

HOUSING CHOICE VOUCHER PROGRAM

APPENDIX C REASONABLE ACCOMMODATION POLICY AND PROCEDURES



State of New Jersey
Department of Community Affairs
Division of Housing and Community Resources

State Fiscal Year 2018
(July 1, 2017 – June 30, 2018)



<http://www.nj.gov/dca/divisions/dhcr/>

REASONABLE ACCOMMODATION POLICY AND PROCEDURES

The DCA is committed to ensuring that the policies and procedures of its programs do not deny individuals with disabilities the opportunity to participate in, or benefit from, those programs. The DCA is also committed to ensuring that its policies and procedures do not otherwise discriminate, on the basis of disability, in connection with the operation of those programs, services and activities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature for the assisted unit or modification to an existing policy, the DCA will provide such reasonable accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such case, the DCA will attempt to make another accommodation that meets the needs of all involved.

A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice or program that provides a qualified individual with a disability the opportunity to participate in or benefit from one of the DCA's programs.

The DCA will post a copy of this Reasonable Accommodation Policy and Procedures (Policy) in the Central Administrative Office located at 101 South Broad Street, Fifth Floor in Trenton and copies will be available in each field office upon request. In addition, the Policy as contained in this *Administrative Plan* is available online to all program participants. Finally, individuals will receive a copy of the Policy in the tenant briefing packet.

Legal Authority

The DCA is subject to federal civil rights laws and regulations. The Policy is based on the following authorities:

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.S. §794; 24 C.F.R. Part 8)
Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.S. §§12101 *et seq*)
Fair Housing Act of 1968, as amended (Fair Housing Act) (42 U.S.C.S. §§3601-20; 24 C.F.R. Part 100)
Architectural Barriers Act of 1968 (42 U.S.C.S. §§4151-4157)
Respective implementing regulations for each Act

Monitoring and Enforcement

The DCA's Section 504/ADA Coordinator is responsible for monitoring the DCA's compliance with this Policy. Individuals who have questions regarding this Policy, its interpretation or implementation should contact the DCA's Section 504/ADA Coordinator in writing, by telephone, by facsimile, or by appointment, as follows:

Section 504/ADA Coordinator Housing Assistance Programs
NJ Department of Community Affairs
101 South Broad Street, Eighth Floor
Trenton, New Jersey 08625
Telephone: (609)292 4096
Facsimile: (609)984-6696

The Section 504/ADA Coordinator will ensure that all appropriate DCA staff receives annual training on the Reasonable Accommodation Policy and Procedures, including all applicable federal, state and local requirements regarding reasonable accommodations.

Reasonable Accommodations

A person with a disability may request a reasonable accommodation at any time during the application process. The individual, DCA's Section 504/ADA Coordinator, or another person identified by the individual, must reduce all requests for reasonable accommodation(s) to writing.

Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and needs of the individual.

Application of Reasonable Accommodation Policy and Procedures

The Policy applies to individuals with disabilities applying to or participating in the programs administered by the DCA.

Person with a Disability

A person with a disability, as defined by the Federal Fair Housing Act¹, is an individual who has a physical or mental impairment that substantially limits one or more major life activities. As used in this definition, the phrase "physical or mental impairment" includes:

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

¹This definition is nearly identical under Section 504 and the ADA.

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

24 C.F.R. §100.201.

Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning. 24 C.F.R. §100.201.

The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities, complying with the obligations of program participation, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. The definition does protect individuals who are currently receiving treatment for their alcoholism.

Examples of Reasonable Accommodations²

Examples of reasonable accommodations may include, but are not limited to:

- (a) Allowing a live-in aid to reside in a tenant's unit;
- (b) Making documents available in large type, computer disc or Braille;
- (c) Providing qualified sign language interpreters for program participants meeting with DCA staff;
- (d) Permitting an outside agency or family member to assist a program participant to meeting the essential terms of the household's obligations of participation in the DCA housing assistance program;
- (e) Providing an additional, reasonable amount of time within which the program participant must complete paperwork or a recertification.

Processing of Requests for Reasonable Accommodations

The DCA will provide a Request for Reasonable Accommodation Form (Request Form), EXHIBIT 20-1, to all program participants or applicants. The Request Form will also be provided to any program participant or program applicant upon request.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. Submission of the Request Forms is not mandatory.

