



BOULDER COUNTY HOUSING AUTHORITY

Reasonable Accommodation and Modification Policies and Procedures

September 2018



Boulder County, in accordance with the Fair Housing Act, prohibits discrimination in its programs and activities on the basis of race, color, age, religion sex, sexual orientation, disability, familial status or national origin. Reasonable accommodations and modifications may be requested to ensure equal access by people with disabilities to its programs and activities. To request an accommodation or modification, please call the Department of Housing and Human Services Call Center at 303/441-1000.



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REASONABLE ACCOMMODATION DEFINITIONS AND BCHA PHILOSOPHY

Under Section 504 of the Rehabilitation Act of 1973, a Reasonable Accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Under the Fair Housing Act, 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. Reasonable Accommodations for the Boulder County Housing Authority (BCHA) may include but are not limited to modifications which are necessary for a person with a disability to apply for housing assistance; use, enjoy and maintain a dwelling, including public and common use spaces; and attend meetings. Since a person with a disability may have special needs due to their disability, in some cases, simply treating them exactly the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling.

In order to show that a requested accommodation may be necessary, there must be an identifiable relationship between the request and the individual's disability. What is *reasonable* will be determined on a case-by-case basis.

BCHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of BCHA's programs, services, and activities.

Staff will approve a Reasonable Accommodation as its amenities, services and programs. Accommodations will be made up to the point of structural infeasibility, undue financial and administrative burden or requiring fundamental changes to the program. If BCHA cannot afford the full cost of an accommodation, staff will meet with the individual to determine the best way to use the funds available to address the barrier.

REASONABLE ACCOMMODATION COMMITTEE

BCHA's Reasonable Accommodation Committee is made up of six employees who meet monthly or as needed to review current requests for modifications to BCHA policies and/or units. It seeks to include employees with diverse subject matter expertise. Referrals to the Committee initiate with the staff to whom the resident or applicant makes the request. Committee member terms are generally for a two-year term, and are regularly trained on BCHA's responsibility to be proactive and engage in dialogue to support the process.

In addition to the Section 504/ADA Coordinator, the Committee also appoints an Administrator, Chair, Co-Chair, Alternate and Secretary. The Administrator is responsible for scheduling meetings and preparing agendas, collecting requests and other pertinent documentation and providing them to Committee members, communicating with requestors, and maintaining files regarding determinations. The Chair serves as the main point person for the Committee, and is responsible for facilitating meetings, calling the vote, writing determination letters, and seeking guidance from the Section 504/ADA Coordinator and legal counsel, as necessary. The Co-Chair will administer the Chair's responsibility if she/he is unable to attend the meeting. The Alternate fills in as a voting member for any Committee members unable to attend the meeting. The Secretary will keep record of decision-making processes for each request discussed at the meeting.

Current Committee Members:

- ❖ Housing Supports – Jessica Spurr – appointed Spring 2014 (Committee Chair)
- ❖ Admin Services – Geneva Bailey – appointed Summer 2015 (Committee Administrator, Co-Chair)
- ❖ Maintenance – Dave Hogan – appointed Summer 2017
- ❖ Section 8 – Layla Forshee – appointed Fall 2015
- ❖ Property Management – Jezal McNeil – appointed Summer 2017
- ❖ Resident Services – Amelia Groves – appointed Spring 2017 (Alternate)

LEGAL AUTHORITY

BCHA is subject to federal civil rights laws and regulations. These policies and procedures are based on the following statutes or regulations: Section 504 of the Rehabilitation Act of 1973 (Section 504)1; Title II of the Americans with Disabilities Act of 1990 (ADA) 2; the Fair Housing Act of 1968, as amended (Fair Housing Act) 3; the Architectural Barriers Act of 1968, and the respective implementing regulations for each Act.

MONITORING AND ENFORCEMENT

The BCHA Section 504/ADA Coordinator ensures that a consistent and reliable process is in place to evaluate and respond to an applicant, resident, and/or program participant with a disability who requests a modification(s) to their units and/or BHCA policy to enable them to enjoy the full benefits of their housing. S/he coordinates BCHA’s Reasonable Accommodation Committee, ensures that housing staff are trained on Fair Housing and 504 requirements, and provides support regarding request determinations as necessary.

