



ATTACHMENT 4

REASONABLE ACCOMMODATION POLICY

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I. Introduction

A. Program Rules

All shelter or housing programs funded through the Department of Human Services and managed by The Community Partnership must have Program Rules that are approved annually - first by The Community Partnership, and then by the Department of Human Services. Program Rules outline clients' eligibility requirements, rights, responsibilities and program sanctions. All approved program rules should be signed by clients at the time of entry into the program.

B. Non-Discrimination Statement

The Community Partnership for the Prevention of Homelessness (TCP) complies with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988), Executive Order 110063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Titles II and III of the Americans with Disabilities Act (ADA).

These laws require that people with disabilities be afforded the same privileges and opportunities afforded individuals without a disability. A program must not exclude people with disabilities and must make reasonable accommodations, or slight changes in rules and policies, when necessary to provide a person with a disability equal access. This policy is designed to educate TCP staff on how to ensure people with disabilities have equal opportunities to access TCP programs in an integrated setting.

Person with a disability

The definition of a person with a disability for purposes of nondiscrimination is:

- An individual who **has** a physical or mental impairment that substantially limits one or more major life activities – including such conditions as blindness, deafness, cerebral palsy, cancer, heart disease, mental limitations, brain injury, emotional or mental illness, and specific learning disabilities; and/or
- An individual who **has a record of** a physical or mental impairment that substantially limits a major life activity, including people who have recovered from mental or emotional illness, drug addiction, heart disease, or cancer; and/or

- An individual who ***is regarded as*** having such a disability, regardless of whether they have the disability. Common examples are someone who is obese or someone who is scarred due to injury, where there is no functional impairment, but people may regard the person as having a disability.

Physical or mental impairments generally included in the definition of disability are practically any condition, disease, illness, disfigurement or disorder (e.g., alcoholism, AIDS, emotional disorder, drug addiction, mental retardation, cerebral palsy, cancer, deafness, or HIV infection), if the impairment substantially limits one or more major life activities. Major life activities include caring for self, performing manual tasks, walking, seeing, hearing, breathing, learning, working, and major bodily functions such as cell growth and the immune system. This is not an exhaustive list; other life activities can also be major.

Reasonable Accommodations

A reasonable accommodation refers to modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability. Reasonable accommodations also can be a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. The requirement to provide reasonable accommodations is intended to give people with disabilities equal opportunity to participate in TCP programs. Some program rules may deny access to people with disabilities unless modified. For example, "no pets" policies deny access to people with disabilities who rely on the assistance of service or companion animals. A reasonable accommodation in this case would be permitting the individual with a disability to utilize a service animal.

This policy is not intended to provide greater program benefits to persons with disabilities than to non-disabled clients or applicants. It may mean, however, that persons with disabilities will sometimes be treated differently in order to ensure equal access to programs and services. A reasonable accommodation must be provided unless making a modification would fundamentally alter the nature of the service, program, or activity.

II. Providing Reasonable Accommodations

When considering whether to grant a reasonable accommodation request, a provider should only take the following into consideration:

- Is the individual a qualified resident?
- Is the request for an accommodation necessary for the qualified resident to enjoy equal opportunity and access to the program?
- Would the requested accommodation require a fundamental alteration in the nature of the program or impose an undue financial or administrative burden on the program?

A. Qualified Residents

A "Qualified Resident" is any individual with a disability who, with or without reasonable accommodations, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by TCP. Reasonable accommodations are changes to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aid and services.

In order to receive an accommodation a client must otherwise meet all the eligibility requirements of the program. For example, in order to qualify for entry into a women's shelter, the individual must be a woman. A man, even if he has a disability, would not be a qualified resident because he does not otherwise meet the eligibility requirements of the program.

