



# **YOLO COUNTY HOUSING REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES**

Adopted by the Yolo County Housing Board of Commissioners

Dated: December 17, 2009

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**YOLO COUNTY HOUSING  
REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES**

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Attachment I: Request for Reasonable Accommodation/Reasonable Modification Form

Attachment II: Verification of Need for Reasonable Accommodation/Reasonable Modification

*Yolo County Housing is an equal opportunity provider and employer.*

## **INTRODUCTION**

The Reasonable Accommodation Policy and Procedures comprised of **Part A and Part B**, sets forth the policy and procedures of Yolo County Housing (“**YCH**”) in connection with making reasonable accommodations for qualified applicants or residents with disabilities for participation in YCH’s public housing programs and activities. A copy of this Reasonable Accommodation Policy and Procedures is made available in the YCH Administration Office, 147 W. Main Street, Woodland, CA 95695, 530-662-5428, and the Management Office of each public housing development. Additionally, a paper or electronic copy of this Reasonable Accommodations Policy and Procedures may be obtained upon request from the Section 504 Coordinator, Janis Holt at 530-669-2211.

## **Part A. POLICY**

### **Section A-1. Definitions**

- 1.1 The term “**ADA**” shall mean the Americans with Disabilities Act.
- 1.2 The term “**FHA**” shall mean the Fair Housing Act of 1968.
- 1.3 The term “**YCH**” shall mean Yolo County Housing.
- 1.4 The term “**Policy**” shall mean Part A of this Reasonable Accommodation Policy and Procedures, as adopted by the YCH Board of Commissioners, and as may be amended.
- 1.5 The term “**Procedures**” shall mean Part B of this Reasonable Accommodation Policy and Procedures, as may be revised from time to time.
- 1.6 The term “**reasonable accommodation**” means a change, modification, alteration, or adaptation in policy procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

## **Section A-2. Policy Statement**

YCH is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of YCH's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to the YCH policy, YCH will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, YCH will attempt to make another accommodation that would not result in a financial or administrative burden, or a fundamental alteration in the nature of the program.

## **Section A-3. Purpose**

The Policy is intended to:

- communicate YCH's position regarding reasonable accommodations for persons with disabilities in connection with the agency's housing programs, services, and activities;
- establish a procedural guide for implementing such Policy; and
- comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by YCH.

## **Section A-4. Authority**

The requirements of this Policy are based upon the following statutes or regulations:

- Section 504 of the Rehabilitation Act of 1973 (Section 504)<sup>1</sup>
- Title II of the Americans with Disabilities Act of 1990 (ADA)<sup>2</sup>

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<sup>1</sup> 29 U.S.C. § 794; 24 C.F.R. Part 8

- Fair Housing Act of 1968, as amended (Fair Housing Act)<sup>3</sup>
- Architectural Barriers Act of 1968<sup>4</sup> and;
- the respective implementing regulations for each Act.

### **Section A-5. Monitoring and Enforcement**

The YCH Section 504 Coordinator is responsible for monitoring YCH's compliance with, and enforcing the requirements under this Policy. Questions regarding this Policy, its interpretation or implementation should be made by contacting the Section 504 Coordinator in writing, by telephone, or by appointment, as follows:

**Janis Holt – Section 504 Coordinator/Resource Administrator**

**147 W. Main Street**

**Woodland, CA 95695**

**530-669-2211**

**1-800-662-9656**

**Fax Number: 530-662-5429**

**TDD/TTY Number: 1-800-545-1833, Ext 626** (for hearing impaired TDD users only)

### **Section A-6. Staff Training**

The Section 504 Coordinator will ensure that all appropriate YCH staff receive annual training on the Reasonable Accommodation Policy and Procedures, including all applicable Federal, state and local requirements regarding reasonable accommodation.

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<sup>2</sup> 42 U.S.C. §§ 12101 et seq.

<sup>3</sup> 42 U.S.C. §§ 3601-20; 24 C.F.R. Part 100

<sup>4</sup> 42 U.S.C. §§ 4151-4157

## **Section A-7. Reasonable Accommodation**

A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing (including all managed non-profit housing), or participation in the Housing Choice Voucher and Moderate Rehabilitation Programs of YCH. The individual, YCH staff or any person identified by the individual, must reduce all requests 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 the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate.

## **Section A-8. Application of Reasonable Accommodation Policy**

The Reasonable Accommodation Policy applies to individuals with disabilities in the following programs provided by YCH:

- (a) Applicants to public housing;
- (b) Applicants of all Housing Choice Voucher and Moderate Rehabilitation Programs;
- (c) Residents of public housing developments;
- (d) Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs; and
- (e) Participants in all other programs or activities receiving Federal or State financial assistance that are conducted or sponsored by the YCH, its agents or contractors including all non-housing facilities and common areas owned or operated by the YCH.