Questions regarding the interpretations and implementations of these policies and procedures may be addressed by the Section 504/ADA Coordinator in writing, by telephone, or by appointment, as follows:

Name of Section 504/ADA Coordinator:	Norrie Boyd, BCHA Division Director
Address:	2525 13 th Street, Suite 204, Boulder, CO 80304
Telephone Number:	720/564-2274
TDD/TTY Number:	Relay Colorado “7-1-1”
Fax Number:	720/564-2283

BCHA has posted a copy of this document on its website at www.bouldercountyhousing.org. This information will also be distributed upon request by calling BCHA at 720/564-2274.

STAFF TRAINING

Staff receives regular training on Reasonable Accommodation and Modification through federal and state conferences, local community organization educational seminars, its HUD Fair Housing and Equal Opportunity (FHEO) representative, and through written resources.

APPLICATION OF REASONABLE ACCOMMODATION POLICIES

BCHA’s Reasonable Accommodation policies apply to applicants, program participants and residents with a disability through the following services it administers:

- Affordable housing units;
- Housing assistance (voucher) programs;
- Housing rehabilitation programs;
- Other programs or activities receiving Federal financial assistance that are conducted or sponsored by BCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by BCHA.

NOTIFICATION OF POLICIES

Staff, including Property Managers and Occupancy Case Managers, will inform their applicants, residents, and program participants of their right to a Reasonable Accommodation within the application process and at lease-up for a BCHA property and/or at issuance of a Housing Choice Voucher. This information will also be included in relevant publications regarding BCHA unit vacancies and waiting list/lottery openings, and within all applications, lease violation notices, eviction notices and recertifications. Such a notice will also be in large print and by request, available in other formats for people who cannot read them.

DEFINITION OF A PERSON WITH A DISABILITY

The definition of a person with a disability for purposes of a Reasonable Accommodation follows the definition in Section 504, the ADA, the federal Fair Housing Act, and any other applicable statutes: a person with a physical or mental impairment that substantially interferes with one or more activities of daily living, has a history or a record of such an impairment or is regarded as having such an impairment. As used in this definition, the phrase “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 and learning.
3. The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program, Housing Choice Voucher Program, Moderate Rehabilitation Program or activities; or whose participation would constitute a direct threat to property or the safety of others.

EXAMPLES OF REASONABLE ACCOMMODATION

Examples of a Reasonable Accommodation may include, but are not limited to:

- Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability who is on the lease;
- Permitting a family to have an assistance animal necessary to assist a family member with a disability;
- Allowing a live-in aide to reside in an appropriately-sized BCHA unit;
- Transferring a resident to a larger-sized unit to provide a separate bedroom for a person with a disability;
- Transferring a resident to a unit on a lower level or a unit that is completely on one level;
- Making documents available in large type, computer disc or Braille;
- Providing qualified sign language interpreters for applicant or resident meetings with BCHA staff; or at resident meetings;
- Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- Permitting an outside agency or family member to assist a resident or an applicant in meeting screening criteria or meeting essential lease obligations;

- Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family;
- As a Reasonable Accommodation for a family member with a disability, approving a request for exception payment standard amounts under the HUD Housing Choice Voucher Program in accordance with 24 C.F.R. §§ 8.28 and 982.504 (b)(2).

