

# **BOULDER HOUSING PARTNERS PROPERTY MANAGEMENT** **REASONABLE ACCOMMODATION PROCESS**

## **REASONABLE ACCOMMODATION DEFINITION**

Under Section 504 of the Americans with Disabilities Act, a Reasonable Accommodation (RA) is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Under the Fair Housing Act, an RA is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common spaces. RAs for Boulder Housing Partners (BHP) may include, but are not limited to, modifications that are necessary for a person with a disability to apply for housing; use, enjoy and maintain a dwelling, including public and common use spaces; and attend meetings. Since a person with a disability may have special needs due to their disability, in some cases, simply treating them the same as others may not ensure equal opportunity.

To show that a requested accommodation may be necessary, there must be an identifiable relationship between the request and the individual's disability. What is *reasonable* will be determined on a case-by-case basis.

BHP is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in and/or benefit from its programs.

## **DEFINITION OF A PERSON WITH A DISABILITY**

The definition of a person with a disability for purposes of a Reasonable Accommodation follows the definition in Section 504, the ADA, the federal Fair Housing Act, and any other applicable statutes: *a person with a physical or mental impairment that substantially interferes with one or more activities of daily living, has a history or a record of such an impairment or is regarded as having such an impairment.*

## **DETERMINING FACTORS**

RA requests must meet the following points below to be considered reasonable:

- Is it determined that the resident/applicant have a disability?
- Is there a “nexus” between the disability and the request?
- Is the request administratively or financially feasible?
- Does it fundamentally change nature of the program?

## **LEGAL AUTHORITY**

BHP is subject to federal civil rights laws and regulations. These policies and procedures are based on the following statutes or regulations:

- Section 504 of the Rehabilitation Act of 1973 (Section 504)1;
- Title II of the Americans with Disabilities Act of 1990 (ADA) 2;
- The Fair Housing Act of 1968, as amended (Fair Housing Act) 3;
- The Architectural Barriers Act of 1968;
- And the respective implementing regulations for each Act.

## **MONITORING AND ENFORCEMENT**

The 504 Coordinator (Coordinator) ensures that a consistent and reliable process is in place to evaluate and respond to an applicant, resident and/or program participant with a disability who

requests a modification(s) to their units and/or BHP policy to enable them to enjoy the full benefits of their housing. Aside from coordinating BHP's Reasonable Accommodation Committee, the Section 504 Coordinator (Coordinator) ensures that housing staff are trained on Fair Housing and 504 requirements, and provides support regarding the outcome of RA requests, as necessary. Questions may be addressed by the Coordinator in writing, by telephone, or by appointment, as follows:

**Name of Section 504 Coordinator:** Daniel Nuñez

**Address:** 4800 N. Broadway, Boulder CO 80304

**Telephone Number:** (720) 473-4470

**TDD/TTY Number:** Relay Colorado "7-1-1"

**Fax Number:** (303) 939-9569

This information will also be distributed upon request by calling BHP at (720) 564-4610.

### **STAFF TRAINING**

Staff receives annual training on Reasonable Accommodation through federal and state conferences, local community organization educational seminars, HUD Fair Housing and Equal Opportunity (FHEO), and through written resources.

### **PROPERTY MANAGEMENT REASONABLE ACCOMMODATION COMMITTEE**

BHP's Property Management Department has established a Reasonable Accommodations Committee that will examine an RA request and approve an RA for a person with a disability when one is necessary to ensure equal access. This committee is chaired by the Coordinator - a staff member who coordinates RA requests from applicants and residents. The Coordinator is responsible for scheduling, facilitating meetings, preparing agendas, collecting requests and other pertinent documentation and providing them to Committee members, maintaining files regarding determinations, calling the vote, and seeking guidance from the legal counsel, as necessary. Director of Property Management is responsible if the Coordinator is unable to attend the meeting, when the Coordinator is a member of the Director's staff.

The RA Committee for Property Management is made up of employees from different departments who meet monthly, or as needed, to review current requests for modifications to BHP policies and/or units. It seeks to include a minimum of three employees with diverse subject matter expertise, for example a maintenance, property management, and resident services representative. Referrals to the Committee are initiated by the staff to whom the resident or applicant makes the request using a RA Process Procedure – see below.

### **APPLICATION OF REASONABLE ACCOMMODATION POLICIES**

BHP's Reasonable Accommodation policies apply to prospects, applicants, program participants, and residents with a disability through the following services it administers:

- Affordable housing units.
- Housing rehabilitation programs.
- Other programs or activities receiving federal financial assistance that are conducted or sponsored by BHP or its agents or contractors including all non-housing facilities and common areas owned or operated by BHP.
- Housing Choice Voucher programs in accordance with the HC Administrative Plan (See below for HCV Reasonable Accommodation information).

