

REASONABLE ACCOMMODATIONS GUIDELINES AND POLICY

The following Reasonable Accommodations Policy shall be in effect for assessing requests for reasonable accommodations of public housing residents, housing choice voucher participants, and applicants with disabilities¹ in programs administered by Housing Authority of Prince George's County (HAPGC). The Policy is not intended to be an exhaustive compilation of rules governing assessment by HAPGC of requests for reasonable accommodations. If any conflicts exist or arise between this Policy and federal legal requirements, HAPGC shall comply with its legal obligations notwithstanding this Policy.

I. General Principles

- A. HAPGC will assume as an initial matter that the individual requesting a reasonable accommodation is an expert with respect to his/her disability and the accommodation that may be appropriate in relation to it. HAPGC will also assume as an initial matter that the information the person provides regarding his/her needs is accurate and the method proposed for accommodating those needs is the most appropriate one to pursue. HAPGC may seek from the person documentation and/or other verification of the effect of the disability on the person and the method(s) proposed to accommodate it. HAPGC may offer alternative methods for providing the requested accommodation, however whenever possible, consideration shall be given to the individual's request.
- B. Procedures for evaluating requests for reasonable accommodations and responding to those requests should take place in the context of a cooperative relationship between HAPGC and the individual.
- C. Reasonable accommodations shall be focused on the individual and designed to address each person's situation. Any meetings that must be held concerning an individual's request for a reasonable accommodation shall be held in a location accessible to the individual.
- D. In some cases, non-disabled residents may (incorrectly) perceive reasonable accommodations as conferring a special advantage on persons with disabilities. However, HAPGC will not base its decisions on how those decisions will be perceived, but rather on whether the requested accommodation will be effective in removing barriers that interfere with the ability of the individual with a disability to access, use and equally enjoy the benefits of the housing program.

¹ For purposes of this policy, the term "disability" includes within its scope the term "handicap."

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II. Notice and Posting

- A. A copy of this Reasonable Accommodation Policy shall be posted and available at HAPGC's main business office and posted in the management offices or on community bulletin boards located near such offices at HAPGC's Public Housing developments. The management offices of each public housing development shall keep copies of the Reasonable Accommodations forms for purposes of distribution to residents.
- B. This Policy shall be posted on and available for download on HAPGC's website.
- C. HAPGC shall include in prominent type and location on all notices and written communications to residents, voucher participants, and applicants the following: "You can ask for a reasonable accommodation to use HAPGC housing or services. This can include auxiliary aids or services, materials in an alternative formats, or help in completing paperwork or changes to your housing based on your disability. Contact the 504 Coordinator at 301-883-5576 for assistance."

III. Procedures

- A. HAPGC has developed and implemented procedures through which individuals may request a reasonable accommodation, as described herein. The process for making such requests is designed to be accessible to all persons. All communications that are a part of the process should be in plain language that the individual applicant can understand, in a format that is appropriate to meet the needs of the person with disabilities. Where appropriate, HAPGC shall follow its Effective Communication Policy.
- B. HAPGC employees may ask individuals requesting a reasonable accommodation to complete a Reasonable Accommodation Request Form (attached as Form 1) and when needed a Verification Form (attached as Form 2). Copies of the Reasonable Accommodation Request Form and Verification Form shall be kept at HAPGC's main business offices and at management offices in its public housing developments. HAPGC shall also accept verbal requests for accommodations.
- C. All requests received by HAPGC, either written or orally, shall be entered into HAPGC's centralized database for tracking reasonable accommodation requests promptly within receipt of the request. The 504 Coordinator, or designees, shall be responsible for ensuring that all reasonable accommodation requests received are entered into HAPGC's centralized database and are responded to timely as set forth in this Policy.
- D. HAPGC shall provide a receipt to every individual who makes a reasonable accommodation request, either by hand-delivery or first class mail. Such receipt should be sent no less than five business days after receiving the request. Each receipt shall include the time and date the request was made
- E. Individuals may submit reasonable accommodations requests to rental specialists or property managers.
- F. Requests from HAPGC for additional documentation to verify a disability shall be made in writing as soon as possible and no later than 20 (twenty) days from the reasonable accommodation request being received. HAPGC may ask individuals to provide verification information on a Verification Form (attached as Form 2). HAPGC may verify an individual's disability only to the extent necessary to ensure that the individual has a need for the requested accommodation. For example, HAPGC will not require that a resident using a wheelchair requesting a wheel-chair accessible unit, produce verification of the applicant's disability or need

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for a wheelchair accessible unit. Conversely, HAPGC may request documentation to verify the same resident's disability related need for an emotional support animal.

