

Exhibit A-1

Reasonable Accommodations

1. Non-Discrimination in AHFC Programs

U.S. Code Title 42, Section 3604(f)

Discrimination in the sale or rental of housing and other prohibited practices. As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful –

- (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of-
 - (A) that buyer or renter,
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.

- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of-
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that person.

- (3) For purposes of this subsection, discrimination includes –
 - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling;

HUD Regulation – 24 CFR 8.4(a)

No qualified individual with handicaps shall, solely on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department.

In addition to U.S. Department of Housing and Urban Development regulations¹, AHFC is also relying on technical guidance provided in the Joint Statement of the

¹ Public & Indian Housing Notice 99-52 issued December 15, 1999. Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations under the Fair Housing Act².

2. Access to Programs or Services

HUD Regulation – 24 CFR 8.4(b)(2)

For purposes of this part, housing, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for individuals with handicaps and non-handicapped persons, but must afford individuals with handicaps equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.

HUD Regulation – 24 CFR 8.4(d)

Recipients shall administer programs and activities receiving Federal financial assistance in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

-Updated with Public & Indian Housing Notice 2002-01 issued January 22, 2002. Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

-Updated with Public & Indian Housing Notice 2003-31 issued November 26, 2003. Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

-Updated with Public & Indian Housing Letter L-2007-05 issued September 21, 2007. Reinstatement of Notice PIH 2006-13, Non-Discrimination and Accessibility for Persons with Disabilities.

-Updated with Public & Indian Housing Notice 2010-26 issued July 26, 2010. Non-Discrimination and Accessibility for Persons with Disabilities.

-Public & Indian Housing Notice 2006-13 issued March 8, 2006. Non-Discrimination and Accessibility for Persons with Disabilities.

-Updated with Public & Indian Housing Letter L-2007-05 issued September 21, 2007. Reinstatement of Notice PIH 2006-13, Non-Discrimination and Accessibility for Persons with Disabilities.

-Updated with Public & Indian Housing Notice 2010-26 issued July 26, 2010. Non-Discrimination and Accessibility for Persons with Disabilities.

-Public & Indian Housing Notice 2011-31 and FHEO Notice 2011-1 issued June 13, 2011. Guidance on non-discrimination and equal opportunity requirements for PHAs.

² [Issued](#) by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, May 17, 2004.

AHFC Policy

NWA will take all reasonable actions necessary to ensure that persons with disabilities have full access to available resources at the Adelaide Building.

HUD Regulation – 24 CFR 8.20

General requirement concerning program accessibility.

Except as otherwise provided in §§8.21(c)(1), 8.24(a), 8.25, and 8.31, no qualified individual with handicaps shall, because a recipient's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance.

(c) Existing non-housing facilities –

(1) General. A recipient shall operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not –

- (i) Necessarily require a recipient to make each of its existing non-housing facilities accessible to and usable by individuals with handicaps;
- (ii) In the case of historic preservation programs or activities, require the recipient to take any action that would result in a substantial impairment of significant historic features of an historic property; or
- (iii) Require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, the recipient shall take any action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

HUD Regulation – 24 CFR 8.24

(a) General. A recipient shall operate each existing housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not –

- (1) Necessarily require a recipient to make each of its existing facilities accessible to and usable by individuals with handicaps;
- (2) Require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, the recipient shall take any action that would not result in such an alteration or such burdens but would nevertheless ensure that

individuals with handicaps receive the benefits and services of the program or activity.

3. Reasonable Accommodation

HUD Regulation – 24 CFR 8.11

Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(c) In determining, under paragraph (a) of this section, whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

- (1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;
- (2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and
- (3) The nature and cost of the accommodation needed.

HUD Regulation – 24 CFR 8.33

A recipient shall modify its housing policies and practices to ensure that these policies and practices do not discriminate, on the basis of handicap, against a qualified individual with handicaps. The recipient may not impose upon individuals with handicaps other policies, such as the prohibition of assistive devices, auxiliary alarms, or guides in housing facilities, that have the effect of limiting the participation of tenants with handicaps in the recipient's federally assisted housing program or activity in violation of this part. Housing policies that the recipient can demonstrate are essential to the housing program or activity will not be regarded as discriminatory within the meaning of this section if modifications to them would result in a fundamental alteration in the nature of the program or activity or undue financial and administrative burdens.

HUD Regulation – 24 CFR 100.204

Reasonable accommodation.

(a) 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 common use areas.

HUD Regulation – 24 CFR 966.7 (Public Housing)

Accommodation of persons with disabilities.