## RA REQUEST PROCESSING PROCEDURES

1. BHP staff person ("Staff") accepts request for an RA from an applicant/resident or their advocate. The request may be a direct or veiled request verbal and/or in writing.
2. Staff will give the requestor an RA Request form. Although this form is not required, it allows for clarification of the request. This form should be processed using the method below and begins the accommodation review process. If a resident does not agree to complete a written request or if the request is received only verbally, Staff will complete the form with all of the necessary information and have the resident initial (if possible).

Note: Staff is responsible for keeping the resident/applicant informed of the progress of the request.

3. If the disability is not obvious or known, the next step is to verify the need for the accommodation by a third party. If Staff receives the formal RA Request form, Staff will send the signed and completed form to the referred party listed on the form along with the documents listed on the form (including a Release of Information signature). The referring party could be, but is not limited to a physician, therapist, occupational therapist, chiropractor, support group leader, or family member. It needs to be a person "who is in a position to know" about the requestor's disability. If the disability is not obvious or known, then a third-party verification is necessary to establish that there is a nexus between the request and the disability.
4. Once Staff has received the request or a clarification of the request (verbal or written) and third-party supporting documentation has been received, the request will be processed and a decision communicated to the requestor within **14 calendar days**, except in the case of an emergency or if a legal or maintenance question arises and needs to be researched.
  - a. An emergency is described as a request that will cause an imminent threat to the household or a significant change in the household's lifestyle.
  - b. A legal or maintenance question is one that needs additional time to help the Committee fully understand the implications of the request.
5. Accommodations will be made up to the point of structural infeasibility, undue financial and administrative burden, or requiring fundamental changes to the program. Request responses will be communicated to the resident through an *RA Response Letter*. If request is deemed not reasonable, BHP will offer applicable alternatives. The Coordinator will review and respond via BHP's internal (electronic) workflow.
6. After Committee comes to a decision, the Coordinator will create a response to the resident with the decision by using the *RA Response Letter*. Staff is responsible for disseminating the request to the requestor and updating the final decision and filing any documents in all appropriate electronic files.
  - a. If approved, the resident will be notified in writing and will be informed of the projected date for implementation no more than **(7) calendar days** after the decision was made.
  - b. If denied, the individual will be notified in writing, with reasons regarding the committee's decision no more than **(7) calendar days** after the decision was made.
7. Staff will file all documents related to the RA request in the resident's file as well as update any other appropriate files.

## **PROCESS FORMS**

- *Request for a Reasonable Accommodation Due to a Disability* – This form clarifies the request being made.
- *Provider Response Letter* - This form is sent to a third-party provider for verification of disability to determine the nexus between the request and the disability.
- *RA Response Letter* – This is the method for communicating the decision made by the Committee, whether an approval, initial denial, or an appeal.

## **APPEAL PROCESS**

If the requestor receives a denial and disagrees with BHP's decision, they are welcome to resubmit their request as an appeal. An appeal must include additional information, which would aid in the decision-making process. If an appeal is requested, the appeal will go through the process as written above (including timeline).

If the appeal is denied, the decision will be communicated to the requestor who may then request an informal hearing, during which a hearing officer will consider whether the decision was made in accordance with the law, HUD regulations, and Boulder Housing Partners policies. Requests for an informal hearing must be made in writing within 10 calendar days of appeal denial and must be submitted to the Section 504/ADA Coordinator by email ([nunezd@boulderhousing.org](mailto:nunezd@boulderhousing.org)), fax (303) 939-9569, or mail to:

Boulder Housing Partners: ATTN: Daniel Nuñez, 4800 N. Broadway, Boulder, CO 80304. (720) 564-4610.

A requestor may also, at any time, exercise their right to appeal BHP's decision through the local U.S. Department of Housing and Urban Development (HUD) office or the U.S. Department of Justice. Individuals may contact the local HUD office at: 1670 Broadway St, Denver, CO 80202, Phone: (303) 672-5440; TDD/TTY Number: Dial "7-1-1".

## **HOUSING CHOICE VOUCHER PROGRAM REASONABLE ACCOMMODATION REQUESTS**

The Housing Choice Voucher (HCV) Program has its own, separate RA policies and procedures. HCV program participants should contact their voucher specialist to access the HCV RA process. In cases where the request is from a resident/applicant who has a voucher and the request relates to a policy in the HCV Program, the 504 Coordinator will forward the request to the HCV Specialist.