

# Exhibit 1-1

## Reasonable Accommodations

AHFC will take all actions necessary to ensure that persons with disabilities may apply for its Housing Choice Voucher Program. This includes making the process accessible to all persons with disabilities. AHFC will also ensure that eligible persons with disabilities have full access to all available resources under the program. To ensure that persons with disabilities have equal access to housing assistance programs and benefits, AHFC has a Reasonable Accommodation process. This process has been developed in accordance with regulations at 24 CFR 8 and 24 CFR 982.

### 1. Qualification

A Reasonable Accommodation is a change, exception, or adjustment to a housing program, service, or dwelling unit that allows a qualified person with a disability to:

- fully participate in AHFC housing programs;
- take advantage of services offered by AHFC; or
- live in a dwelling unit.

In order to request a Reasonable Accommodation, a person must meet the Fair Housing definition of a person with disabilities. A person who meets the Fair Housing definition of a person with disabilities **does not** automatically qualify as an elderly/disabled household under this policy (see the section Verifying a Disability below). This definition is much broader.

#### HUD Regulation – 24 CFR 8.3

Individual with handicaps 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.

**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.

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

**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.

**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.

#### **AHFC Definition**

**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.A Verification of Disability**

If a person meets the HUD definition of a person with disabilities, AHFC does not need to re-verify his/her disability status. If AHFC does not have enough information to determine if a person meets the Social Security or Fair Housing definition of a person with disabilities, third-party verification of disability status will be required to evaluate the actual reasonable accommodation request.

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.

### **1.A.1. Verification Level One**

If a person is receiving disability income based on the Social Security definition, AHFC will not require additional verification before granting a reasonable accommodation of any type.

### **1.A.2. Verification Level Two**

For the following types of reasonable accommodation requests, AHFC will require that the person verify their status as a person with a disability meeting the Social Security definition (VF218). These individuals will also require that their disability status is re-verified as part of their regular examination process.

1. Exception to the payment standard
2. Increased utility allowance
3. Increased subsidy standard
4. Only work-able adult providing care for an individual who does not receive disability income
5. Placement in the Classic Program
6. Request for medical/disability expense deduction

### **1.A.3. Verification Level Three**

For the following types of reasonable accommodation requests, an initial verification meeting the Fair Housing definition is sufficient for the accommodation. AHFC will not require the family to re-verify the need unless it is at the family's request.

1. Communication modification
2. Rejection of an application for housing assistance
3. An AHFC adverse notice
4. Request for full 120-day shopping period

### **1.B Types of Verifiers**

The third-party verification form (VF218, VF235) 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.

## **2. Request**

A family may request a reasonable accommodation in writing or orally. Families may request the AHFC 504 officer review requests denied by AHFC staff.

AHFC has several options available to address reasonable accommodation requests. AHFC may:

1. Grant an exception to the payment standard to make the program accessible to and usable by a family member with a disability. The requesting family has an obligation to demonstrate that suitable housing specific to their disability is unavailable at the normal payment standard.
2. Offer the family a higher utility allowance, provided the family can provide sufficient information for AHFC to determine the additional amount required.
3. Increase the subsidy standard and provide for an additional bedroom. Reasons for this may include:
  - a. A need for a live-in aide.
  - b. A need for durable medical equipment large enough that it requires additional space.
  - c. A need for an additional bedroom to accommodate a family member's disability.
4. Change a family's program designation from Step to Classic.
  - a. To enable the only work-able adult to provide care for a person in the family with a disability. For consideration of this reasonable accommodation, the person requiring the care must meet HUD's definition of a disabled person as defined in Exhibit 2-1.
  - b. If an adult claims a disability qualifies him or her for the Classic Program, that person must meet the definition of a Disabled Person (See Exhibit 2-1 for the definition; see Chapter 3, verification section, for verification standards).
5. Offer a family medical or disability expense deductions for extraordinary expenses if failure to provide the deductions would result in a financial barrier to participation in the program.
6. Provide AHFC documentation in an alternate format to accommodate a person's disability.
7. Consider an accommodation that would allow a person with a disability to participate successfully in an AHFC rental assistance program.
8. Consider an accommodation that would allow a person with a disability to cure a program violation and participate successfully.
9. Issue a voucher for the full 120-days of shopping to enable a person with a disability to find suitable housing.