(a) For all aspects of the lease and grievance procedures, a handicapped person shall be provided reasonable accommodation to the extent necessary to provide the handicapped person with an opportunity to use and occupy the dwelling unit equal to a non-handicapped person.

(b) The PHA shall provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy.

AHFC Policy

NWA will provide information regarding its reasonable accommodation process to both applicant and participant families.

4. Making A Request

AHFC Policy

A person with a disability may make a reasonable accommodation request any time he or she deems it necessary. A family may request a reasonable accommodation orally or in writing. NWA will respond to all reasonable accommodation requests in a timely manner.

Under the Act, a resident or an applicant for housing makes a reasonable accommodation request whenever he or she makes clear to the housing provider that he or she is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of his or her disability. The family should explain what type of accommodation is requested and, if the need for the accommodation is not readily apparent or not known to the provider, explain the relationship between the requested accommodation and the disability. An applicant or resident is not entitled to receive a reasonable accommodation unless he or she requests one.³

5. Qualification

In order to qualify for a Reasonable Accommodation (see Definitions section), a person must meet the Fair Housing definition (see Definitions section) of a person with disabilities. A person who meets the Fair Housing definition of a person with disabilities for purposes of a Reasonable Accommodation **does not** automatically

³ Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations under the Fair Housing Act, May 17, 2004.

qualify as an elderly/disabled household (see the Qualify as a Family exhibit for the definition of an elderly or disabled household).

To qualify for a requested accommodation, an individual must be able to document a nexus between the accommodation and the individual's disability. AHFC may ask for this documentation when the nexus is not clear.

5.A Verification of Disability

NWA will establish a policy regarding verification of disability status for various types of reasonable accommodation requests.

5.B Denying a Request

HUD Guidance⁴

A housing provider can deny a request for a reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable – i.e., if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations.

AHFC Policy

Families may request that the AHFC 504 officer review requests denied by NWA staff.

6. Request Types

NWA will establish a procedure covering various types of reasonable accommodation requests and methods for responding.

⁴ Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations under the Fair Housing Act, May 17, 2004.

6.A Assistive or Service Animal⁵

HUD Regulation – 24 CFR 5.303

Exclusion for animals that assist, support, or provide service to persons with disabilities.

(a) This subpart C does not apply to animals that are used to assist, support, or provide service to persons with disabilities. Project owners and PHAs may not apply or enforce any policies established under this subpart against animals that are necessary as a reasonable accommodation to assist, support, or provide service to persons with disabilities. This exclusion applies to animals that reside in projects for the elderly or persons with disabilities, as well as to animals that visit these projects.

FHEO Notice 2020-01⁶

Page 1, Paragraph 1. This notice explains certain obligations of housing providers under the Fair Housing Act (FHA) with respect to animals that individuals with disabilities may request as reasonable accommodations. There are two types of assistance animals: (1) service animals, and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a “support animal”). Persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals, under the FHA.

The Fair Housing Act (FHA) makes it unlawful for a housing provider to refuse to make a reasonable accommodation that a person with a disability may need in order to have equal opportunity to enjoy and use a dwelling.

⁵ Guidance on Documenting an Individual’s Need for Assistance Animals in Housing. Issued as part of FHEO Notice 2020-01.

⁶ Office of Fair Housing and Equal Opportunity Notice 2020-01 issued January 28, 2020. Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act.

- Supersedes Office of Fair Housing and Equal Opportunity (FHEO) Notice 2013-01 issued April 25, 2013. Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs.

6.A.1. RA Requests After the Animal is in the Unit

FHEO Notice 2020-01

Page 8, Part II. A resident may request a reasonable accommodation either before or after acquiring the assistance animal. An accommodation also may be requested after a housing provider seeks to terminate the resident's lease or tenancy because of the animal's presence, although such timing may create an inference against good faith on the part of the person seeking a reasonable accommodation. However, under the FHA, a person with a disability may make a reasonable accommodation request at any time, and the housing provider must consider the reasonable accommodation request even if the resident made the request after bringing the animal into the housing.

6.A.2. Reasons to Possibly Deny an Animal

FHEO Notice 2020-01

Page 13, Section V. The FHA does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. A housing provider may, therefore, refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the animal in a secure enclosure).

6.A.3. General Assistance Animal Rules

FHEO Notice 2020-01

Page 14, Section V.

1. Housing providers may not limit the breed or size of a dog used as a service animal or support animal just because of the size or breed but can, as noted, limit based on specific issues with the animal's conduct because it poses a direct threat or a fundamental alteration.
2. A housing provider may charge a tenant for damage an assistance animal causes if it is the provider's usual practice to charge for damage caused by tenants (or deduct it from the standard security deposits imposed on all tenants).
3. A person with a disability is responsible for feeding, maintaining, providing veterinary care, and controlling his or her assistance animal. The individual may do this on his or her own or with the assistance of family, friends, volunteers, or service providers.

