



REASONABLE ACCOMMODATION POLICY

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I. Introduction

A. Program Rules

All shelter or housing programs funded through the Department of Human Services and managed by the Community Partnership must have Program Rules that are approved annually - first by the Community Partnership, and then by the Department of Human Services. Program Rules outline clients' eligibility requirements, rights, responsibilities and program sanctions. All approved program rules should be signed by clients at the time of entry into the program.

B. Non-Discrimination Statement

The Community Partnership for the Prevention of Homelessness (TCP) complies with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988), Executive Order 110063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Titles II and III of the Americans with Disabilities Act (ADA).

The ADA and Section 504 both stipulate that "no otherwise qualified persons with disabilities...shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (Section 504) or any activities of "public entities," of state or local governments, regardless of whether they receive federal funding (Title II of the ADA). The Fair Housing Amendments Act regulations state "It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit including public and private use areas."

C. Key Definitions/Concepts

Who is a person with a disability?

The definition of a person with disabilities for purposes of nondiscrimination is a person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment; or
3. Is regarded as having such impairment.

The physical or mental impairment includes practically any condition, disease, illness, disfigurement or disorder (e.g., alcoholism, AIDS, emotional disorder, drug addiction, mental retardation, cerebral palsy, cancer, deafness, or HIV infection), if the impairment substantially limits one or more major life activities. Major life activities include caring for self, performing manual tasks, walking, seeing, hearing, breathing, learning and working. This is not an exhaustive list; other life activities can also be major.

What is a Reasonable Accommodation?

The requirement to provide reasonable accommodation is intended to provide, for persons with disabilities, equal opportunity to participate in programs through modification of policies, procedures, or structures. This policy is not intended to provide greater program benefits to persons with disabilities than to non-disabled clients or applicants. It may mean, however, that persons with disabilities will sometimes be treated differently in order to ensure equal access to programs and services. Equal access to programs and services is referred to as "Program Access" in both Section 504 and the ADA.

Most Integrated Setting Possible

TCP will work with its contractors to ensure that applicants and/or clients are able to make a reasonable accommodation request, giving priority to those accommodation methods that offer programs and activities to qualified individuals with disabilities in the most appropriate integrated setting. Accommodations, administrative and structural, are intended to afford persons with disabilities equal opportunity to use and enjoy the programs, including public and common use areas; or to provide the qualified individual with disabilities an opportunity to participate in, or benefit from the housing, aid, benefit, or service that is equal to that afforded to others, provided that the accommodation is reasonable (i.e., does not cause undue burdens or cause a fundamental alteration in the nature of the program).

Notification

A client has the right to request a reasonable accommodation at any time while residing in a program. Information regarding the process of requesting a reasonable accommodation will be made available to applicants and clients at the time of application, at any time the District government, TCP or a shelter or housing provider proposes to take adverse actions against a client, or any other time upon request. For emergency actions shelter staff will make a reasonable effort to notify clients of their right to request a reasonable accommodation.

If a client requests an accommodation at the time of an emergency action and the Shelter Staff determine that the nature, duration, and severity of the risk, and the probability that potential injury will occur will NOT be sufficiently reduced by the reasonable modification, then Shelter Staff shall not be required to offer the reasonable modification prior to denial or termination of services.

Information on how to request a reasonable accommodation will also be provided at such other times as TCP Contractors deem appropriate, including educational opportunities for staff and clients. Forms and other documents used for applicants and clients will be written in plain language. TCP will present documents in alternative formats, provide auxiliary aids, or communicate with a third party designated by the consumer or client.

Providers are required to display the DHS prescribed accommodations flyer at intake facilities. If providers need additional Accommodations flyers, please contact Michele Salters at the Community Partnership.

Auxiliary Aids and Services

To facilitate communication with persons with disabilities, the service provider shall furnish appropriate auxiliary aids. Auxiliary aids are services or devices that enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in, and to enjoy the benefits of programs and activities. No surcharge or fee will be assessed for the provision of auxiliary aids and services.

