Reasonable Accommodation & Service Animal Policy

NORTHWEST GEORGIA HOUSING AUTHORITY

[February 2024]

###### TABLE OF CONTENTS

Introduction 1

Auxiliary Aids and Services 2

Fundamental Alterations to the Program or Undue Financial or Administrative Burden 3

Essential Obligations of Tenancy 3

Types of Actions Considered to Be a Fundamental Alteration 4

Reasonable Accommodation Process 4

Notification to Applicants/Residents Regarding Reasonable Accommodation Requests 4

Making a Request for a Reasonable Accommodation 4

Determining Whether to Make the Accommodation 5

Guidelines for Determining Reasonableness 5

Denial of a Request for Reasonable Accommodation 6

Discontinuation of Reasonable Accommodation 6

Application and Waiting List 6

Intake 7

Non-Traditional Rental History 8

Service or Assistance Animals/ Companion Animals 8

Criminal Activity as Grounds for Evictions 9

Former Users of Illegal Drugs 10

Alcoholism 11

Policies Specific to Section 8 Vouchers 11

Section 504 Grievance Procedure 12

**Introduction**

Northwest Georgia Housing Authority (hereinafter “NWGHA”) 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 11063, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, and Titles II and III of the Americans with Disabilities Act, as amended. Hereafter, NWGHA will comply with new legislation, which protects individual rights of residents, applicants, or staff.

Section 504 stipulates that "no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service." The Fair Housing Amendments Act regulations state "It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and private use areas." Title II of the Americans with Disabilities Act and the regulations implementing that title extend the protection of Section 504 to all activities of "public entities," state and local governments, regardless of whether they receive federal funding.

The definition of a person with disabilities for purposes of nondiscrimination is a person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities; or

2. Has a record of such impairment; or

3. Is regarded as having such impairment.

Major life activities include, but are not limited to, caring for one, performing manual tasks, walking, seeing, hearing, breathing, learning and working.

The requirement to provide reasonable accommodation is intended to provide, for persons with disabilities, equal opportunity to participate in housing programs through modification of policies, procedures, or structures. This policy is not intended to provide greater program benefits or preferential treatment to persons having disabilities. NWGHA is committed to providing reasonable accommodations to qualified persons with disabilities. The policies and procedures outlined here apply to all properties owned and managed by NWGHA (including Low Rent Public Housing, Section 8, and other Assisted Housing units). The terms applicant and resident apply to applicants and participants in all these programs.

Upon request, NWGHA will interact with the applicant/resident to address all requests made for a reasonable accommodation. Accommodations, administrative and structural, are intended to afford the disabled person equal opportunity to use and enjoy the dwelling unit, including public and common use areas; or to provide the qualified individual with disabilities an opportunity to participate in, or benefit from the housing, aid, benefit, or service that is equal to that afforded to others, provided that the accommodation is reasonable (i.e., does not cause undue burdens or cause a fundamental alteration in the nature of the housing program).

Information regarding the availability of reasonable accommodations will be made available to applicants and residents during the admission and occupancy cycle and at the time of application with any notice of rejection, with any notice of lease violation or lease termination, and with any notice of an initial determination of ineligibility. Such information may also be provided at other times NWGHA deems appropriate and will include educational opportunities for staff and residents. Forms and other documents used for applicants and residents will, as much as is feasible, be written in plain, intelligible language.

Reasonable accommodations are made in response to individual requests from a qualified person with disabilities. The request may be made in any manner that is convenient for the person with disabilities. Accommodations may be unique to the individual with disabilities; individuals with the same disability may not need, or desire, the same level of accommodation. There is no standard approach. What works for one person may not work for another in the same situation.

NWGHA will make reasonable modifications in order to enable a qualified applicant/resident with disabilities to have equal opportunity to live in and enjoy equal housing opportunities. The test is whether, with appropriate modifications, the applicant/resident with a disability may live in the housing that NWGHA offers to other applicants or tenants who are not disabled.