Secondly, the person must be defined as an individual with a disability: she or he has, has a record of, or is regarded as a person with a physical or mental impairment that substantially limits one more life activities. (*See also p. 1*)

B. Request for an Accommodation

A client has the right to request a reasonable accommodation at any time while residing in a program. Information regarding the process of requesting a reasonable accommodation will be made available to applicants and clients at the time of application, at any time the District government, TCP or a shelter or housing provider proposes to take adverse actions against a client, or any other time upon request. For emergency actions shelter staff will make a reasonable effort to notify clients of their right to request a reasonable accommodation.

Information on how to request a reasonable accommodation will also be

provided at such other times as TCP Contractors deem appropriate, including educational opportunities for staff and clients. Forms and other documents used for applicants and clients will be written in plain language. TCP will present documents in alternative formats, provide auxiliary aids, or communicate with a third party designated by the client.

Providers are required to display the DHS prescribed accommodations flyer at intake facilities. If providers need additional Accommodations flyers, please contact The Community Partnership for the Prevention of Homelessness.

Once an applicant or client requests an accommodation, the provider may not ask about the nature or severity of the disability in question. The provider need only consider whether or not the request is *reasonable* in terms of cost and alteration of their program. They may ask questions which will clarify what it is about the policy, practice or procedure that serves as a barrier (so that the provider may offer an alternative solution); however, they should not attempt to determine whether or not the request is necessary for the individual in question. That is a determination to be made by the individual and/or his or her advisor.

C. Common Accommodations

The following is a short list of sample accommodations that can generally be provided without imposing an undue burden or constituting a fundamental alternation.

1. Accessible Room

One of the most common and easiest accommodations is to place a person with a disability into a space that is fully accessible to them. This may mean ensuring someone is on the first floor and/or has a fully accessible bathroom. It may also include providing extra space for someone if they are accompanied by a caregiver or service animal, or providing a more private space to someone with severe anxiety. It is important to remember that people with all types of disabilities, not only mobility disabilities, may need extra space or a slightly altered space in order for them to be accommodated and have an equal opportunity to benefit from TCP programs.

2. Service and Companion Animals

Service animals are often essential to people with disabilities, and as such will be permitted. Service animals are dogs that are individually trained to do work or perform tasks for a person with a disability, for example dogs trained to assist a sight or hearing impaired person. If the animal does not have specific

disability-related training but is necessary for coping with the disability (for instance, if the animal provides emotional support to a person with a panic disorder), the animal is considered a companion animal.

If the disability and the need for the service or companion animal is apparent, then no additional documentation should be required. In addition, a provider cannot require special ID cards for the animal or ask about nature and severity of the client's disability. However if the need is not apparent, the shelter program may ask if the client is an individual with a disability, if the animal is a service or companion animal, ask what tasks the animal has been trained to perform, and request medical certification about the animal such as vaccination records.

A person with a disability can be asked to remove a service or companion animal from the premises if, the animal is out of control and the client does not take effective action to control it (for example, a dog that barks repeatedly through a group therapy session) or, the animal poses a direct threat to the health, or safety of others (for example, a dog that appears to have rabies). In these cases, the shelter program should give the person with the disability the option to obtain goods and services without having the animal on the premises.

Shelter programs, including those that prepare food, must allow service animals in **public** areas, even if state or local health codes prohibit animals on the premises. Shelter programs are not required to provide care or food for a service or companion animal or provide a special location for it to relieve itself.

A provider should provisionally allow a service or companion animal into a shelter or housing program while a reasonable accommodation request is being processed.

The client will be responsible for the animal's care and the animal must be kept in a manner which does not violate the provider's program rules.

3. Auxiliary Aids and Services

To facilitate communication with persons with disabilities, the service provider shall furnish appropriate auxiliary aids. Auxiliary aids are services or devices that enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in, and to enjoy the benefits of programs and activities.

In determining what auxiliary aids are necessary, service providers shall give primary consideration to the request(s) of the individual with disabilities.

Types of auxiliary aids that TCP and service providers will readily supply to applicants and clients include pencil and paper for those with speech difficulties, Telecommunication Devices for the Deaf (TTY), Assisted Listening Devices (ALD), a sign language interpreter, or a reader. Service providers are not required to provide individually prescribed devices, such as readers for personal use or study, or other devices of a personal nature.