- G. Decisions on requests for reasonable accommodation shall be made within thirty (30) days after the date on which the request is complete. A request shall be considered complete when HAPGC receives the request and any other information reasonably required by HAPGC to evaluate the request, such as verification of any aspects of the request. If HAPGC requests that an individual supply additional information that is reasonably necessary for HAPGC to make a decision on the individual's request for an accommodation, the individual should provide the requested information, or otherwise respond to HAPGC's request, within a reasonable time period.
- H. Any employee of HAPGC may approve a reasonable accommodation request, however, the request must still be documented in accordance with this policy. Only the 504 Coordinator or Executive Director of HAPGC may deny a reasonable accommodation request. If HAPGC believes that the request is not reasonable, HAPGC must engage in an interactive process with the individual to determine if there are alternative suitable accommodations that can be offered.
- I. Any adverse decision regarding a Reasonable Accommodation or Modification request is subject to HAPGC's grievance policy in its Administrative and ACOP plans.
- J. Any denial of a request for reasonable accommodation shall explain to the individual in writing the basis for the decision and the reason(s) why the request is being denied. The individual requesting the accommodation shall also be informed of his or her right to file a grievance and whom to contact.
- K. Any approval of a request for reasonable accommodation shall be communicated in writing. The written notice shall describe the accommodation that will be provided and shall indicate the date for implementation, which shall be as soon as practicable and, except as explained in the approval notice, no later than 30 days from the date of decision. If more than thirty (30) days is needed to implement the accommodation, the notice will advise the applicant of the reason for the delay and provide an estimated implementation date. The individual requesting the accommodation shall also be informed that if he or she disputes that HAPGC's response for the accommodation meets his or her needs or if it will take more than thirty (30) days to implement, a grievance may be requested in accordance with HAPGC's grievance policies.
- L. The written decision will be forwarded to the Section 504 Coordinator, who will implement, or ensure implementation, of the final decision as soon as practicable.

IV. Assessment of Requests

- A. HAPGC is generally required to provide reasonable accommodations to qualified individuals with disabilities, when such accommodations (including modifications for public housing occupants) are needed to ensure the person equal opportunity to use and enjoy HAPGC housing programs and services. However, provision of accommodations are not required when doing so: creates an undue financial hardship and an administrative burden on HAPGC; creates a fundamental alteration in the services or programs provided by HAPGC; or because the individual, even with an accommodation, presents a direct threat to the health or safety of other persons or presents a substantial threat of damage to property of HAPGC or others. In determining whether or not to grant a reasonable accommodation, HAPGC shall consider the following factors:

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1. Whether the individual is a qualified “individual with a disability.” A person is an “individual with a disability” if he or she has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more of his or her major life activities. This definition of disability does not include an individual who asserts disability based solely on current drug use of an illegal substance. An individual may have another qualifying disability which may warrant an accommodation. Individuals with a drug addiction history who are not current users or who have engaged in treatment may be qualified individuals.
 2. Whether the requested accommodation may be necessary to provide an equal opportunity to use and enjoy HAPGC’s programs or service.
 3. Whether the requested accommodation is “reasonable.” A request for an accommodation shall be considered to be “reasonable” as long as it does not create an undue financial hardship and administrative burden or constitute a fundamental alteration in a housing program.
 - a. The determination of whether an accommodation constitutes an undue financial and administrative burden shall be made on a case by case basis.
 - b. If granting the requested accommodation would constitute a fundamental alteration, HAPGC may deny the request. For example, HAPGC may refuse to walk a resident’s service dog as doing so is a fundamental alteration of its programs and services, whereas permitting the resident to have a service dog would not be a fundamental alteration.
 - c. If granting the requested accommodation would create an undue financial and administrative burden, HAPGC shall offer an alternative accommodation that will not result in or require an alteration or burden, but would assist in providing a reasonable accommodation to the individual.
 - d. HAPGC shall give primary consideration to providing the accommodation requested by the individual as the accommodation most likely to address the individual’s need. If there are a number of different accommodations that would satisfy the needs of the person with the disability, however, HAPGC may select the option which is most convenient and cost effective, provided the option provides an equally effective alternative to the requested accommodate
 4. Whether the individual, based on objective evidence, poses a direct threat to the health and safety of others, or presents a substantial threat of damage to the property of HAPGC or others and, even with an accommodation the individual continues to pose such a threat. In such instances, HAPGC need not grant the request.
- B. Verification of disability. When a verification of a disability or accommodation is needed, HAPGC shall use the verification forms referenced in Section III. B. The verification source shall be a person with appropriate credentials and current knowledge of the applicant’s disability who is able to make an informed judgment based on that knowledge. The Section 504 Coordinator will be available to discuss acceptable forms of verifications.
- i. HAPGC will not deny a request for reasonable accommodation based on a lack of sufficient information without first informing the individual requesting the accommodation of its need for additional information and affording the individual a reasonable opportunity to provide it.