### Auxiliary Aids and Services

To facilitate communication with persons with disabilities, NWGHA shall furnish appropriate auxiliary aids. Auxiliary aids means 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 NWGHA programs and activities. However, NWGHA is not required to provide individually prescribed devices, such as readers for personal use or study, or other devices of a personal nature. In determining what auxiliary aids are necessary, NWGHA shall give primary consideration to the request(s), for the purposes of communication between NWGHA and an individual with disabilities.

Examples of auxiliary aids and accommodations that NWGHA may supply to applicants and residents include:

1. Providing additional explanation of program rules and requirements.

2. Offering information in accessible formats (e.g., large type) and in plain language.

3. Permitting rent payments and required communications to be mailed rather than delivered in person.

4. Providing auxiliary aids, such as pencil and paper for those with speech difficulties, Telecommunication Device for the Deaf (TTY), Assisted Listening Device (ALD), a sign language interpreter, or a reader.

5. Sending mail or making phone calls to a person designated, by the individual with disabilities, as a contact person.

6. Considering the impact of "mitigating circumstances" regarding the rejection of an applicant for housing or when terminating the lease or terminating housing assistance to a resident, when the applicant/resident has asked for such consideration. (In applying this concept, NWGHA may in certain circumstances ask the applicant/resident to verify (a) that the applicant/resident does have a disability; and (b) that the specific accommodation requested is directly related (nexus) to the persons claimed handicap.

Aids, benefits, and services, to be equally effective, 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 result or to gain the same benefit from NWGHA programs.

### Fundamental Alterations to the Program or Undue Financial and Administrative Burden

NWGHA may deny accommodation requests which would require a fundamental alteration in the nature of the program or which represent an undue financial and administrative burden. If NWGHA denies a requested accommodation because it would result in a fundamental alteration to the program or place an undue burden on NWGHA, NWGHA will still explore the appropriateness of all reasonable and necessary accommodation in an effort to try to ensure that persons with disabilities have an equal opportunity to receive the program benefits and services. NWGHA's determinations with respect to fundamental alterations will be made on a case‑by‑case basis, and an explanation will be provided in writing.

**Types of Actions Considered to Be a Fundamental Alteration**

Types of activities that may be considered to be a fundamental alteration to the program include but are not limited to:

1. Actions that require substantial modifications to, or elimination of, essential lease provisions or program eligibility or screening requirements based on the obligations of tenancy (e.g., admission of an unqualified family);

2. Actions that require NWGHA to add supportive services; e.g., counseling, medical, or social services, that fall outside the scope of existing services offered by housing providers to other applicants/residents in the program;

3. Actions that require NWGHA to offer housing or benefits of a fundamentally different nature from the type of housing or benefits that NWGHA does offer or actions that would provide preferential treatment rather than equal treatment and equal opportunities.

## Reasonable Accommodation Process

### Notification to Applicants/Residents Regarding Reasonable Accommodation Requests

Information on the availability of NWGHA's reasonable accommodation procedure will be posted in the NWGHA business offices and will be provided at application, intake, notice of rejection, notice of lease violation, notice of lease termination, and on the Housing Authority’s website. Any applicant or resident (or their family member or advocate) may make a request for reasonable accommodation in oral or written form at any time during the application process or tenancy. Forms and letters have been developed to conveniently allow an applicant or resident the opportunity to request reasonable accommodation. If an applicant/resident cannot use a form or did not complete the form, NWGHA will still respond to the request for a reasonable accommodation and assist the applicant/resident in acquiring the information needed to make a decision on the appropriateness of any given request for an accommodation.

Although the process for requesting a reasonable accommodation is standardized, each request will be treated uniquely and may often involve an open dialog to assist NWGHA gain an understanding of the scope, nature and appropriateness of any request. Whenever possible, reasonable accommodation decisions regarding any request for an accommodation will be made within 21 days or less of NWGHA’s receipt of the request, and both denials and approvals to make accommodations will be documented in writing. If a decision is unable to be made within 21 days, NWGHA will notify the individual of the status of the accommodation request will provide written notification about when a decision will be made. Any meetings or discussions regarding a request may be required and will be held in an accessible location.