AHFC will supply applicants in shopping status with a list of known accessible units. If necessary, it will provide information and referral services to assist a family in locating an available accessible dwelling unit.

### **3. Examination Process**

As part of the regular examination process, AHFC must determine if the family is receiving the correct subsidy. If a Reasonable Accommodation request impacts a family's subsidy standard, payment standard, rent portion through the application of a medical/disability expense deduction, or utility allowance, the request may need to be re-verified.

#### **3.A Exception to the Payment Standard**

AHFC will first apply any current increases in the AHFC Payment Standard to determine if the current Payment Standard is sufficient for the family's need.

- If the family's portion of the rent will exceed 50 percent of their gross monthly income after application of the current Payment Standard, staff will need to collect the information necessary to process a Payment Standard exception.
- If the family's portion of the rent will be under 50 percent of their gross monthly income after application of the current Payment Standard, the family will need to document why a Payment Standard exception is necessary.

#### **3.B Increased Utility Allowance**

AHFC will first apply any current increases in the Utility Allowance to determine if the current allowance is sufficient for the family's need.

- If the family's portion of the rent will exceed 50 percent of their gross monthly income after application of the current Payment Standard and utility allowance, staff will need to collect the information necessary to process a Payment Standard exception or utility allowance increase.
- If the family's portion of the rent will be under 50 percent of their gross monthly income after application of the current Payment Standard and utility allowance, the family will need to document why an exception is necessary.

#### **3.C Increased Subsidy Standard**

##### **3.C.1. Live-in Aide**

See Exhibit 2-8 for instructions on processing and renewing requests for live-in aides. The Subsidy Standards are in Exhibit 5-2.

### **3.C.2. Durable Medical Equipment**

If a family member's medical condition is essentially unchanged since the reasonable accommodation request for equipment was granted, AHFC may use the Recertification of Reasonable Accommodation Request (VF238).

AHFC 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 not continue to receive the additional subsidy. The removal will coincide with the effective date of the family's next regular examination. The family may submit a new Reasonable Accommodation Request.

### **3.C.3. Additional Bedroom for a Family Member**

If the family member requiring the additional bedroom is not receiving disability income, AHFC will require verification of disability status and need for an exclusive bedroom at each regular examination.

## **3.D Placement in the Classic Program**

### **3.D.1. Sole Work-Able Adult**

If the family member requiring the care is not receiving disability income, AHFC will require verification of disability status and care needs at each regular examination.

### **3.D.2. Classic Program Qualification**

If the family member claiming disability status is not receiving disability income, AHFC will require verification at each regular examination.

## **3.E Request for Medical/Disability Expense Deduction**

The family must re-verify their need for medical or disability expenses deductions and the deduction amount at each regular examination. AHFC will calculate the deduction amount based on guidelines in Exhibit 3-3 Allowable Medical Expenses.

## **3.F Communication Modification**

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

## **3.G AHFC Adverse Notice**

Families will need to request a reasonable accommodation for each AHFC adverse action notice received. If notices are served simultaneously, one reasonable accommodation request is sufficient.

### **3.H 120-Day Shopping Period**

Families will need to request this at the time of voucher issuance.

#### **Forms**

RA800 Reasonable Accommodation Request

VF218 Disability Verification

VF235 Disability Verification for Reasonable Accommodation

VF238 Recertification of Reasonable Accommodation Request

#### **Administrative Desk Manual**

Reasonable Accommodations-Logs

Reasonable Accommodations-Process