### **Section A-9. Person with a Disability**

An individual is disabled if s/he has a physical or mental impairment that limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. Physical or mental impairment includes:

- (a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin; and endocrine; or
- (b) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (c) Having such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

### **Section A-10. Examples of Reasonable Accommodations**

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

- (a) Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability who is on the lease;
- (b) Permitting a family to have a service or assistance-animal necessary to assist a family member with a disability;
- (c) Allowing a live-in aide to reside in an appropriately sized YCH unit;

- (d) Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a resident to a unit on a lower level or a unit that is completely on one level;
- (f) Making documents available in large type, computer disc or Braille;
- (g) Providing qualified sign language interpreters for applicant or resident appointments/meetings with YCH staff; or at resident meetings;
- (h) Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- (i) Permitting an outside agency or family member to assist a resident or an applicant in meeting screening criteria or meeting essential lease obligations;
- (j) Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family; and
- (k) Approving a request for exception payment standard amounts under the Housing Choice Voucher Program in accordance with 24 C.F. R. §§ 8.28 and 982.504(b)(2) as a reasonable accommodation for a family member with a disability.

### **Section A-11. General Principles for Providing Reasonable Accommodations**

Listed are the general principles which provide a foundation for the Policy and which YCH staff will apply when responding to requests for reasonable accommodations within all YCH housing programs:

11.1 It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods for providing, reasonable accommodations needed when making a request. However, YCH reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation. If the Reasonable Accommodation can not be agreed upon by both parties; the

individual may file a grievance in accordance with the Reasonable Accommodation Grievance Procedure.

- 11.2 The procedure for evaluation and responding to requests for a reasonable accommodation relies on a cooperative relationship between YCH and the applicant/resident.
- 11.3 YCH shall inform all applicants and residents of alternative forms of communication. The Request Form is designed to assist YCH and our applicants/residents. If an applicant/resident does not, or can not use the Request Form, YCH will still respond to the request for an accommodation. The applicant/resident may request that the Request Form be provided in an equally effective format or means of communication. (For example: qualified interpreters, TDD/TTY line, qualified readers, large print materials, etc.)
- 11.4 All written documents required by or as a result of this Policy must contain plain language and be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation.
- 11.5 Any required meetings with a person with a disability will be held in an accessible location.

### **Section A-12. Amendment**

- 12.1 Policy. The Policy may be amended only by resolution of the Board of Commissioners.
- 12.2 Procedures. The Procedures may be amended within the scope of the Policy by the Executive Director of YCH.
- 12.3 Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

## **PART B. PROCEDURES**

### **Section B-1. Processing of Reasonable Accommodation Requests**

Yolo County Housing (YCH) will provide the “Request for Reasonable Accommodation/Reasonable Modification Form”, (the “**Request Form**”), attached hereto, to all applicants, residents or individuals with disabilities who request a reasonable accommodation.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, YCH will ensure that all reasonable accommodation requests will be reduced to writing by assisting persons unable to submit written requests. If needed as a reasonable accommodation, YCH will assist the individual in completing the Request Form. In completing the Request Form, the YCH staff person will read it and confirm the content with the individual requesting the Reasonable Accommodation.

- (a) YCH will provide all applicants with the Request Form as an attachment to the YCH application. The Request Form will be provided in an alternative format, upon request.
- (b) Reasonable accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. YCH will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- (c) YCH will provide all residents with the Request Form during annual re-certification, and upon request. YCH will provide the Request Form in an alternate format, upon request.
- (d) Residents seeking accommodation(s) may contact the housing management office, including office of private management companies acting on behalf of YCH, within their housing development. In addition, residents may also contact the Section 504 Coordinator’s office directly to request the accommodation(s).

- (e) Within eight (8) business days<sup>5</sup> of receipt of the Request Form, the Housing Specialist (housing choice voucher or public housing) will review the resident's reasonable accommodation request(s) with the Section 504 Coordinator.
- (f) Within twelve (12) business days of receipt of the Request Form, the 504 Coordinator or the Housing Specialist will submit the Verification of Need for Reasonable Accommodation/Reasonable Modification Form (hereinafter referred to as the "Verification Form") by mail or fax to the designated, qualified professional for completion with a requested mail or fax return to the Housing Specialist or 504 Coordinator.
- (g) YCH will consent to or deny the request within ten (10) business days after receiving all needed information and documentation from the resident and/or qualified professional. All decisions to grant or deny reasonable accommodations will be communicated in writing or if required, in an alternative format in order to communicate the decision to the applicant/resident. Exceptions to the ten (10) business day period for notification of YCH's decision on the request will be provided to the resident in writing setting forth the reasons for the delay.
- (h) If YCH approves the accommodation request(s), the resident will be notified of the projected date of implementation (if applicable).
- (i) If the accommodation is denied, the resident will be notified of the reasons for denial. In addition, the notification of the denial will also provide the resident with information regarding YCH HUD-approved Grievance Procedure.
- (j) All written notifications of decisions to grant or deny reasonable accommodations will be forwarded to the YCH Housing Specialist for the resident's file.