In determining what auxiliary aids are necessary, service providers shall give primary consideration to the request(s) of the individual with disabilities. Types of auxiliary aids and accommodations that TCP and service providers will readily supply to applicants and clients include:

1. Providing additional explanation of program rules and requirements.
2. Offering information in accessible formats (e.g., large type) and in plain language.
3. Permitting rent payments and required communications to be mailed rather than delivered in person.
4. Providing auxiliary aids, such as pencil and paper for those with speech difficulties, Telecommunication Devices for the Deaf (TTY), Assisted Listening Devices (ALD), a sign language interpreter, or a reader.
5. Sending mail or making phone calls to a person designated by the individual with disabilities as a contact person.
6. Allowing the use of service animals.

7. Reinstating applications of persons with disabilities, if the reason they did not respond in the required time was reasonably related to their disability.

Additional Aids, Benefits or Services

The Community Partnership can also assist in providing language translation services if a shelter or housing provider is having trouble communicating to a non-English speaking client. Please contact the Community Partnership for access to this service.

To be equally effective, aids, benefits, and services are not required to produce identical results for individuals with disabilities and non-disabled persons but to afford individuals with disabilities equal opportunity to obtain the same results, to gain the same benefits, or to reach the same levels of achievement. Shelter and housing programs should respond to requests for auxiliary aids within a reasonable time by notifying the individual of the proposed auxiliary aid to be provided. All programs should consult with TCP, DHS, or ODR when considering provision, or denial of auxiliary aids, and/or services.

Service providers are not required to provide individually prescribed devices, such as readers for personal use or study, or other devices of a personal nature.

II. Reasonable Accommodation Process

A. Qualified Residents

Homeless Service Providers under contract with the Community Partnership are required to make reasonable accommodations to their rules, policies, practices and procedures for qualified residents, and must make reasonable modifications (changes to the physical structure), for such residents.

The Americans with Disabilities Act defines a “qualified resident” as:

- An individual who **has** a physical or mental impairment that substantially limits one or more major life activities – including such conditions as blindness, deafness, cerebral palsy, cancer, heart disease, mental retardation, brain injury, emotional or mental illness, and specific learning disabilities; and/or
- An individual who **has a record of** a physical or mental impairment that substantially limits a major life activity, including people who have recovered from mental or emotional illness, drug addiction, heart disease, or cancer; and/or
- An individual who **is regarded as** having such a disability, regardless of whether they have the disability. Common examples are someone who is obese or someone who is scarred due to injury, where there is no functional impairment, but people may regard the person as having a disability.

B. Considering An Accommodation Request

When considering a reasonable accommodation/modification request, a homeless service provider can only take the following into consideration:

- Is the individual a person with a disability as defined by the law?
- Is the request for an accommodation or modification necessary for the qualified resident to enjoy equal opportunity and access to the program?
- Would the requested accommodation or modification impose an undue financial or administrative burden on the program?
- Would the requested accommodation or modification require a fundamental alteration in the nature of the program, such as changes to the eligibility requirements of the program?

The provider may not ask about the nature or severity of the disability in question. The provider need only consider whether or not the request is *reasonable* in terms of cost and alteration of their program. They may ask questions which will clarify what it is about the policy, practice or procedure that serves as a barrier (so that the provider may offer an alternative solution); however, they should not attempt to determine whether or not the request is necessary for the individual in question. That is a determination to be made by the individual and/or his or her advisor.

C. How A Client Makes A Request

Appendix A is the form that providers should use when an applicant or client makes a reasonable accommodations request. However, if the applicant or client cannot complete Appendix A, he or she may make a request for reasonable accommodation in any manner which is most effective for them. No request can be denied just because a client did not use the preferred forms or procedures outlined herein.

If an applicant/client does not use the form, staff must still respond to the request for a reasonable accommodation and assist the applicant/client in completing the form and in acquiring any information needed to make a decision on the request. Although the process for requesting a reasonable accommodation is standardized, each request will be treated uniquely. The results will be unique to the individual and the facility and/or circumstances involved.

Whenever possible, reasonable accommodation decisions must be made in a timely manner (based on the nature of the program and length of stay) and both denials and agreements to make accommodations must be documented in writing. Forms and notifications will be provided in a format accessible to the client or applicant. Any meetings with applicants/clients required by this policy must be held in an accessible location.

If the shelter provider is inclined to deny the request in whole or in part, final approval to do so must be obtained from Michele Salters at the Community Partnership. It is imperative that no provider deny any accommodation request before discussing the case with the Community Partnership.

