

# **Exhibit 1-1**

## **Reasonable Accommodation Guidelines**

Alaska Housing Finance Corporation (AHFC) must comply with federal fair housing laws. Guidance can come in several forms:

- Applicable Laws
- Code of Federal Regulations
- Executive Orders
- HUD Guidance – Fair Housing and Equal Opportunity Office
- Supreme Court or local court decisions interpreting laws and giving guidance for implementation

AHFC receives guidance through a chain of authority.

1. Congress enacts laws.
2. The Department of Housing and Urban Development (HUD) writes regulations to interpret and apply those laws.
  - a. Regulations are gathered and presented in the Federal Register and later, the Code of Federal Regulations.
  - b. If immediate action is needed, HUD may send out numbered notices to initiate actions.
3. AHFC adopts policies and procedures detailing how staff will implement regulations.

To ensure that persons with disabilities have equal access to housing assistance programs and benefits, AHFC has a Reasonable Accommodation process.

### **1-1.2 REASONABLE ACCOMMODATION QUALIFICATION**

In order to request a Reasonable Accommodation, a person must meet the Fair Housing definition of a person with disabilities. This definition is much broader than the HUD definition that AHFC uses to qualify a person for medical or handicap income deductions. The Fair Housing definition of a person with disabilities is a person who:

1. has a physical, mental, or emotional impairment that substantially limits one or more of the person's major life activities;
2. has a record of such impairment; OR
3. is regarded as having such an impairment.

#### **1-1.2.A Fair Housing Definitions**

- 1. Physical or mental impairment includes:**
  - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
  - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.
  
- 2. Major Life Activities means:**

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
  
- 3. 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.
  
- 4. Is regarded as having an impairment means:**
  - a. 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;
  - b. 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
  - c. Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.
  
- 5. 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.

### **1-1.2.B Verifying a Disability**

If staff do not have enough information to determine if a person meets the Fair Housing definition of a person with disabilities, then staff may use the *Disability Verification for Reasonable Accommodation* (form PW-VF235) to verify disability status as well as evaluate the actual reasonable accommodation request. This verification form may only be used to evaluate Reasonable Accommodation Requests.

A section in the middle of the form asks for a description of the requested accommodation. It is important that this information is included in the verification request so that the verifier can understand what the client is requesting and then determine if that request accommodates his or her disability.

### **1-1.3 TYPES OF VERIFIERS**

The *Disability Verification for Reasonable Accommodation* form does not have to be signed by a medical professional. It can be completed by any professional with first-hand knowledge of the person's disability. This could be a counselor, advocate, attorney, social worker, etc.

### **1-1.4 REASONABLE ACCOMMODATION PROCESS**

A client may initiate the Reasonable Accommodation process verbally, in writing, or through another party. AHFC has a *Reasonable Accommodation Request* (form RA800) that a person may use, but it is not required. Once a request has been made, staff must execute the following steps.

1. If a request cannot be answered in writing within ten (10) business days, acknowledge receipt of the request with the client.
  - a. If there is going to be a delay or a need to collect additional information, communicate this information to the client.
  - b. Acknowledging receipt of the request can be done over the telephone. Notate on the form when you talked to the client.
  - c. If the request was made verbally, write the request on a Reasonable Accommodation Request form.
2. Determine if you are the appropriate staff person to respond to the request. If not, immediately route the request to the appropriate person.
3. Log the request in the electronic Reasonable Accommodation database within ten (10) days of receipt.
4. Verify the client meets the Fair Housing definition of a person with disabilities.
5. If the request does not have the information sufficient to make a response, send the appropriate verification forms or gather the appropriate information.
  - a. Allow ten business days for verifiers to respond.
  - b. Do not hold a request indefinitely waiting for a response from a verifier.
  - c. If you do not get a response to a request, try calling the verifier.
  - d. If you cannot get the information, contact the client to request an alternate verifier.

- e. If no alternate verifier is available, proceed to evaluating the request based on the facts you have available.
6. Keep notes of all conversations or facts collected regarding the request.
7. Once you have sufficient facts to evaluate the request:
  - a. If your decision is to deny the request, provide the documentation and your decision to your supervisor for his/her final review.
  - b. Issue the decision to the client.
  - c. Include language regarding the client's right to grieve your decision.
8. File a copy of the request and the decision in the client file.
9. Update the electronic Reasonable Accommodation database with the decision determination and supporting information within ten (10) days.
10. If unit modifications are required, initiate the process with the resident.

## **1-1.5 REASONABLE MODIFICATIONS**

A resident may request a reasonable modification to a unit or common area in order to fully access or enjoy the features of a unit. While AHFC must allow a reasonable modification, the resident is responsible for paying for any reasonable modifications to the unit.

### **1-1.5.A Modification Request**

Staff will follow the Reasonable Accommodation Request process above to determine if a modification request is reasonable. When evaluating the request, staff may consider if a unit with the features requested is available before allowing modifications of the current unit.

### **1-1.5.B Monitoring the Modification Work**

Staff must inform the resident that AHFC will be monitoring and approving any modifications to the unit. The resident should be prepared to pay for any local government inspections or permits required to install the modifications.

Staff must supervise the modification work to ensure that any modifications are installed according to manufacturer's instructions. AHFC will have the final say over the installation process and quality of materials installed.