Other common types of accommodations that TCP and service providers will readily supply to applicants and clients include:

1. Offering information in accessible formats (e.g., large type) and in plain language.
2. Providing additional explanation of program rules and requirements.
3. Permitting rent payments and required communications to be mailed rather than delivered in person.
4. Sending mail or making phone calls to a person designated by the individual with disabilities as a contact person.
5. Allowing the use of service animals.
6. Reinstating applications of persons with disabilities, if the reason they did not respond in the required time was reasonably related to their disability.

To be equally effective, aids, benefits, and services are not required to produce identical results for individuals with disabilities and non-disabled persons but to afford individuals with disabilities equal opportunity to obtain the same results, to gain the same benefits, or to reach the same levels of achievement. Shelter and housing programs should respond to requests for auxiliary aids within a reasonable time by notifying the individual of the proposed auxiliary aid to be provided. All programs should consult with TCP, DHS, or ODR when considering provision, or denial of auxiliary aids, and/or services.

D. Determining Fundamental Alterations or Undue Financial Burden

TCP and service providers can deny reasonable accommodation requests which would require a fundamental alteration in the nature of the program or which represent an undue financial and/or administrative burden. If an action would result in a fundamental alteration, the service provider or TCP may take other action that would nevertheless ensure that persons with disabilities have an equal opportunity to receive the program benefits and services. While a request might constitute an undue burden or fundamental alteration for a specific provider, TCP or DHS may be able to accommodate the client in the broader continuum of homeless services. All determinations with respect to fundamental alterations will be made on a case- by-case basis in coordination with TCP or the District government depending on the requested

accommodation.

If the Provider is unclear about whether a request constitutes an undue burden or fundamental alteration, they must call The Community Partnership at 202-543-5298. The request is reviewed by TCP and if a determination cannot be made, TCP will submit the request to the Department of Human Services Family Services Administrator.

E. Discontinuation of Reasonable Accommodations

Providers may not change or discontinue a reasonable accommodation without first obtaining approval from TCP. Once the change or discontinuation of the reasonable accommodation has been approved by TCP, the provider must then notify the client or designee in writing of this decision and include notice of the client's right to appeal the decision found on the back of the Request for Reasonable Accommodation form.

F. Emergency Situations

Each provider must have an evacuation procedure that aligns with their building's specifications. Providers should meet with staff to prepare, plan and practice for emergency situations and include persons with disabilities in this discussion.

Carrying a person with a disability up stairs or out of their wheelchair is only an acceptable reasonable accommodation policy or practice in an emergency situation. For example, if the choice is between leaving someone out in the cold or carrying them up the stairs, it would be necessary to carry the person who is not independently mobile.

III. Reasonable Accommodation Procedure

A. Notice of Reasonable Accommodation Policy

Upon application of a program each client should be provided the Reasonable Accommodation brochure. It should be reviewed with the applicant to ensure that he/she fully understands the content.

Note: Acknowledgements of receipt of the brochure or inquiry into the need for a reasonable accommodation at the time of intake in no way reduces or effects clients' rights to request reasonable accommodations at any time they are in shelter or housing programs.

B. How A Client Makes A Request

Attached is the Request for Reasonable Accommodation form that providers should use when an applicant or client makes a reasonable accommodations request. However, if the applicant or client cannot complete the form, he or she may make a request for reasonable accommodation in any manner which is most effective for them. No request can be denied just because a client did not use the preferred forms or procedures outlined herein.

If an applicant/client does not use the form, staff must still respond to the request for a reasonable accommodation and assist the applicant/client in completing the form and in acquiring any information needed to make a decision on the request. Although the process for requesting a reasonable accommodation is standardized, each request will be treated uniquely. The results will be unique to the individual and the facility and/or circumstances involved.

All information regarding a request is contained on the Request for Reasonable Accommodation form. This form should be completed to the fullest extent possible immediately after it is received. The form should be retained for TCP's recording purposes.

