

Reasonable Accommodation Policy Template

Instructions

Revise this template to reflect your organization's policies. The Reasonable Accommodation Policy should contain, at a minimum, the following information:

- A definition of Reasonable Accommodation as defined by Section 504 of the Rehabilitation Act of 1973;
 - Please note, unlike the Fair Housing Act, Section 504 does not distinguish between reasonable accommodations and reasonable modifications. Instead, both are captured by the term "reasonable accommodations".
- The process through which the Housing Development will notify applicants and residents about the Reasonable Accommodation Policy;
- Specific timeframes regarding the processing and disposition of Reasonable Accommodation requests;
- A commitment that requested disability-related accommodations will be granted unless they fundamentally alter the nature of the Housing Development's program or impose undue financial and administrative burdens, considering all resources available to the Housing Development;
- A description of the interactive process used if a request poses a fundamental alteration or undue financial and administrative burden;
- A commitment to seek only the minimum information needed to determine if the accommodation sought would serve an individual's disability-related need;
- The identification information, including TDD/TTY or Colorado Relay phone number, for the Housing Developments Section 504 Coordinator;



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- The formal appeal/grievance procedures for the Reasonable Accommodation process;
- Form letters that will be used to document each Housing Development's responses to the Reasonable Accommodation request(s) they receive, including approval letters, denial letters, request for additional information letters, appeal/grievance forms and implementation letters; and
- Information on the forms stating that although the Housing Development provides reasonable accommodation and modification forms, the applicant, tenant and third-party person or organization verifying the disability and disability related need do not have to utilize that Housing Development's reasonable accommodation or modification forms.

Overview

In accordance with Section 504, the Americans with Disabilities Act (ADA) and the Fair Housing Act, it is the policy of [Name of Housing Provider] to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

A copy of this Reasonable Accommodation Policy will be available on [Name of Housing Provider]'s website, as part of any application materials, in the lease packet.

[Name of Housing Provider] will ask all applicants and participants if they require any type of accommodations, in writing, on the [Name of Housing Provider] website by including the following language or similar language in application and other materials:

“If you or anyone in your household is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Section 504 Coordinator:

Name: [insert]



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Address: [insert]

Phone: [insert]

TDD/TTY or Colorado Relay: [insert]

E-Mail: [insert]”

Definition of Reasonable Accommodation

A reasonable accommodation is a change, modification, exception, alteration, or adaptation in a policy, procedure, practice, program, service, activity, facility, or dwelling unit that may be necessary to provide an Individual with a Disability an equal opportunity to: (1) use and enjoy a dwelling, including public and common use areas of a development; (2) participate in, or benefit from, a program (housing or non-housing), service, or activity; or (3) to avoid discrimination against an Individual with a Disability. Such an accommodation must be granted unless it would (i) pose an undue financial and administrative burden, or (ii) fundamentally alter the essential nature of the program, service, or activity.

Types of Reasonable Accommodations

When needed, [Name of Housing Provider] will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Providing application and reporting documents in an alternative format
- Providing TDD/TTY Number or translation services when necessary
- Providing time extensions for completing paperwork
- Permitting participants to have a live-in aide
- Permitting assistance or service animals to live in the unit
- Physical modifications to a unit such as installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom



Request for an Accommodation

If a participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, [Name of Housing Provider] will treat the information as a request for a reasonable accommodation, even if no formal request is made. Once a tenant tells a housing provider that they are a person with a disability and need something changed in order to accommodate their disability, the provider is obligated to begin the reasonable accommodation process.

A request may be oral or written. However, the best practice is to request the accommodation in writing so that there is a clear record of the request. If a participant is unable to write the request, the request can be heard orally and written for the individual allowing them to confirm the accuracy.

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of [Name of Housing Provider] at the time of the request, the benefits that the accommodation would provide to the household, and the availability of alternative accommodations that would effectively meet the household's disability-related needs.

A certification of continued need for a reasonable accommodation must be made annually. Third party verification of the continued need will not be required if the household certifies that the accommodation is still required.

If the granted accommodation is unit-specific, the request must be re-verified at the time the participant moves into a new unit.

Verification of Disability

Before providing an accommodation, [Name of Housing Provider] will determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the household's access to DOH's programs and services.



