

CODE OF D.C. MUNICIPAL REGULATIONS

TITLE 14. HOUSING CHAPTER 74. REASONABLE ACCOMMODATION POLICIES AND PROCEDURES

CDCR 14-7400 (2007)

14-7400. INTRODUCTION

7400.1 The District of Columbia Housing Authority (DCHA) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, matriculation and place of residence or business, DCHA is committed to providing programs in a way that does not discriminate against individuals with disabilities.

7400.2 A Reasonable Accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or nonhousing) or activity.

CDCR 14-7401 (2007)

14-7401. APPLICATION OF REASONABLE ACCOMMODATION POLICY

7401.1 This chapter applies to individuals with disabilities in the following programs provided by the DCHA:

- (a) Applicants of 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 financial assistance that are conducted or sponsored by the DCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by the DCHA.

CDCR 14-7402 (2007)

14-7402. PERSONS WITH A DISABILITY

7402.1 A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities.

7402.2 As used in this definition, the phrase "physical or mental impairment" includes:

(a) 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

(b) 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, mental retardation, emotional illness, drug addiction and alcoholism.

7402.3 Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

7402.4 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, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

CDCR 14-7403 (2007)

14-7403. REQUESTS FOR REASONABLE ACCOMMODATIONS

7403.1 A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing, or participation in the Housing Choice Voucher and Moderate Rehabilitation Programs of DCHA. All requests must be reduced to writing by the individual, DCHA staff or any person identified by the individual.

7403.2 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.

(a) All applicants will be provided the Request for a Reasonable Accommodation Form with the application.

(b) All residents will be provided the Request Form again at the time of recertification, and upon request.

(c) DCHA will respond in writing to all requests for reasonable accommodation.

(d) All decisions to grant or to deny reasonable accommodations will be communicated in writing and in the form requested by the individual.

7403.3 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 that 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 aid to reside in an appropriately sized DCHA 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) Making sign language interpreters available to meet with 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) As a reasonable accommodation for a family member with a disability, approving a request for exception payment standard amounts under the Housing Choice Voucher Program in accordance with 7415.

CDCR 14-7404 (2007)

14-7404. REQUEST FOR REASONABLE ACCOMMODATION BY PUBLIC HOUSING RESIDENTS AND APPLICANTS

7404.1 Requested accommodations will not be approved if one of the following would occur as a result:

(a) A violation of District of Columbia and/or federal law;

(b) A fundamental alteration in the nature of the DCHA public housing program;

(c) An undue financial and administrative burden on DCHA;

(d) A structurally unfeasible alteration; or

(e) An alteration requiring the removal or alteration of a load-bearing structural member.

7404.2 All requests for reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the resident or potential resident, DCHA staff, or any person identified by the individual. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

7404.3 The Property Manager shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the resident in the opportunity to fully enjoy the dwelling unit or non-housing program.

7404.4 The following may provide verification of a resident's disability and the need for the requested accommodation:

(a) Physician;

(b) Licensed health professional;

(c) Professional representing a social service agency; or

(d) Disability agency or clinic.

7404.5 The property manager forwards their recommendation and all materials and verifications to the Director of Housing Management in the Regional Office within ten (10) days of receipt.

7404.6 The Director of Housing Management for the Region may approve a request for a reasonable accommodation, but may not deny a request. The decision to approve or deny the reasonable accommodation request shall be made as expeditiously as possible but must be within sixty (60) working days of the receipt of the request.

7404.7 All recommendations for denial from the Director of Housing Management for the Region must be forwarded to the ADA/504 Coordinator for further review and final determination.

7404.8 Once the decision has been made to approve a request for a reasonable accommodation, a copy of all documents shall be forwarded to the ADA/504 Coordinator.

7404.9 The resident will be notified in writing of the final reasonable accommodation determination by the ADA/504 Coordinator, Regional Office or property manager. If the accommodation is approved, the resident will be notified of the projected date for implementation. If the accommodation is denied, the resident will be notified of the reasons for denial.

7404.10 All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the appropriate Regional Director of Housing Management for implementation. All requests for reasonable accommodation that are approved by the Director of Housing Management will promptly be implemented or begin the process of implementation.

7404.11 If a request for a reasonable accommodation is denied pursuant to the reasons provided in § 7404.8, DCHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by DCHA.

7404.12 DCHA shall not require a 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, DCHA 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 proffered transfer or voucher, DCHA shall make modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden.

7404.13 If the resident accepts the transfer, DCHA 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 30 days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of DCHA's Tenant and Assignment Plan and any resident's rights thereunder.

7404.14 When issuing a voucher as an accommodation, DCHA must include a list of current available accessible units known to DCHA, upon request. DCHA will also provide search assistance. DCHA may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing.

7404.15 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. Sign language interpreters and readers will be made available upon request.

CDCR 14-7405 (2007)

14-7405. OCCUPANCY OF ACCESSIBLE UNIT

7405.1 DCHA has units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

7405.2 DCHA will offer these accessible units to families in the following order:

(a) First: Current occupant of another public housing unit who has a disability that requires the special features of that unit;

(b) Second: An eligible qualified applicant on the public housing waiting list having a disability that requires the special features of the unit; and

(c) Third: If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit. DCHA will require that the non-disabled applicant agree to sign a lease that requires the applicant to move to an available non-accessible unit when either a current resident or applicant needs the special features of the unit.