REQUESTS – PROCESSING PROCEDURES

1. BCHA’s “Reasonable Accommodation Request Packet” is available to all applicants, residents, and program participants. The packet (attached and also provided by the Committee Administrator upon request at 720/564-2274) outlines definitions, explains processes, provides schedules, and collects information regarding the request and the need for it, including forms for a knowledgeable professional to complete. The form may also be provided in an alternative format, upon request.
2. Individuals are encouraged to submit their request(s) in writing. If requested, BCHA staff will assist an individual in completing their request. Along with the submittal, a Property Manager, Case Manager, Housing Family Resource Coordinator, the Section 504/ADA Coordinator, or other designated staff will either complete the “BCHA Staff RA Request Form” (attached) and submit it prior to the meeting or be available in person or by phone at the anticipated meeting to answer any questions regarding the request.
3. Request packets will be sent to committee members by the end of the day on Friday the week prior to the scheduled Committee Meeting, which are generally held on the 4th Thursday of each month.
4. Requests will be processed in the order in which all required documentation has been received.
5. If additional information or documentation is required, the Committee will notify the resident, in writing, of that need. The letter will include a reply date for submission of the outstanding information or documentation, and any repercussions if it isn’t submitted on time. If additional documentation is requested, it is the responsibility of the requestor to obtain the documentation and submit it to the Committee within seven (7) business days.
6. Within seven (7) business days of receipt of the request and, if necessary, all supporting documentation, BCHA will provide written notification to the resident of its decision to approve or deny the request. Upon request, the written notification will be provided in an alternate format.
7. If the requestor disagrees with BCHA’s decision, he or she may resubmit the request with additional information which would aid in the decision-making process. In addition, a requestor who disagrees with a decision may request an informal hearing, conducted under the guidance of the Housing Choice Voucher Program, during which a hearing officer will consider whether the decision was made in accordance with the law, HUD regulations, and Boulder County Housing Authority policies. Requests for an informal hearing must be made within 10 days of denial and must be submitted to the Section 504/ADA Coordinator (720/564-2274) by email (nboyd@bouldercounty.org), fax (720/564-2283) or mail to BCHA, ATTN: Norrie Boyd, PO Box 471, Boulder, CO 80306-0471.
8. All recommendations that have been approved by the Committee will be forwarded to the appropriate staff for implementation, and will be copied to the Section 504/ADA Coordinator. All requests that are approved will promptly be implemented or begin the process of implementation.

REQUESTS - VERIFICATION

As part of the Request Packet, BCHA will request documentation supporting the need for an accommodation. Staff will verify an individual's disability only to the extent necessary to ensure that those who request an accommodation have a disability-based need for it. They will not be required to disclose the specific disability/ies or the nature or extent of any disability or provide confidential records for verification.

Verifications may be provided by a medical provider; licensed health provider; professional representing a social service agency, disability agency or clinic; a peer support group; a non-medical service agency; or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.

REQUESTS - ACCEPTANCE

If BCHA approves the request, the individual will be notified in writing and will be informed of the projected date for implementation no more than seven (7) days after the meeting during which the decision was made.

REQUESTS – DENIAL

If BCHA denies the request, the individual will be notified in writing, with reasons regarding the committee's decision no more than seven (7) days after the meeting during which the decision was made.

Requested accommodations will not be approved if one of the following would occur as a result:

- A violation of state, federal, or other applicable law;
- A fundamental alteration in the nature of the BCHA public housing program;
- An undue financial and administrative burden on BCHA;
- A structurally infeasible alteration; or
- An alteration requiring the removal or alteration of a load-bearing structural member.

These are examples of reasons for denial, but this is not an inclusive list. There may be other reasons that warrant denial of a Reasonable Accommodation request. Each request is reviewed on a case-by-case basis.

COMMITTEE MEETINGS

Committee meetings are held monthly. If a meeting falls on a holiday, the Committee will convene earlier than its regularly-scheduled meeting. *Ad hoc* meetings outside of regular meeting dates will be held only in cases which are considered an emergency as determined by the Committee; for example, if the Committee believes that the request will cause an imminent threat to the household or a significant change in the household's lifestyle.

Meetings will be conducted only if 3 or more Committee members are in attendance. Decisions will be based on *majority rule* by all present members. The Secretary will keep record of decision-making processes for each request discussed at the meeting.

