Please note:** HUD allows family members unless they are already a household member and would not be living in the unit except to provide the necessary supportive services. The LIA Request form should be completed by the resident/applicant as well as the LIA 3<sup>rd</sup> party Verification form (THESE FORMS ARE REQUIRED). Once the Reasonable Accommodation is approved, the requested live-in aide will be required to complete the LIA Questionnaire & provide verification of SSN. Criminal and landlord background checks will be completed/approved, and both the LIA and resident will execute the LIA Agreement. (*All forms are on the KHRA Portal*).

The need for a live-in aide will be reverified each year at annual recertification UNLESS there is a readily visible impairment that makes the continued need for the live in aide readily observable. A copy of the completed verification form should be sent to the KHRA 504 Coordinator.

- a) If the 3<sup>rd</sup> party confirms the continued need, the form will be filed with the KHRA 504 Coordinator, and no additional action is required.
  - b) If the 3<sup>rd</sup> party negates the continued need, a determination letter will be mailed to the resident and a copy of the letter will be retained by the KHRA 504 Coordinator.
3. **Assistance Animal:** Defined as an animal that provides assistance or performs a task for the benefit of a disabled person OR an animal that provides emotional support that alleviates one or more identifiable symptoms of a person's disability. Service animals that have been trained to perform a service do not require certification.

**Please note:** There is a separate Reasonable Accommodation Animal Request form that should be used as well as an Assistance Animal Agreement that must be executed prior to the animal coming on site.