### Making a Request for a Reasonable Accommodation

Applicants or residents (or their family member or other persons or advocates) may make a request for a reasonable accommodation at any time. Any such request should be made in writing or verbally, and NWGHA can assist the tenant in making a written request for accommodation upon request by any tenant. An email request is also a satisfactory way to request a reasonable accommodation. If the accommodation is reasonable, necessary, and appropriate (and also directly related (nexus) to the claimed disability), NWGHA will approve the request in writing. The general procedures are:

1. All applicants, at the time of application, are asked if they need special features in a rental unit, to ensure they have equal access and equal use of the unit and common areas, and NWGHA is prepared to assist in filling out the application.

2. All residents have the right to request reasonable accommodation at any time.

3. Requests for accommodation shall be made to the Property Manager who will document the request in the individual’s file and provide the Section 504 Coordinator with the request for accommodation documentation. The Section 504 Coordinator will acknowledge the receipt of the request and will either approve or deny the request.

4. If the 504 Coordinator needs additional information, they will take steps to have an interactive discussion about the request.

4. All requests for accommodation shall be acknowledged by NWGHA, in writing, within seven (7) days of any receipt of an oral or written request. For oral requests, NWGHA will record the request in writing and any associated details and ask for the individual to confirm it is correct by requesting a signature. If the individual is not able to complete the signature it will not invalidate the reasonable accommodation request.

5. Each request for accommodation and response thereto shall be fully documented by NWGHA.

6. All responses to requests for accommodations will be in writing and, if appropriate, in an alternative format intelligible to the person making the request.

7. Those requesting a reasonable accommodation shall be notified in writing of the decision regarding their request for accommodation within twenty-one (21) days of NWGHA’s receipt of the request, and earlier where practicable; if a request is denied due to a lack of nexus or verification of a disability, after first interacting with the requesting person, an explanation of the basis for such denial shall be included in this written notification.

8. The final written decision regarding the request for accommodation will be retained in NWGHA’s files.

9. NWGHA shall consider all such requests for accommodation because of any disability and will grant or approve those requests that are reasonable and necessary within the meaning of the Fair Housing Act and Section 504.

### Determining Whether to Make the Accommodation

1. Does the applicant or resident meet the definition of an Individual with Disability? (If not an obvious or visible disability or the disability is known, the requesting party will be asked to complete and return a reasonable accommodation medical verification form.)

a. If NO, NWGHA is not obligated to make an accommodation and may deny the request.

b. If YES, go to step 2.

c. If more information is needed, a meeting or phone conference may be requested and the applicant/resident will be notified of this request, or a meeting or discussion will be held to obtain additional information by way of an interactive process to determine the appropriateness of the request.

2. Is the requested accommodation directly related to the disability; is there a nexus?

a. If NO, NWGHA is not obligated to make the accommodation, and may deny the request.

b. If YES, go to step 3.

c. If more information is needed, NWGHA may either request more information and notify the applicant/resident, or request a meeting or engage further discussion.

3. Is the requested accommodation reasonable?

a. If YES, NWGHA will approve the request for reasonable accommodation

b. If NO, NWGHA may deny the request or, where appropriate, suggest/offer an alternative accommodation upon conferring with the requesting party. The denial or suggestion/offer will be made in writing.

c. If more information is needed, NWGHA may either request more information and notify the applicant/resident, or request a meeting or discussion to engage in further dialog.

### Denial of a Request for Reasonable Accommodation

If a request for reasonable accommodation is denied, NWGHA will inform the applicant/resident in writing (or other appropriate accessible form of communication) of the denial and the reason for the denial. The notice will also advise the applicant/resident of his or her right to appeal the decision to deny the accommodation. Reasons for the denial may include, but not be limited to:

1. The individual requesting the accommodation does not meet the definition of an Individual with a Disability.

2. There was no nexus between the requested accommodation and the individual's disability.

3. The requested accommodation will create an undue financial and administrative burden for NWGHA.

4. The requested accommodation will change or alter the fundamental nature of the program.

Applicants for and residents of housing owned and managed by NWGHA, who have been denied reasonable accommodations, are entitled to request a Grievance as outlined within the policy: “Section 504 Grievance Procedure”.