D. The Accommodation Request Log

It is important for providers to remember that all communications received or sent regarding an accommodation request must be handled with privacy and care. All communications, including but not limited to emails, faxes and letters sent and received regarding an accommodation request, must be kept on file.

Additionally every step of the accommodation process must be recorded in an "Accommodation Request Log", included as **Appendix B**.

Every accommodation request submitted, whether verbally or in writing, **must have its own Accommodation Request Log** that records every step of the accommodation process. The client or their designee's signature should be captured at every stage of the process to acknowledge their affirmation of the status of their request. This log must be submitted to Michele Salters at the Community Partnership on a monthly basis.

III. Reasonable Accommodation Procedure

A. Action Steps to Process an Accommodation Request:

Providers must follow the following steps when processing an accommodation request.

Requests

- Once again, no request can be denied just because a client did not use the preferred forms or procedures outlined herein.
- **A client does not have to make an accommodation request in writing.** If a request is received verbally from a client or their designee, and the provider feels that they have enough information to approve the request, they may do so immediately.
- If the request is granted immediately, then both the request, whether written or verbal, and its granting must be documented in the request log within 48 hours from the date of the verbal request.
- When a written accommodation request is received, the document will be reviewed by program staff and documented in the Accommodation Request Log.
- Upon receipt of the request, the provider must notify the client or their designee within 48 hours of receipt of the request whether the request is complete or whether additional information is required.
- The provider must also **contact the Community Partnership in writing** within 48 hours of receipt of the request. It is imperative that the provider not wait until all documentation surrounding the request is received before communicating with the Community Partnership about the request.

Requests Requiring More Information or Verification

- If the provider does not have enough information to approve either a verbal or written request immediately, the provider must inform the client or their designee within 48 hours that additional information or documentation is necessary to complete the request through the use of the "Additional Information" form included here as Appendix C.
- If verification is required the "Verification Form" (see Appendix D) must accompany the form for Additional Information. The client or designee will be instructed to give the Verification form to a person who can confirm that the client's disability is tied to the accommodation request.
- Persons qualified to verify information include counselors, social workers, physicians, psychiatrists, professionals at non-medical service agencies, peer support groups, or a reliable third party who is in a position to know about the client's disability.

- The request for information or verification must be documented in the Accommodation Request Log.
- Once the Verification Form is returned or other verification is given, **it must be kept confidential.**
- If the provider has difficulty determining whether the verification supports the accommodation request, he/she must contact Michele Salters at the Community Partnership.
- If the client's disability and need for the accommodation is clear or known to the provider, no additional verification or information is required. For example, a person who uses a wheelchair should not have to provide verification in order to access a wheelchair accessible bathroom. If more information or verification is required to verify information within the request, the provider can ask for only such verification or information that is necessary to process the request. Verification can be given orally or in writing, and written verification can take different forms even though TCP's Verification Form is preferred. No verification should be refused just because it is not on the TCP Verification Form.

When to Grant A Reasonable Accommodation Request

- Reasonable accommodation requests must be granted immediately if the denial of the request is likely to cause **serious harm** to the individual with a disability.
- Reasonable accommodation requests may be granted on a **provisional basis** when the provider has requested additional information or documentation.
- If an accommodation request would result in a **fundamental alteration to the nature of the program**, the provider is not required to provide it, but the provider must consult with Michele Salters at TCP before denying it.
- If an accommodation request would pose **an undue financial or administrative hardship** to the program, the provider is not required to provide it, but the provider must consult with Michele Salters at TCP before denying it.
- If an accommodation request would result in a **direct threat to the health and safety of others**, the provider is not required to provide it, but the provider must consult with Michele Salters at TCP before denying it. However if Shelter Staff determines that complying with the accommodation request even on a provisional basis will present an immediate risk to the health and safety of others, and the probability of potential injury will NOT be sufficiently reduced by the reasonable modification, then Shelter Staff may act immediately to deny the accommodation request. In such cases prior consultation

with TCP is not necessary but TCP should be notified of the decision immediately.