GRIEVANCE PROCESS

If the requestor receives a denial and disagrees with BCHA's decision, they may resubmit their request with additional information which they believe would aid in the decision-making process. In addition, they may request an informal hearing, conducted under the guidance of the Housing Choice Voucher Program, during which a hearing officer will consider whether the decision was made in accordance with the law, HUD regulations, and Boulder County Housing Authority policies. Requests for an informal hearing must be made within 10 days of denial and must be submitted to the Section 504/ADA Coordinator (720/564-2274)

by email (nboyd@bouldercounty.org), fax (720/564-2283) or mail to BCHA, ATTN: Norrie Boyd, PO Box 471, Boulder, CO 80306-0471.

A requestor may also, at any time, exercise their right to appeal BCHA's decision through the local U.S. Department of Housing and Urban Development (HUD) office or the U.S. Department of Justice. Individuals may contact the local HUD office at: 1670 Broadway St, Denver, CO 80202, Phone: (303) 672-5440; TDD/TTY Number: Dial "7-1-1".

COMMON TYPES OF REASONABLE ACCOMMODATION REQUESTS

ANIMALS

Service animals are permitted in all areas of a facility that members of the public are allowed to go and do not require a reasonable accommodation. However, a reasonable accommodation request is required to allow service animals or an assistance animal to live in a housing unit. The reasonable accommodation request process outlined in this policy does not apply to visiting service animals. For purposes of this policy, reasonable accommodations for service or assistance animals in housing units are addressed under Section 2, "Other Assistance Animals," below.

1. SERVICE ANIMALS

Service animals are permitted to go all areas of a facility that members of the public are allowed to go. BCHA, as an entity of local government, is required to adhere to ADA guidelines. Service animals are not subject to the provisions of a Reasonable Accommodation or BCHA's Pet Policy, including but not limited to the provisions regarding licensing; certification; training; breed, size or weight limitations; and pet deposits.

The ADA defines "service animal" as any dog or miniature horse 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. Therefore, trained dogs and miniature horses are the only animal species that may qualify as a service animal and emotional support animals are expressly precluded from qualifying as service animals under the ADA.

According to ADA guidelines, to determine if an animal is a service animal, BCHA may make the following two inquiries to determine whether an animal qualifies as a service animal (unless the animal's function is readily apparent, such as the dog is observed as guiding an individual who is blind or has no vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability):

- (1) Is this a service animal that is required because of a disability? and
- (2) What work or tasks has the animal been trained to perform?

Additionally, BCHA may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. However, the animal may be denied access to BCHA programs/housing units for the following reasons:

- (1) The animal is out of control and its handler does not take effective action to control it;

- (2) The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or
- (3) The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures. This must be based on an individualized assessment of the specific service animal's actual conduct — not on fears, stereotypes, or generalizations. The service animal must be permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go.

2. ASSISTANCE ANIMALS (INCLUDING “SERVICE ANIMALS,” “EMOTIONAL SUPPORT ANIMALS,” OR “COMPANION ANIMALS” THAT ARE ALLOWED IN NONPUBLIC AREAS OF BCHA’S FACILITIES)

A reasonable accommodation request is required for assistance animals, including service animals, to be in non-public areas of BCHA facilities, including housing units. For requests for assistance animals, including service animals, emotional support animals, or companion animals, BCHA is required to adhere to ADA and FHA guidelines. These animals are subject to the provisions of Reasonable Accommodation provisions of the ADA and FHA, but are not subject to the provisions of BCHA’s Pet Policy, including but not limited to licensing; certification; training; breed, size or weight limitations; and pet deposits.

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Such animals may qualify as a permitted Reasonable Accommodation since an individual with a disability may have the right to have an animal in his or her home if the animal qualifies as a Reasonable Accommodation that is necessary to afford the individual equal opportunity to use and enjoy a dwelling, as long as the use of the animal does not pose a direct threat to the health and safety of others or would result in substantial physical damage to the property.

3. BCHA ANIMAL REQUEST GUIDELINES

When presented with a request for an Assistance Animal, BCHA Reasonable Accommodation Committee will ask:

- (1) Does the person seeking to use and live with the animal have a disability?
- (2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person’s existing disability?

If the answer to question (1) or (2) is “no,” then the request may be denied.