Whenever possible, reasonable accommodation decisions in emergency or short term shelter must be made as soon as possible, ideally as soon as the request is made and both denials and agreements to make accommodations must be documented in writing. Forms and notifications will be provided in a format accessible to the client or applicant. Any meetings with applicants or clients required by this policy must be held in an accessible location.

If the shelter provider is inclined to deny the request in whole or in part, final approval to do so must be obtained from The Community Partnership. It is imperative that no provider deny any accommodation request before

discussing the case with The Community Partnership.

C. Providing or Denying an Accommodation Request

All communications, including but not limited to emails, faxes and letters sent and received regarding an accommodation request, must be kept on file with the paper request form.

If the client's disability and need for the accommodation is clear or known to the provider, no additional verification or information should be required and the accommodation should be approved upon the person's entry into the program. For example, a person who uses a wheelchair should not have to provide verification in order to access a wheelchair accessible bathroom. If more information or verification is required to process the request, the provider can ask for only the information that is necessary to make a determination of the request. The Reasonable Accommodation Verification Form can be used for verification of disability. Verification also can be given orally or in writing without using the form.

Persons qualified to verify information include counselors, social workers, physicians, psychiatrists, professionals at non-medical service agencies, peer support groups, or a reliable third party who is in a position to know about the client's disability. Staff at TCP or service providers who have knowledge of a person's disability can provide verification. Once the Reasonable Accommodation Verification Form is returned or other verification is given, **it must be kept confidential.**

The Notification of Accommodation Status form should be completed every time there is a change in the status of a reasonable accommodation. A copy of the form should be given to the client and the original form should be put in client's file.

If the Provider is unclear about how to handle a request or whether the documentation provided is sufficient, they must call The Community Partnership at 202-543-5298. The request is reviewed by TCP and if a determination cannot be made, TCP will submit the request to the Department of Human Services ADA Coordinator and the Office of Disability Rights for assistance.

When to Grant A Reasonable Accommodation Request

- Reasonable accommodation requests must be granted immediately if the denial of the request is likely to cause **serious harm** to the individual with a disability.
- Reasonable accommodation requests may be granted on a **provisional basis** when the provider has requested additional information or documentation.
- If an accommodation request would result in a **fundamental alteration to the nature of the program**, the provider is not required to provide it, but the provider must consult with TCP before denying it.
- If an accommodation request would pose **an undue financial or administrative hardship** to the program, the provider is not required to provide it, but the provider must consult with TCP before denying it.
- If an accommodation request would result in a **direct threat to the health and safety of others**, the provider is not required to provide it, but the provider must consult with TCP before denying it. However if Shelter Staff determines that complying with the accommodation request even on a provisional basis will present an immediate risk to the health and safety of others, and the probability of potential injury will NOT be sufficiently reduced by the reasonable accommodation, then Shelter Staff may act immediately to deny the accommodation request. In such cases prior consultation with TCP is not necessary but TCP should be notified of the decision immediately.
- If an accommodation request is for a **structural change**, such as building a ramp or lowering countertops, the provider must consult with TCP before determining whether the accommodation can be granted.
- If an accommodation request involves **a permanent supportive housing client who is not housed at a TCP housing provider** and the request cannot be met by TCP, such as a request to mail in rent payment in lieu of hand-delivering rent, then TCP staff should contact the landlord to discuss next steps.

D. Privacy

It is important for providers to remember that all communications received or sent regarding an accommodation request must be handled with privacy and care. All clients have a right to full privacy regarding the existence of a disability and any need for an accommodation.

E. Training

Training on these procedures will occur through staff meetings at the individual program sites and through scheduled Reasonable Accommodation Policy and Procedure Trainings. Each new staff member will receive training within 3 months from the date of hire, and ongoing trainings will be provided for all TCP staff on a quarterly basis. Training will be conducted by The Equal Rights Center, an external civil rights organization, pursuant to a mutual agreement with TCP.