However, the DCA will ensure that all reasonable accommodation requests will be reduced to

² The DCA will also provide, as an attachment to the Reasonable Accommodations Policy and Procedures, the Examples of Reasonable Accommodations document which has been approved by the U.S. Department of Housing and Urban Development.

writing within 24 hours of receipt. If needed as a reasonable accommodation, the DCA will assist the individual in completing the Request Form.

The following procedures will be followed:

- (a) The DCA will provide all program participants with the Request Form as a part of the participant briefing packet. The Request Form will be provided in an alternative format upon request.
- (b) Reasonable accommodations will be made for program participants during the eligibility determination process in an accessible location. Applications for participation will be made available in accessible formats. The DCA will provide program participants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- (c) The DCA will provide program participants with the Request Form, if requested, during the annual re-certification process, and upon request at any other time. The DCA will provide the Request Form in an alternate form upon request.
- (d) Program participants seeking accommodation(s) may contact the Field Office Supervisor at the county field office in which they reside. In addition, program participants may also contact the Section 504/ADA Coordinator's office directly to request the accommodation(s).
- (e) Within two (2) business days of receipt, the DCA field office will forward the participant's reasonable accommodation request(s) to the office of the Section 504/ADA Coordinator.

- (f) Within five (5) business days of receipt, the office of the Section 504/ADA Coordinator, or the program participant's Field Office Supervisor, will respond to the program participant's request.
- (g) If additional information or documentation is required, the Section 504/ADA Coordinator's office will notify the program participant, in writing, of the need for the additional information or documentation. The Section 504/ADA Coordinator's office will provide the program participant with a Request for Information or Verification Form. The written notification will provide the program participant with a deadline for submission of the outstanding information or documentation. Such deadline will allow the participant a reasonable amount of time for submission of the requested documentation. If needed as an accommodation, and if feasible, the DCA will assist the program participant in obtaining the requested information or documentation.
- (h) Within ten (10) business days of receipt of the request and, if necessary, all additional supporting documentation, the DCA will provide written notification to the program participant of the decision to approve or deny the participant's request(s). Upon request, the written notification will be provided in an alternate format. Approval for Request for Reasonable Accommodation (EXHIBIT 20-3); Denial of Request for Reasonable Accommodation (EXHIBIT 20-4)
- (i) If the DCA approves the accommodation request(s), the program participant will be notified of the projected date for implementation.
- (j) If the accommodation is denied, the program participant will be notified of the reasons for denial. In addition, the notification of denial will also provide the program participant with information regarding the DCA's grievance process and the right of the program participant to file a complaint with HUD.

- (k) All reasonable accommodations that have been approved by the Section 504/ADA Coordinator will be forwarded to the appropriate Field Office Supervisor for implementation. All requests for reasonable accommodation that are approved by the Field Office Supervisor will promptly be implemented.

Verification of Reasonable Accommodation Request

The DCA may request documentation supporting the need for a reasonable accommodation as identified on the Request Form. In addition, the DCA may request that the individual, or the individual's health care provider, provide suggested reasonable accommodations.

The DCA 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.

The following "informants" may provide verification of a program participant's disability and the need for the requested accommodation(s):

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

The Field Office Supervisor will forward the request for accommodation, including all supporting documentation, to the DCA's Section 540/ADA Coordinator within five (5) days of receipt.

Denial of Request for Reasonable Accommodation

Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of state and/or federal law;
- (b) A fundamental alteration in the nature of the DCA's housing program;
- (c) An undue financial and/or administrative burden on the DCA.

Transfer as Reasonable Accommodation

The DCA shall not require a program participant with a disability to accept a transfer in lieu of provision of a reasonable accommodation.

Service or Assistance Animals

Program participants with disabilities are permitted to have assistance/emotional support animals, if such animals are necessary as a reasonable accommodation for their disabilities.

Right to Appeal/Grievance Process

The program participant may file a grievance with the DCA's Section 504/ADA Coordinator as indicated in the Denial of Request for Reasonable Accommodation form (EXHIBIT 20-4).

A program participant may, at any time, file a complaint with the U.S. Department of Housing and Urban Development (HUD). Individuals may contact the local HUD office at:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
One Newark Center, 13th Floor
Newark, New Jersey 07102
Telephone: (973) 776-7307
Facsimile: (973) 645-6423