If the answers to questions (1) and (2) are “yes,” BCHA is required to modify the rule “to permit a person with a disability to live with and use an assistance animal(s) in all areas of the premises

where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.

The request may also be denied if:

- (1) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another Reasonable Accommodation, or
- (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another Reasonable Accommodation. ...A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct — not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused. Conditions and restrictions that housing providers apply to pets may not be applied to assistance animals.”

The following are guidelines regarding what the Committee may and may not do pertaining to Reasonable Accommodation requests:

The Committee may ask an individual who has a disability that is not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an assistance animal. **It may not** deny a Reasonable Accommodation request because it is uncertain whether the person seeking the accommodation has a disability or a disability-related need for an assistance animal.

The Committee may ask an individual to provide documentation of the disability-related need for an assistance animal if the disability is not readily apparent or known but the disability-related need for the assistance animal is not. The documentation may be submitted from a physician, psychiatrist, social worker, or other mental health professional supporting the request and stating that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability. Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support. **The Committee may not** ask an individual to provide documentation stating their disability or disability-related need for an assistance animal if the disability or disability-related need is readily apparent or already known to the provider. For example, persons who are blind or have low vision may not be asked to provide documentation of their disability or their disability-related need for a guide dog. It also may not ask an applicant or tenant to provide access to medical records or care providers or provide detailed or extensive information or documentation of a person's physical or mental impairments.

Like all Reasonable Accommodation requests, the determination of whether a person has a disability-related need for an assistance animal involves an individualized assessment. Additionally, a request for a Reasonable Accommodation may not be unreasonably delayed.

EXTRA BEDROOM/LIVE-IN AIDE

The most common reasons why tenants request an additional bedroom is if they have a verified and necessary 24-hour live-in aide as a part of their household. Occasional, intermittent, multiple or rotating caregivers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for a live-in aide under these circumstances.

Another common reason for a request for an extra bedroom is to be able to store medically-approved equipment. In these cases, the requestor must provide a letter from a knowledgeable professional, supporting their need for the equipment.

There are situations in which a person with a disability may require live-in assistance and has a family member who is income-eligible to live in the unit and can fulfill the need. If applicable, the individual with the disability should make a Reasonable Accommodation request to add the individual as a family member to the lease because as a resident, the necessary care could be provided at sporadic times as need or for longer times than a non-family member would provide, etc.

A family that consists of one or more elderly, near-elderly or disabled persons may request that the PHA (public housing authority) approve a live-in aide to reside in the unit and provide necessary support services for a family member who is a person with disabilities. The PHA must approve a live-in aide if needed as a Reasonable Accommodation to make the program accessible to and usable by a family member with a disability. While a live-in aide is an entitlement, the issue for determining approval is reliant upon the tenant to document the need for a live-in aide.

The federal definition of a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family and is not entitled to the voucher as the remaining member of the tenant family.

BCHA may disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA. Consequently, PHAs may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the PHA's subsidy standards for an unidentified live-in aide.

PAYMENT STANDARD VARIANCES

If a program participant with a disability has difficulty in finding a unit that meets their payment standard, HUD regulations requires that a housing authority increase the payment standard for a voucher-holder as a Reasonable Accommodation, if necessary. A housing authority may grant a request to increase the payment standard up to 110% of the Fair Market Rent without first requesting HUD approval, and for increases above 120%, the organization must request a waiver from their HUD Public and Indian Housing (PIH) representative.

A tenant may request a waiver to the payment standard only after the household has located a unit. This may prove to be a problem for situations in which the landlord will not hold a unit until the higher payment standard is approved, and the tenant cannot afford rent without assistance. Also, once HUD approves an exception payment standard, it will remain in effect until a still-higher exception payment standard is

necessary and approved. In the past, HUD has sometimes only allowed the waiver to last for a year, or in other cases, families have had to re-verify the need each year.