6.B Unit with Accessible Features

A family can request a unit with accessible features at any time. A family is required to certify their need for the features when a unit becomes available. Once assigned to a

unit with accessible features, the family is not required to re-certify their need for the unit.

If in the future the family no longer requires the features, the family may be required to move to allow a family requiring the features to occupy the unit.

6.B.1. Reasonable Modification

HUD Regulation – 24 CFR 100.203

(a) It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for handicapped persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

(b) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

7. Definitions

7.A Accessible

HUD Regulation – 24 CFR 8.3

Accessible, when used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical handicaps. The phrase accessible to and usable by is synonymous with accessible.

7.B Animals Commonly Kept in Households

FHEO Notice 2020-01

If the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal. For purposes of this assessment, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

7.C Assistance Animal

FHEO Notice 2020-01

Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities. There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a “support animal”). An animal that does not qualify as a service animal or other type of assistance animal is a pet for purposes of the FHA and may be treated as a pet for purposes of the lease and the housing provider’s rules and policies. A housing provider may exclude or charge a fee or deposit for pets in its discretion and subject to local law but not for service animals or other assistance animals.

7.D Durable Medical Equipment

Medical supplies that are:

- Able to withstand repeated use;
- Primarily and customarily used to serve a medical purpose;
- Generally not useful to a person in the absence of an illness or injury; and
- Appropriate for use in the home.

Durable medical equipment includes such items as walkers, wheelchairs, power scooters, hospital beds, and portable oxygen equipment. Durable medical equipment is also called Home Medical Equipment or Durable Medical Equipment, Prosthetics, Orthotics, and Supplies.

Durable Medical Equipment **is not**:

- Medical supplies that generally are used and then thrown away.
- Items that are not appropriate for home use such as a paraffin bath unit or oscillating bed. These items are generally used under supervision in an institutional setting.

- To be used primarily outside the home.
- For convenience rather than medical use. This includes stairway elevators, grab bars, bathtub/toilet seats, and portable potties – anything that can technically be used by people who have no medical condition.

7.E Fundamental Alteration

A "fundamental alteration" is a modification that alters the essential nature of a provider's operations.

7.F Individual with Handicaps

HUD Regulation – 24 CFR 8.3

Individual with handicaps⁷ means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or who participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(a) Physical or Mental Impairment includes:

(1) 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

(2) 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.

(b) Major Life Activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

⁷ The Fair Housing Act uses the term "handicap" instead of the term "disability." Both terms have the same legal meaning. This document uses the term "disability," which is more generally accepted.

(c) Has a Record of Such an Impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is Regarded as Having an Impairment means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

7.G Nexus

Nexus means an identifiable relationship or connection between two items. To show that a requested accommodation is necessary, the accommodation must have a clear link to the individual's disability.

7.H Reasonable Accommodation⁸

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability. However, in response to a request for a reasonable accommodation, a housing provider may request reliable disability-related information that:

1. is necessary to verify that the person meets the Act's definition of disability,
2. describes the needed accommodation, and
3. shows the relationship between the person's disability and the need for the requested accommodation.

⁸ Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations under the Fair Housing Act.

7.I Service Animal

FHEO Notice 2020-01

Under the ADA, “service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.”

7.J Substantial Impairment

HUD Regulation – 24 CFR 8.3

Substantial impairment means a significant loss of the integrity of finished materials, design quality, or special character resulting from a permanent alteration.

7.K Unique Animals

FHEO Notice 2020-01

If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal, which includes information of the type set out in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing⁹. While this guidance does not establish any type of new documentary threshold, the lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation.

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances ...

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
 - Allergies prevent the person from using a dog; or
 - Without the animal, the symptoms or effects of the person’s disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

⁹ FHEO Notice 2020-01 issued January 28, 2020; effective until amended, superseded, or rescinded.

Example: A Unique Type of Support Animal

An individually trained capuchin monkey performs tasks for a person with paralysis caused by a spinal cord injury. The monkey has been trained to retrieve a bottle of water from the refrigerator, unscrew the cap, insert a straw, and place the bottle in a holder so the individual can get a drink of water. The monkey is also trained to switch lights on and off and retrieve requested items from inside cabinets. The individual has a disability-related need for this specific type of animal because the monkey can use its hands to perform manual tasks that a service dog cannot perform.

Numbered Memo

20-46 Adelaide Administrative Plan Updates