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If a person's disability is obvious or otherwise known to [Name of Housing Provider], and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

If a household indicates that an accommodation is required for a disability that is not obvious or otherwise known to [Name of Housing Provider], [Name of Housing Provider] will verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

- Third-party verification must be obtained from an individual identified by the household who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability.
- Third-party verification should not be obtained from an individual who is directly affiliated with the participant's voucher administration (residential coordinator, housing case manager, etc.). (The VASH Program is exempt from this requirement as the VA Case Manager and/or VA Social Worker are not responsible for voucher administration).
- [Name of Housing Provider] must request only information that is necessary to evaluate the disability-related need for the accommodation. [Name of Housing Provider] will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that [Name of Housing Provider] does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, [Name of Housing Provider] will dispose of it. In place of the information, [Name of Housing Provider] will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the verification.



Nexus

The request should state specifically what accommodation the tenant is seeking and demonstrate that the tenant has a disability that could be accommodated by the specific request. If the need for the accommodation is not readily apparent or known to [Name of Housing Provider], the household must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

Approval/Denial of a Requested Accommodation

After a request for an accommodation is presented, [Name of Housing Provider] will respond, in writing, **within 10 business days**.

[Name of Housing Provider] will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not fundamentally alter the nature of the [Name of Housing Development]'s program or impose undue financial and administrative burden, considering all resources available to [Name of Housing Development].

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the overall size of [Name of Housing Provider]'s program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the household's disability-related needs.



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Interactive Dialogue

Before making a determination whether to approve the request, [Name of Housing Provider] may enter into an interactive dialogue and negotiation with the household, request more information from the household, or may require the household to sign a consent form so that [Name of Housing Provider] may verify the need for the requested accommodation.

If [Name of Housing Provider] denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the household of the right to appeal [Name of Housing Provider]'s decision through an informal review (if applicable) or informal hearing.

Before [Name of Housing Provider] denies a request for an accommodation because it is not reasonable, it would impose an undue financial and administrative burden, or fundamentally alter the nature of [Name of Housing Provider]'s operations, [Name of Housing Provider] must enter into an interactive dialogue with the participant to discuss whether an alternative accommodation could effectively address the household's disability-related needs without a fundamental alteration to the program and without imposing an undue financial and administrative burden.

If [Name of Housing Provider] believes that the household has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, [Name of Housing Provider] will notify the household, in writing, of its determination ***within 10 business days*** from the date of the most recent discussion or communication with the household.

Grievance Procedure

If [Name of Housing Provider] denies a request for an accommodation, the affected household has the right to appeal the decision ***within fifteen (15) business days*** of the date of the written notification. The appeal meeting will be conducted by staff who was not originally involved in the denial. [Name of Housing Provider] will provide



written decision in response to the appeal no later than *fifteen (15) business days* after its filing.

Program Accessibility for Persons with Hearing or Vision Impairments

HUD regulations require [Name of Housing Provider] to ensure that persons with disabilities related to hearing and vision have reasonable access to [Name of Housing Provider]'s programs and services.

At the initial point of contact with each applicant, [Name of Housing Provider] shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

- To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.
- To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with [Name of Housing Provider] staff, one-on-one assistance will be provided upon request.
- Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

Denial or Termination of Assistance

[Name of Housing Provider]'s decision to deny or terminate the assistance of a household that includes a person with disabilities is subject to consideration of reasonable accommodation.



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When applicants with disabilities are denied assistance, the notice of denial must inform them of [Name of Housing Provider]'s informal review process and their right to request an informal review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

When a participant household's assistance is terminated, the notice of termination must inform them of [Name of Housing Provider]'s informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, [Name of Housing Provider] must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to [Name of Housing Provider]'s decision to deny or terminate assistance. If a reasonable accommodation will allow the household to meet the requirements, [Name of Housing Provider] must make the accommodation.



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Reasonable Accommodation Form Templates

[Access template forms on the DOH website](#)

- Reasonable Accommodation Request Form - General Request
- Reasonable Accommodation Request Form - Assistance Animal
- Reasonable Accommodation Request Form - Live-In Aide
- Reasonable Accommodation Decision Form
- Reasonable Accommodation Verification Form - General Request
- Reasonable Accommodation Verification Form - Assistance Animal
- Reasonable Accommodation Verification Form - Live-In Aide
- Reasonable Accommodation Appeal Form
- Reasonable Accommodation Verification of Continued Need
- Reasonable Accommodation Implementation Plan