### **Section B-2. Verification of Reasonable Accommodation Request**

YCH may request documentation of the need for a Reasonable Accommodation as identified on the Request Form. In addition, YCH may request that the individual provide suggested reasonable accommodations.

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<sup>5</sup> The term "business days" shall mean those days of the week that the YCH offices are open, Monday through Thursday, excluding Fridays, Saturdays, Sundays, and holidays observed by YCH.

YCH 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.

However, YCH may not require individuals to disclose confidential medical records in order to verify a disability. In addition, YCH may not require specific details regarding the individual's disability. YCH may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). YCH requires verification of the "nexus" between the disability need and the requested reasonable accommodation from a qualified professional on the Verification Form. YCH may not require the individual or qualified professional to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

The following qualified professionals may provide verification of an applicant/resident's disability and the need for the requested accommodation(s) – (the nexus):

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

As stated in Section B-1(g); YCH will approve or deny the request within ten (10) business days after receiving all needed information and documentation from the resident and/or qualified professional.

### **Section B-3. Denial of Reasonable Accommodation Request(s)**

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) The applicant/resident does not qualify as an “individual with a disability”;
- (c) The requested accommodation is not related to the resident/applicant’s disability;
- (d) A fundamental alteration in the nature of the YCH public housing program;
- (e) An undue financial and administrative burden on YCH;
- (f) A structurally infeasible alteration; or
- (g) An alteration requiring the removal or alteration of a load-bearing structural member.

#### **Section B-4. Transfer as Reasonable Accommodation in Public Housing**

YCH shall not require a public housing resident with a disability to accept a transfer in-lieu of providing a reasonable accommodation. However, if a public housing resident with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant comparable, appropriately sized UFAS-compliant unit in that resident’s project or an adjacent project, YCH may offer to transfer the resident to the vacant unit in his/her project or adjacent project in-lieu of providing structural modifications. However, if that resident rejects the offered transfer or voucher, YCH shall make modifications to the resident’s unit unless doing so would be structurally impracticable or would result in an undue financial and administrative burden.

If the resident accepts the transfer, YCH will work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, YCH shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of YCH’s Tenant and Assignment Plan and any resident’s rights hereunder.

## **Section B-5. Housing Choice Voucher as Reasonable Accommodation**

- (a) When issuing a voucher as an accommodation, YCH must include a list of current available accessible units known to YCH, upon request. YCH will also provide search assistance. YCH may also partner with a qualified, local disability organization to assist the resident or applicant to search for available, accessible housing. *See 24 C.F.R. § 8.28.*
- (b) Extensions beyond the maximum term of one hundred eighty (180) days are available as a reasonable accommodation to eligible individuals with disabilities. These extensions are subject to documentation that a diligent effort to locate a unit has been conducted considering any impediments to searching because of a family member's disability.
- (c) YCH may, if necessary as a reasonable accommodation for an individual with a disability, approve a family's request for an exception payment standard amount under the Housing Choice Voucher Program so that the program is readily accessible to and usable by individuals with disabilities. *See 24 C.F.R. § 8.28 and 982.504(b)(2).*
- (d) Upon request by an applicant, participant, or their representative, YCH will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent ("FMR"). However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to YCH.
- (e) In exceptional cases, YCH may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or the representative provides the appropriate supporting documentation.

## **Section B-6. Service or Assistance Animals**

Residents of YCH with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. YCH

residents or potential residents who need an assistance animal as a reasonable accommodation must request the accommodation in accordance with the Reasonable Accommodation Policy. Assistance animals are not subject to the requirements of YCH's Pet Policy.

### **Section B-7. Right to Appeal/Grievance Process**

- 1) The public housing applicant or resident may file a complaint in accordance with YCH's HUD-approved Grievance Procedure following a formal determination by the YCH Section 504 Coordinator.
- 2) The Housing Choice Voucher and Moderate Rehabilitation Program participant or applicant may file a complaint in accordance with YCH's HUD-Approved Grievance Procedure following a formal determination by the YCH Section 504 Coordinator.
- 3) An applicant or resident may, at any time, exercise their right to appeal a YCH decision through the local HUD office or the U.S. Department of Justice. Individuals may contact the local HUD office at:

#### **U.S. Department of Housing and Urban Development**

##### **Sacramento Field Office**

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