

LHAND Section 8 Administration Plan

EXHIBIT 3 - REASONABLE ACCOMMODATION POLICIES

Reasonable Accommodation is the practice of making exceptions to policies and/or procedures, alterations to physical space design or layout, or holding an organizational or program standard in abeyance to provide an individual with a disability equal access and full enjoyment of the benefits of the dwelling units at the Lynn Housing Authority.

Reasonable Accommodation can pertain to applicants for housing and residents of the development.

The exact nature of the reasonable accommodation varies from case to case. The implementation of an "accommodation" is at the discretion of the Authority based on information volunteered by the individual with a disability. The Lynn Housing Authority is willing to discuss alternative accommodations if the original accommodation request is not feasible. The regulatory requirements for reasonable accommodation which pertain to the Lynn Housing Authority can be found in the Fair Housing Amendments Act of 1988, which applies to all multifamily housing, Section 504 of the Rehabilitation Act of 1973, which covers all housing programs that receive a federal subsidy, and Title II of the Americans with Disabilities Act (ADA) of 1990, which covers housing programs administered by government entities such as the Lynn Housing Authority.

The Authority is only concerned with the behavioral (functional) limitations of the disability as it pertains to the nature and requirements of the housing programs and the ability to meet the requirements of tenancy. In all cases, requests for information about the cause (diagnosis) of a disability are not permitted by staff.

REASONABLE ACCOMMODATION AND RESIDENT SELECTION

The Lynn Housing Authority provides affordable housing to individuals and households who are eligible and qualified. Program eligibility is primarily based on income. Additional screening standards are used to determine if the individual or household is capable of meeting the requirements of the Rental Lease. This is the determination of a household's qualification or suitability to be housed.

It is the responsibility of the applicant to identify any disability that has relevance to the Authority's screening process. The screening process determines the applicant's ability and willingness to comply with the lease. Based on a request for a reasonable accommodation by an applicant regarding the screening standards, suspending the use of any aspect of the Authority screening standards is not an automatic action. Additional information can and often will be required for review by the Agent to determine if the disability provides a sufficient basis for overlooking any past behavior.

The Authority can request documentation from licensed clinicians and/or therapists that there is a sufficient causal relationship between an individual's disability and the failure to meet the screening standards. This documentation requires no description of the causes of a disability. It only seeks to verify that the specific reasonable accommodation is related to and overcomes the functional limitation of a documented disability.

Even if this causal relationship is documented, the Authority still reserves the right to accept or reject any reasonable accommodation on the basis of "financial or administrative burden", "change in the fundamental nature of the program" or "undue hardship". In addition, the Authority will never agree to a reasonable accommodation if the behavioral history of an applicant indicates a high likelihood of being a threat to the safety and health of others or the applicant. The Authority may request opinions from experts as to the nature of the behavior, but the final determination as to the import of any concerns about a resident's behavior resides with the Authority.

REASONABLE PHYSICAL MODIFICATION

In certain cases the reasonable accommodation required is in the form of a physical modification to a unit or program space.

Requests for physical modifications to units must be made in writing to the Property Manager. In Massachusetts state law requires that an owner of a development with ten or more units will bear the cost of any physical modification unless one of the limiting standards is triggered such as "financial or administrative burden". If the Authority makes a determination that a physical modification is a financial and administrative burden, this does not preclude the requester from identifying other resources, which can be substituted or combined, with property resources in order to make the modification. However, the final determination of the feasibility of any physical modification resides with the Authority. The Lynn Housing Authority is willing to discuss alternative accommodations if the original accommodation request is not feasible.

The request must provide the basis for the modification and the exact changes being requested. The basis of the request is how the modification will mitigate the functional limitation that is the manifestation of the disability. For instance, in the case of changing cabinet and door hardware because of an individual's limited manual dexterity, the "changing of cabinet and door hardware" is the requested modification and the "limited manual dexterity" is the basis.

The Property Manager will review the request with the site maintenance staff to determine the feasibility and cost of the modification. The Authority may elect an equal alternative that is less costly than the resident's request. The Authority may determine that the modification is not feasible. If the lack of feasibility is specific to a unit or program space, then the Authority may propose to transfer the resident to a unit in which the modifications are feasible. In the case of a program or administrative space that requires a physical modification, an alternative program or administrative space, which meets the physical accessibility standards, may be substituted.

In no case, will the Authority make a physical modification it considers to be a "financial or administrative burden", a "change in the fundamental nature of the program" or "physically infeasible".

REASONABLE ACCOMMODATION AND COMMUNICATION

The Lynn Housing Authority utilizes a TDD service on a twenty-four hour a day, seven days a week basis.

For the written materials, the Authority has determined that it is a "financial burden" to develop custom materials in Braille or on tape for those with sensory impairments. The Lynn Housing Authority has determined that it will provide Readers on an as needed basis to all applicants and residents to assist in the review of written materials. Other forms of "reasonable accommodation" related to communication will be considered on a case-by-case basis.

REASONABLE ACCOMMODATION AND LEASE ENFORCEMENT

The Rental Lease requires both the Authority and the individual or household who reside in the unit to adhere to basic agreements. In short, the Housing Authority agrees to provide and maintain a unit that meets the habitability standards of the Commonwealth's Sanitary Code and the individual or household who reside in the unit agrees to pay the contract rent, adhere to program requirements, refrain from participation in criminal activities, and to respect the rights of other residents to full use and enjoyment of their unit and the community spaces.

Lease enforcement for all the above except rent payment is considered to be grounded in "for cause" enforcement proceedings. A resident may request that a Rental Lease enforcement activity be held in abeyance on the basis of a reasonable accommodation. The Housing Authority will consider a request for a reasonable accommodation related to the lease enforcement process on the following grounds:

- The Lynn Housing Authority recommends that the request for "reasonable accommodation" is made at the first (informal) meeting to discuss the lease violation;
- The resident acknowledges the basis of the lease violation;
- The resident proposes a mitigation strategy to prevent re-occurrence that is acceptable to the Housing Authority;

- The resident agrees that written documentation of the agreed upon mitigation strategy initiated by both parties can be included in the resident file; and
- Repetition of the behavior that led to the lease violation is grounds to restart the eviction process.

The Authority reserves the right to reject a request for reasonable accommodation as it pertains to the lease enforcement process. The Lynn Housing Authority is not required to house any participant/tenant who poses a direct threat to Lynn Housing Authority staff, residents/participants, and/or guests of residents/participants.

OTHER ASPECTS OF PROGRAM ADMINISTRATION

There are other aspects of program administration that are not explicitly covered in the above sections. The Authority will consider any request for "reasonable accommodation" of any policy, procedure or practice including assignment of parking spaces, assignment of storage spaces, assignment of mailboxes and pet policy requirements. These requests are subject to the general requirements set forth in this policy including the right of the Authority to reject any request based on case-by-case circumstances.

COMPLAINTS OF DISCRIMINATION

The policy tenets described above in no manner prevent a program applicant, applicant for employment, current program participants or current employee from filing a complaint of discrimination with the appropriate agency. Complaints related to program administration for participants should be filed with HUD's Office of Fair Housing and Equal Opportunity (OFHEO). In Massachusetts, it is possible to file complaints with the Massachusetts Commission Against Discrimination (MCAD).