How to Process a Reasonable Accommodation Request

- Once the Accommodation Request (and supporting documentation, if required) is submitted by the client, the provider must immediately date stamp the request, provide a copy to the client or designee and fax or email a copy of the request to the Community Partnership, attention Michele Salters or msalters@community-partnership.org. The provider must also update the Accommodation Request Log with the status of the request.
- Every Monday, and continuing weekly, the provider must update the Accommodation Request Log and have the Log initialed by the client or their designee when it has been updated. The provider will provide the client or designee a copy of the Log immediately upon request at no charge.
- When a request is approved, the provider must use the Approval Form (see **Appendix E**) to notify the client or designee.
- If the accommodation request is approved, but cannot be implemented by the provider within fourteen (14) calendar days, the provider must notify Michele Salters at the Community Partnership by fax or email. The Community Partnership will then make a good faith effort to effectuate the request and record attempts to do so in a recorded log. This log will be made available upon request to the shelter provider, the person making the accommodation request or their designee at no charge.
- If the request is denied, the provider must use the Denial Form (see **Appendix F**) to inform the requester.
- No approval or denial made in writing should be given to a client without first sharing the request and proposed decision with Michele Salters at the Community Partnership.
- No denial should be given to a client without first receiving approval from Michele Salters at the Community Partnership.
- The Community Partnership will forward all accommodation logs to the Department of Human Services ADA Coordinator within 24 hours of a decision.

If the Provider is unclear about how to handle a request or whether the documentation provided is sufficient, they must call Michele Salters at the Community Partnership at 202-543-5298. The request is reviewed by Ms. Salters and if a determination cannot be made, she will submit the request to the Department of Human Services ADA Coordinator and the Office of Disability Rights for assistance.

B. Determining Fundamental Alterations or Undue Financial Burden

TCP and service providers can deny reasonable accommodation requests which would require a fundamental alteration in the nature of the program or which represent an undue financial and/or administrative burden. If an action would result in a fundamental alteration, the service provider or TCP may take other action that would nevertheless ensure that persons with disabilities have an equal opportunity to receive the program benefits and services. While a request might constitute an undue burden or fundamental alteration for a specific provider, TCP or DHS might be able to accommodate the client in the broader continuum of homeless services. All determinations with respect to fundamental alterations will be made on a case- by-case basis in coordination with TCP or the District government depending on the requested accommodation.

If the Provider is unclear about whether a request constitutes an undue burden or fundamental alteration, they must call Michele Salters at the Community Partnership at 202-543-5298. The request is reviewed by Ms. Salters and if a determination cannot be made, she will submit the request to the Department of Human Services Family Services Administrator.

C. Essential Obligations of Tenancy

Certain aspects of shelter stays and obligations of clients are considered "fundamental obligations" and modifications of the requirements will **not be considered reasonable, although clients may request modifications or assistance in meeting these essential obligations.** They are:

1. The obligation to pay rent and other charges under a lease (if applicable);
2. The obligations to: care for and avoid damaging the unit and common areas; use facilities and equipment in a reasonable way; create no health or safety hazards; and, report maintenance needs;
3. The obligation not to interfere with the rights and enjoyment of others or damage the property of others;
4. The obligations to: not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other clients or staff; not engage in drug related criminal activity on or off the premises of the shelter or housing facility; not engage in drug- related criminal activity on or near the premises of the shelter or housing facility.
5. Activities that even with reasonable accommodation pose a direct threat to staff or other program participants.

D. Discontinuation of Reasonable Accommodation

Providers may not change or discontinue a reasonable accommodation without first obtaining approval from TCP. Once the change or discontinuation of the reasonable accommodation has been approved by TCP, the provider must then notify the client or designee in writing of this decision and include notice of the client's right to appeal the decision found on the back of the Notification of Appendix F.

E. Service or Assistance Animals/ Companion Animals

Service animals are equivalent to other auxiliary aids such as wheelchairs and eyeglasses, and as such will be permitted. Dogs trained to assist a sight or hearing impaired person are examples of service or assistance animals. If the animal does not have specific disability-related training but is necessary for coping with the disability (for instance, if the animal provides emotional support to a person with a panic disorder), the animal is considered a service/assistance animal.

Persons with disabilities cannot be required to pay for costs associated with reasonable accommodations; therefore, service providers may not charge a pet deposit or any other fees for a service or assistance animal. Shelter programs may ask if an animal is a service animal, or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal, or ask about the client's disability.