In order to receive a HUD waiver on payment standards, the PHA should include:

1. A statement from a health care provider regarding the nature of the person's disability/ies and the features of the unit (which may include its location) which meet that person's needs;
2. The contract rent and utility allowance for the unit;
3. A statement from the PHA that it has determined the rent for the unit is reasonable, and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider;
4. The household's monthly adjusted income;
5. The Fair Market Rent for the unit size for which the family is eligible; and
6. The proposed effective date of the new lease or actual effective date of the lease renewal.

TRANSFER AS REASONABLE ACCOMMODATION

BCHA shall not require a resident with a disability to accept a transfer in lieu of providing a Reasonable Accommodation. However, if a resident with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS-compliant unit in that resident's project or another project, BCHA may offer to transfer them to a vacant unit in his/her development or to another development in lieu of providing structural modifications. However, if that resident rejects the proffered transfer or voucher, BCHA shall make modifications to the resident's unit, unless doing so would be structurally impracticable or would result in an undue financial and administrative burden. If the resident accepts the transfer, BCHA will work with the resident to obtain moving expenses from social service agencies or other similar sources. Nothing contained in this paragraph is intended to modify the terms of BCHA's Tenant and Assignment Plan and any resident's rights thereunder.

- When issuing a voucher as an accommodation, BCHA must include a list of current available accessible units known to BCHA, upon request. BCHA will also provide search assistance. BCHA may also partner with a qualified, local organization to assist the resident or applicant with the search for available, accessible housing. *See* 24 C.F.R. § 8.28.
- Extensions beyond the maximum term of one hundred twenty (120) days are available as a Reasonable Accommodation to eligible individuals with disabilities. These extensions are subject to documentation that a diligent effort to locate a unit has been conducted considering any impediments to searching because of a family member's disability.
- BCHA may, if necessary as a Reasonable Accommodation for an individual with a disability, approve a family's request for an exception payment standard amount under the Housing Choice Voucher Program so that the program is readily accessible to and usable by individuals with disabilities. *See* 24 C.F.R. §§ 8.28 and 982.504(b)(2).
- Upon request by an applicant, participant, or their representative, BCHA will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent. However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to BCHA.

- In exceptional cases, BCHA may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or their representative provides the appropriate supporting documentation.

FAMILY SELF-SUFFICIENCY

The Family Self-Sufficiency (FSS) Program requires that participants design and maintain a full-time activity plan that includes attending school, being employed, or having a combination of both school and work in addition to attending regular case management meetings and completing yearly requirements. If a FSS Program participant is having difficulties in meeting the requirements of the program due to a disability, a request to modify requirements can be requested by the participant.

Reasonable Accommodation Packet

The participant and the appropriate care provider will have 10 business days to submit the completed Reasonable Accommodation Packet from the day it was requested.

Reasonable Accommodation Request Form – Completed by the FSS Participant

Staff Questionnaire – Completed by the FSS Case Manager

Care Provider Form – Completed by the provider treating the participant and must be submitted directly to the FSS case manager by email, fax or mail.

FSS Participants will be required to maintain their full-time activity plan until there is approval by the Reasonable Accommodation Committee to modify this plan. FSS participants will need to resubmit a Reasonable Accommodation every 6 months that they require there to be modification to their full-time activity plan and case management requirements.

FEDERAL, STATE AND LOCAL RESOURCES

Federal

The U.S. Department of Housing and Urban Development (HUD)

HUD Office of Fair Housing and Equal Opportunity

Fair Housing Accessibility First (supported by HUD)

U.S. Department of Justice Fair Housing Act

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

National Fair Housing Advocate Online

National Housing Law Project

Title II of the Americans with Disabilities Act of 1990 (ADA)

Fair Housing Act of 1968, as amended (Fair Housing Act)

Architectural Barriers Act of 1968, and the respective implementing regulations for each Act.

State

Colorado Department of Human Resources

Colorado Developmental Disabilities Council

Colorado Division of Housing

Colorado Statewide Independent Living Council

Legal Center for People with Disabilities and Older People

Local

Association for Community Living

Boulder ADAPT
www.BoulderCountyHELP.org
Center for People with Disabilities
Colorado Cross-Disability Coalition
Imagine! Colorado
Mental Health Partners of Boulder and Broomfield Counties