For Section 8 Voucher, and Moderate Rehabilitation Program applicants and participants, the procedures to be used regarding denial of a reasonable accommodation will be those outlined in the Complaint Grievance and Appeals section, contained in the Section 8 Administrative Plan.

## Application and Waiting List

The application form for all programs asks the following optional questions:

1. Would you like help in filling out this application? We can assist you by providing a note taker, assisted listening device, interpreter, TTY machine, someone to read, larger print, or other assistance described by the applicant.

2. Do you or any member of your household need special features in a rental unit, such as visible emergency alarms, lowered kitchen counters/sinks, grab bars in bathroom, ramps, etc. in order to utilize the housing unit or common areas? If yes, please describe below.

## Service or Assistance Animals/ Companion Animals

Service or Assistance animals are permitted in all rental units, regardless of lease terms or no-pet policies, for all persons with disabilities under HUD’s definition. All applicants/residents desiring a service or companion animal must request an accommodation per this policy so that NWGHA may evaluate and, where appropriate, approve. A Seeing Eye dog or a dog trained to assist a hearing-impaired person would be examples of service or assistance animals. An emotional support animal is an animal that provides therapeutic benefits to a person’s disabilities such as (but not limited to) depression, anxiety, and PTSD. Persons with disabilities will not be required to pay for costs associated with reasonable accommodations; therefore, NWGHA will not charge a pet deposit or any other associated fees for a service/assistance or companion animals. A service/companion animal is also not considered to be a pet.

NWGHA will use the following steps when considering a request for reasonable accommodation, from applicants/residents with disabilities, to keep animals in developments or buildings, owned and managed by NWGHA, with no-pet policies:

1. When an applicant/resident with a disability asserts and can verify that an animal is therapeutic for or alleviates a disability, the applicant/resident should make a request for a reasonable accommodation.

2. NWGHA may request verification that the applicant/resident is an Individual with a Disability as defined by HUD regulations, unless the claimed disability is obvious or visible.

3. If both verifications are provided (where applicable), and the animal has been trained to assist the person with a disability (nexus), then the animal is a "service animal" as defined by HUD.

4. The resident must be able to properly care for and maintain control of his/her animal at all times, and the tenant or resident must comply with NWGHA policies regarding the maintenance and control of service or companion animals. Service or companion animals may not cause damages to the unit, may not exhibit any aggressive behaviors towards other residents; may not disrupt the peaceful use and enjoyment of the premises by other residents, must at all times be on leash outside the unit, and must be under control at all times.

5. If, subsequently, the animal or its care poses a public health problem or results in a lease violation, the issue will be addressed per the terms of the NWGHA Lease Agreement. NWGHA may send the resident a Notice of Lease Violation or a Notice of Lease Termination, or alternatively may revoke the right to maintain the animal on the premises where warranted.

1. Reasonable accommodations requests for companion animals, as contrasted to service animals, will be subject to reasonable verification from a medical provider. The resident requesting the accommodation shall be responsible for cleaning up after the animal. All animals must satisfy all local and state laws for vaccinations.

**SECTION 504 GRIEVANCE PROCEDURE**

When NWGHA makes a decision to approve or to deny a request for reasonable accommodation, the requester must be notified in writing. NWGHA will give the requester prompt notice of such determinations, which will include:

1) The proposed action or decision of NWGHA

2) The date the proposed action or decision will take place

3) The requester's right to an explanation of the basis for NWGHA's decision

4) The procedures for requesting a hearing if the requester disputes the action or decision

5) The time limit for requesting the hearing

6) To whom the hearing request should be addressed

**A. Procedure to Obtain a Hearing**

The following procedures apply to the request for a formal grievance hearing under this procedure.

1. Request for Hearing

If the individual making the request for reasonable accommodation is not satisfied with the decision made by the Section 504 Coordinator, the individual must submit a request for formal grievance hearing to the Director of Housing within seven (7) business days after receipt of the decision letter. For oral requests, NWGHA will record the request in writing and any associated details and ask for the individual to confirm it is correct by requesting a signature. If the individual is not able to complete the signature it will not invalidate the reasonable accommodation request.