A person with a disability cannot be asked to remove a service animal from the premises unless:

- the animal is out of control and the client does not take effective action to control it (for example, a dog that barks repeatedly through a group therapy session) or,
- the animal poses a direct threat to the health, or safety of others.

In these cases, the shelter program should give the person with the disability the option to obtain goods and services without having the animal on the premises.

Shelter programs, including those that prepare food, must allow service animals in **public** areas, even if state or local health codes prohibit animals on the premises. Shelter programs are not required to provide care or food for a service animal or provide a special location for it to relieve itself.

When considering an accommodation request to keep a service or assistance animal at properties with "no pet" policies, providers may:

1. Request verification that the applicant/client is an individual with a disability as defined in the Section 504 regulations.
2. Request medical certification, such as a current rabies tag, to ensure that the animal has been vaccinated.

If both verifications are provided, and the animal assists the person with a disability, then the animal is a "service animal" as defined under Section 504.

A provider should provisionally allow a companion animal into a shelter or housing program while a reasonable accommodation request is being processed. However they should not do so until a client can provide medical certification such as a current rabies tag to ensure that the animal has been vaccinated.

The client will be responsible for the animal's care and the animal must be kept in a manner which does not violate the provider's program rules.

All requests for service or assistance animals must be forwarded to Michele Salters at the Community Partnership prior to approving or denying the request, other than provisional approvals as described above.

F. Emergency Situations

Each provider must have an evacuation procedure that aligns with their building's specifications. Providers should meet with staff to prepare, plan and practice for emergency situations and include persons with disabilities in this discussion.

Carrying a person with a disability up stairs or out of their wheelchair is only an acceptable reasonable accommodation policy or practice in an emergency situation. For example, if the choice is between leaving someone out in the cold or carrying them up the stairs, it would be necessary to carry the person who is not independently mobile.

The Fire Department and the Department of Veteran Affairs are great resources for planning and procedures in emergencies. Providers are encouraged to contact these resources to create an evacuation procedure that works best for their shelter or housing program.

G. Notification of Disability Rights Procedures

Note: Acknowledgements of receipt of the brochure or inquiry into the need for a reasonable accommodation at the time of intake in no way reduces or effects clients' rights to request reasonable accommodations at any time they are in shelter or housing programs.

Family Programs

All families applying for shelter are screened for eligibility and intake at the Virginia Williams Family Resource Center. The brochure entitled "District of Columbia Disability Rights in Shelter and Housing Programs" (Appendix G) will be provided and explained to every family as part of the application process. Each family will be asked to sign an acknowledgement of their receipt of the information and will be asked directly if they are in need of a reasonable accommodation. (See attached Acknowledgement Receipt)

Families currently in residence in shelter and housing programs are also to be given an additional copy of the brochure, receive an explanation and sign an acknowledgement of receipt at the time that they sign the Approved Program Rules

Single Adult Programs

Single adults seeking shelter can access services directly at each shelter/housing program. There is no central intake center. The "District of Columbia Disability Rights in Shelter and Housing Programs" brochure (**Appendix G**) will be provided at the time of application/entry into a program [in conjunction with the approved Program Rules for that program – if the program rules are required to be given out at intake, you need to say so in the section re: program rules]. Each individual will be asked if they are in need of a reasonable accommodation and to sign an acknowledgement of their receipt of the information.

Training

Training on these procedures will occur through staff meetings at the individual program sites and through scheduled Reasonable Accommodation Policy and Procedure Trainings pursuant to the Department of Human Services settlement with the Department of Justice.

H. Accessible Unit Transfer Protocol

If a family is placed in a unit that is designed to meet the needs of those persons with physical disabilities and they do not have a need for an accessible unit, the family will be asked to sign the Accessible Unit Transfer Form (Appendix H) at the time of the placement. If the accessible unit is needed for a family that has accessibility needs the initial family will be relocated to another unit meeting their family size within 24 hours.

A family in need of an accessible unit may submit a request for reasonable accommodation under the standard reasonable accommodation procedures. If an accessible unit is occupied by a family that does not have a need for that type of unit, that family will be relocated within 24 hours and the unit made available for the family with an accessibility need within 72 hours or as soon as the unit is ready for occupancy.