### **1-1.5.C Modification Deposit**

If the modifications are extensive and will not be of use to future tenants, the resident is responsible for returning the unit to a standard condition. AHFC may ask for a deposit

if the unit will require extensive work to return it to standard condition. Staff will consult with their Regional Manager before asking for a modification deposit from a resident.

Staff will not ask for a deposit for any modifications that will be of benefit to any resident. Items such as grab bars, raised toilets, automatic door openers, lowered peephole, or a lowered thermostat will not require a deposit as these items are of general benefit to any tenant.

## **1-1.6 UNIT OR FEATURES DOCUMENTATION**

Once a family has been approved for a fully accessible unit or a sight/sound-designated unit, staff must document the family's need for the features. Staff will use the *Accessible Unit or Features Certification* (form RA837) for this purpose. This form will also document when a family that does not require the features accepts the unit, and the family acknowledges that they may have to transfer in the future.

### **1-1.6.A Family Requires the Features**

A family can complete the *Accessible Unit or Features Certification* to start the process, or staff can attach this completed form to a previously completed *Reasonable Accommodation Request*. This form serves several purposes:

1. It documents the accessible features of the unit.
2. It provides a reminder to the family that they are receiving the particular unit because of a need for the features.
3. It provides a reminder to the family that if they no longer require the features, they must vacate the unit if another family requires the features.
4. It allows staff to attach the necessary supporting documentation for the features of the unit.

As always, if the family's need for the unit's features is readily apparent, staff will complete the form with the family and place it in the file. If the family's need for the features is not obvious, staff will follow the reasonable accommodation process to obtain the necessary documentation.

Once the form has been completed and signed by AHFC and the family, a copy will be given to the family. The original form with its supporting documentation will be filed in the client file on top of Part 2 of the *Residential Lease Agreement*.

### **1-1.6.B Family Does Not Require the Features**

In accordance with the Transfer Policy, a unit with features may be occupied by a family that does not require the features. The *Accessible Unit or Features Certification*

reminds the family that they must transfer if another family requires the features of the unit.

Once the form has been completed and signed by AHFC and the family, a copy will be given to the family. The original form will be filed in the client file on top of Part 2 of the *Residential Lease Agreement*.

## **1-1.7 ANNUAL PROCESS**

If a Reasonable Accommodation request impacts a family's occupancy standard, the request may need to be re-verified.

### **1-1.7.A Communication Modification**

Families do not have to "renew" or re-verify communication modification requests. Staff should continue to honor the original request until the family indicates that their needs have changed.

### **1-1.7.B Assistive Animal**

Families do not have to "renew" or re-verify assistive animal requests if the animal is remaining in the unit. Staff should continue to honor the original request until the animal no longer resides in the unit. Refer to Chapter 14 for the Animal Policy.

### **1-1.7.C An Accessible Unit or Sight/Sound Accessible Unit**

Once a family has verified their need for the features of an accessible unit, staff does not need to "renew" or re-verify the family's occupation of an accessible unit. If the family's needs change, the family may submit a new *Reasonable Accommodation Request* (form RA800). Refer to the Transfer Policy in Chapter 7 for the procedures to transfer a family.

For every fully accessible unit or sight/sound-designated unit, the *Accessible Unit or Features Certification* must be in the file to document the family's need for the features. Staff will review the file to ensure that the form is in the file. If not, staff will assist the family with completion of the form and attach any supporting documentation.

### **1-1.7.D Occupancy Standard Exception for a Live-in Aide**

See Exhibit 5-2 for instructions on processing and renewing requests for live-in aides.

### **1-1.7.E Occupancy Standard Exception for Durable Medical Equipment**

If a client's medical condition is essentially unchanged since the reasonable accommodation request for equipment was granted, staff may use the *Annual Recertification of Reasonable Accommodation Request*, form PW-VF238.

Staff must verify the presence of the equipment in the unit during the inspection. If the equipment is no longer in the unit, the family may no longer be eligible to reside in the current unit. Refer to the Transfer Policy in Chapter 7. The family may submit a new *Reasonable Accommodation Request*.

#### **1-1.7.F Other**

For other types of requests that impact a family's occupancy standard, staff should consult with their Regional Manager to ensure consistent application of exception standards.

#### **1-1.8 LOGS**

All Reasonable Accommodation Requests will be tracked using the logs available on the shared drives. There are two different Reasonable Accommodation Logs, one for applicants and the other for participants. To get there:

- Open the Housing Department icon.
- Open the Reas Accom Logs folder.
- The logs are arranged by calendar year (January 1 through December 31).
- Open the appropriate year folder.
- Each folder contains an Applicant and a Participant log file.
- Log\_Applicant is for all Reasonable Accommodation Requests received from applicants on AHFC waiting lists.
- Log\_Participant is for all Reasonable Accommodation Requests received from clients currently receiving housing assistance.

Staff will complete the electronic log as completely as possible.

- Be brief with your descriptions. Provide enough information so that the person reviewing the log can get a good understanding of the request.
- Update the log if additional actions occur after the initial request response.

The 504 Coordinator will periodically review the electronic logs. Each location will be responsible for ensuring that each request is entered into the log and the original request documentation is filed in the appropriate client or applicant file. Do not send copies of your Reasonable Accommodation responses to the Central Office.