**B. Selection of Hearing Officer or Panel**

All grievance hearings shall be conducted by an impartial person or persons appointed by the Director of Housing in a manner described below:

1. The permanent appointments of persons who shall serve as hearing officers and hearing panel

members shall be governed by the following procedures:

a) NWGHA shall nominate a slate of persons to sit as permanent hearing officers or hearing panel members.

b) The slate of potential appointees shall be submitted to all resident organizations for written comments. Written comments from the resident organization shall be considered by NWGHA before appointments are finally made. Objection to the appointment of a person as a hearing officer or panelist must be considered but is not dispositive as to the proposed appointment with respect to which object is made.

c) On final appointment, the persons appointed and resident organizations shall be informed in writing of the appointment. A list of all qualified hearing officers will be kept at the central office of NWGHA and be made available for public inspection any time.

2. The designation of hearing officers or panel members for particular grievance hearings shall be governed by the following provisions:

a) All grievance hearings will be held either before a single hearing officer or by a hearing panel.

b) No person shall accept an appointment, or retain an appointment, once selected as a hearing officer or hearing panelist, if it becomes apparent that such person is not fully capable of impartiality. Persons who are designated to serve as hearing officers or panelists must disqualify themselves from grievances that involve personal friends, relatives, persons with whom they have any business relationship, or grievances in which they have some personal interest. Further, such persons are expected to disqualify themselves if the circumstances are such that a significant perception of partiality exists and is reasonable under the circumstances. If a complainant fails to object to the designation of the hearing officer or panelists on the grounds of empaneled, at the commencement or before the hearing, such objection is deemed to be waived, and may not thereafter be made.

**C. Schedule of Hearings**

1. Hearing Prerequisites

A complainant does not have a right to grievance hearing unless the complainant has satisfied the following prerequisite to such a hearing:

a) The complainant has requested a hearing in writing or orally. For oral requests, NWGHA will record the request in writing and any associated details and ask for the individual to confirm it is correct by requesting a signature. If the individual is not able to complete the signature it will not invalidate the reasonable accommodation request.

2. Time, Place, Notice

Upon complainant's compliance with the prerequisites to hearing set forth above, and unless there are extenuating circumstances; a hearing shall be scheduled by the hearing officer or hearing panel for a time not less than seven (7) business days, nor more than twenty (20) business days after complainant has completed such compliance.

A written notice specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and the Section 504 Coordinator.

**D. Procedures Governing Hearings**

1. Fair Hearings

The hearings shall be held before a hearing officer or hearing panel as described above in Section B. The complainant shall be afforded a fair hearing that shall include:

a) The opportunity to examine, before the hearing, any NWGHA documents, including records and regulations that are directly relevant to the hearing. If NWGHA does not make the documents available for examination upon request by the complainant, NWGHA may not rely on such document at the grievance hearing.

b) The right to be represented by counsel or other person chosen as the complainant's representative and to have such person make statements on the complainant's behalf.

c) The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by NWGHA and to confront and cross examine all witnesses upon whose testimony or information NWGHA relies; and

d) A decision solely and exclusively upon the facts presented at the hearing.

**E. Decision of the Hearing Officer or Hearing Panel**

At or subsequent to the completion of the grievance hearing, the hearing officer or panel shall make a determination as to the merits of the grievance and the following provisions shall govern:

1. Written Decision

The hearing officer or panel shall prepare a written decision, together with the reasons for the decision within ten (10) business days after the completion of the hearing.

a) A copy of the decision shall be sent to the complainant and NWGHA. NWGHA shall retain a copy of the decision in the complainant's resident folder.

b) A copy of such decision, with all names and identifying references deleted shall also be

maintained on file by NWGHA and made available for inspection by any prospective complainant, his/her representative, or the hearing officer or panel.

A notice of the hearing findings shall be provided in writing to NWGHA and the requester following the hearing and shall include:

1) A clear summary of the decision and reasons for the decision;

2) The date the decision goes into effect.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the requester's file.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Resident Signature Date

## 