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V. Transfers Between HAPGC Programs as a Reasonable Accommodation

- A. HAPGC shall pay for the reasonable costs of transfers made as a reasonable accommodation.

VI. Communications with Disabled Applicants or Residents

- A. When auxiliary aids or services are necessary to provide effective communications HAPGC shall follow its Effective Communication Policy.

VII. Third Party Representatives

- A. Any individual with a disability who makes a reasonable accommodation request may authorize a third party representative to act on his or her behalf in dealing with the HAPGC.
- B. Upon presentation of appropriate authorization, a third party representative may request a reasonable accommodation request on behalf of a person with a disability.

VIII. HAPGC Section 504 Coordinator

- A. HAPGC shall notify all residents, voucher participants, and applicants upon an initial and continuing basis that there is a Section 504 Coordinator and shall identify the, address and the telephone number (including Maryland Relay 7-1-1) for contacting the 504 Coordinator. Methods of notification may include periodic posting of notices, distribution of written communications, and statements made in general information or resident publications. Notice shall be made available in accessible formats for persons with disabilities.
- B. The Coordinator shall be available to HAPGC applicants, voucher participants, and residents as well as staff to answer questions and to deal with issues regarding reasonable accommodation requests.
- C. The Section 504 Coordinator may receive complaints or other reports of non-compliance with the reasonable accommodations policies from HAPGC residents, voucher participants, applicants, management staff or interested persons outside the HAPGC and shall investigate such complaints promptly. Following such investigation, the Coordinator shall report his or her findings and any remedial action determined to be necessary to the Executive Director, who has the authority to take remedial or other action.” This procedure shall be independent of the grievance procedures set forth in the reasonable accommodations policy for HAPGC residents, voucher participants or applicants who have requested a reasonable accommodation based upon their disability and have been denied.
- D. The 504 Coordinator shall be responsible for ensuring that all HAPGC employees and staff are trained on this policy and all applicable federal, state and local requirements regarding reasonable accommodations.

IX. Confidentiality

- A. HAPGC shall, consistent with applicable laws, develop procedures for keeping information related to an individual’s disability confidential and available only to persons within HAPGC who are directly involved in decisions regarding the request for reasonable accommodation and other authorized parties.

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- B. All decisions made by HAPGC on a reasonable accommodation request shall be kept confidential except insofar as disclosure is necessary to implement an approved accommodation or to comply with the review and grievance procedures set forth herein.
- C. Federal, state, and local civil rights enforcement agencies shall be provided with such information and documents as is authorized by law.
- D. Individuals requesting a reasonable accommodation based on disability shall, upon request to HAPGC, be entitled to access all documents in their HAPGC files which relate to their reasonable accommodation request, in accordance with applicable law. In addition, upon written request of an individual with a disability access to such documents shall be provided to his or her authorized third party representative.

X. Non-Retaliation

- A. HAPGC shall not discriminate or take any retaliatory action against a person who has requested a reasonable accommodation on the basis of a disability, or who has assisted or encouraged any other person to request such an accommodation.
- B. HAPGC shall not discriminate or take any retaliatory action against a person who has filed a grievance or an administrative agency complaint or sought judicial review on a reasonable accommodation request, or who has assisted or encouraged another person to do so, or who has assisted in the investigation of a reasonable accommodation claim.

XI. Tracking & Recordkeeping

- A. The 504 Coordinator shall maintain a record of how and when the notices required by this section are provided to applicants, voucher participants, and residents.
- B. Copies of all reasonable accommodation requests and the Housing Authority's responses shall be kept for the duration of three (3) years.
- C. The 504 Coordinator will maintain a centralized database for tracking reasonable accommodations requests which will include: the date the request was made, the nature of the request, the date a response was provided to the individual from HAPGC; the response and rationale for HAPGC's response; the date the accommodation is scheduled to be provided; any extension made in the provision of the accommodation; and the identification of the individual requesting or receiving the accommodation.
- D. Copies of the following documents shall be kept in the individual file of any applicant, voucher participant, or public housing resident requesting a reasonable accommodation: the Request(s) for Reasonable Accommodation; the Denial or Approval Notice(s); any final decision following an informal hearing; any settlement agreements; any decision(s) of the Grievance Officer or HAPGC Board of Commissioners; any decision(s) of an administrative agency or a court; documentation that an approved accommodation has been implemented; and all correspondence between the applicant or resident and the HAPGC, and between the HAPGC and verification sources concerning the reasonable accommodation request.

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