7405.3 A Reasonable Accommodation Waiting List will be created and maintained by date and time of request pursuant to the order of families created by § 7405.2.

7405.4 The first qualified current resident in sequence on the list of residents seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

7405.5 Upon inspection of the offered unit, the resident or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. DCHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

7405.6 A current resident will receive two (2) offers of accessible units before his/her name is moved to the end of the Reasonable Accommodation Waiting List.

7405.7 An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.

CDCR 14-7406 (2007)

14-7406. GRIEVANCES

7406.1 The public housing applicant or resident complainant may file a complaint in accordance with DCHA's grievance procedure (Title 14 DCMR 63 -- Low Rent Housing: Grievance Procedures) following a decision by the ADA/504 Coordinator.

7406.2 The Housing Choice Voucher and Moderate Rehabilitation Program participant and applicant complainant may file a complaint in accordance with DCHA's grievance procedure (Title 14 DCMR 89 -- Complaints and Appeals For Section 8 Program Participants) following a decision by the ADA/504 Coordinator.

7406.3 An applicant or resident may, at any time, exercise their right to appeal a DCHA decision through HUD or the Department of Justice.

CDCR 14-7407 (2007)

14-7407. EXTENSIONS OF HOUSING CHOICE VOUCHERS

7407.1 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.

CDCR 14-7408 (2007)

14-7408. EXCEPTION PAYMENT STANDARD AMOUNTS

7408.1 DCHA 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.

7408.2 Upon request by an applicant, participant, or their representative, DCHA will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent (FMR). However, documentation of the need for the exception payment standard must be provided to DCHA by the applicant, participant or the representative.

7408.3 In exceptional cases, DCHA may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided documentation is provided by the applicant, participant or the representative.

CDCR 14-7409 (2007)

14-7409. SERVICE ANIMALS

7409.1 Residents of DCHA with disabilities are permitted to have service animals, if such animals are necessary as a reasonable accommodation for their disabilities. DCHA residents, or potential residents, who need a service animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy set forth in this Chapter

7409.2 Residents who have a service animal residing with them at any DCHA-owned property prior to May 1, 2005, must file a request for a reasonable accommodation and otherwise comply with the requirements in this Chapter prior to July 1, 2005.

7409.3 Residents at any DCHA-owned property who are approved to have a service animal as a reasonable accommodation may keep the animal provided they comply with the following requirements:

- (a) Register the animal with the property manager;
- (b) Update the registration for the animal annually;
- (c) Provide proof the animal has been inoculated in accordance with applicable local law;
- (d) Execute a lease addendum providing for the proper care and maintenance of the animal and the unit occupied by the animal in accordance with the DCHA rules; and
- (e) Continuously provide the proper maintenance and care for the animal and assure that the animal does not otherwise impair the peaceful enjoyment of the property by other residents

7409.4 DCHA requires that a resident or prospective resident with a service animal provide written certification:

- (a) From a third party, such as a health care provider, that the resident or a member of his or her family is a person with a disability and that an animal of the type proposed is reasonably necessary to meet the needs of the disabled person; and
- (b) From a third party knowledgeable about the service animal, such as a trainer or veterinarian, that:
 - (i) The animal has the capability and individualized training, where necessary, such as for a seeing Eye dog, to work for the benefit of the person with a disability;
 - (ii) The animal is a domesticated animal and does not pose a risk of serious bites or lacerations, nor is the animal considered to be dangerous, aggressive, vicious, intimidating or detrimental to the health and safety of other residents or employees.

CDCR 14-7410 (2007)

14-7410. RECERTIFICATION/LEASE RENEWAL

7410.1 Thirty (30) days before the date for recertification/lease renewal for a public housing resident or a participant in the Housing Choice Voucher/Moderate Rehabilitation Programs, DCHA will provide a notice along with a package to the family to initiate the recertification/lease renewal process.

7410.2 If requested as a reasonable accommodation by an individual with a disability, DCHA shall provide the notice of recertification/lease renewal in an accessible format.

7410.3 DCHA shall also mail the notice to a third party, if requested as a reasonable accommodation for an individual with disabilities. This accommodation will be granted upon verification that it meets the need presented by the disability.

7410.4 The recertification/lease renewal package will include a Notice of Rights and Opportunities which will include a description of the following:

(a) The right of a resident to request a reasonable accommodation for any member of the family who has a disability in order to allow the individual with a disability to better use the residence and DCHA's facilities and programs;

(b) The right to file a grievance in accordance with DCHA's Public Housing Grievance Procedures or Informal Hearing Procedures for the Housing Choice Voucher/Moderate Rehabilitation Programs, as appropriate. The right of residents and participants to request a grievance or informal hearing, as appropriate, in matters such as reasonable accommodations or any issue in which the resident or participant feels that DCHA has unfairly modified his/her rights, welfare, or status and about which the resident or participant has been unable to resolve with the property manager, the ADA/504 Coordinator or the department involved.

7410.5 Where personal interviews are required as part of the recertification/lease renewal process, individuals with disabilities who are unable to come to DCHA's offices, will be granted an accommodation by conducting the recertification/lease renewal interview at the individual's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

7410.6 If the family does not cancel a recertification/lease renewal interview scheduled at the DCHA's offices or is not at home at the time of a scheduled home visit, DCHA may initiate action to terminate the family's assistance. However, an exception may be granted if the family is able to document an emergency situation that prevented them from canceling or attending the interview or if requested as a reasonable accommodation for an individual with a disability."