

## **CHICOPEE HOUSING AUTHORITY REASONABLE ACCOMMODATION POLICY AND PROCEDURES**

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

Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a Chicopee Housing Authority policy, the authority will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. In such a case, the Chicopee Housing Authority will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

The Chicopee Housing Authority will post a copy of this Reasonable Accommodation Policy and Procedures in the main office located at 128 Meeting House Rd, Chicopee, Massachusetts 01013, on its website at [www.chicopeehousing.org](http://www.chicopeehousing.org). In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from The Chicopee Housing Authority's Section 504/ADA Coordinator.

### **LEGAL AUTHORITY**

The Chicopee Housing Authority is subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations: Section 504 of the Rehabilitation Act of 1973 (Section 504); Title II of the Americans with Disabilities Act of 1990 (ADA); the Fair Housing Act of 1968, as amended (Fair Housing Act); the Architectural Barriers Act of 1968, Massachusetts General Laws Chapter 151B and the respective implementing regulations for each Act.

### **MONITORING AND ENFORCEMENT**

The Chicopee Housing Authority's Section 504/ADA Coordinator is responsible for monitoring the Chicopee Housing Authority compliance with this Policy. Individuals who have questions regarding this Policy, its interpretation or implementation should contact the Chicopee Housing Authority's Section 504/ADA Coordinator in writing, by telephone, or by appointment, as follows:

**Name of Section 504/ADA Coordinator: Marquee Smith**  
**Address: 128 Meeting House Rd, Chicopee MA 01013**  
**Telephone Number: (413) 592-6132**  
**Facsimile Number: (413) 594-7750**  
**Email: [reasonableaccommodation@chicopeehousing.org](mailto:reasonableaccommodation@chicopeehousing.org)**



## **STAFF TRAINING**

The Section 504/ADA Coordinator will ensure that all appropriate staff receive annual training on the Reasonable Accommodation Policy and Procedures, including all applicable Federal, state and local requirements regarding reasonable accommodation.

## **REASONABLE ACCOMMODATION**

A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing, or participation in the Housing Choice Voucher Programs of the Chicopee Housing Authority. Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication.

Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate.

Residents can accept or refuse unit offers for cause. Residents can make unlimited refusals of offered units if units do not meet the disability-related needs. If a tenant refuses a unit offer based on a non-obvious disability-related need which has not been previously documented, the Chicopee Housing Authority may request medical verification.

## **APPLICATION OF REASONABLE ACCOMMODATION POLICY**

The Reasonable Accommodation Policy applies to individuals with disabilities in the following programs provided by the Chicopee Housing Authority:

- (a) Applicants of public housing;
- (b) Applicants of all Housing Choice Voucher (including Mainstream Vouchers);
- (c) Residents of public housing developments;
- (d) Participants of the Housing Choice Voucher; and
- (e) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the Chicopee Housing Authority, its agents or contractors including all non-housing facilities and common areas owned or operated by the Chicopee Housing Authority.

## **PERSON WITH A DISABILITY**

A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities. As used in this definition, the phrase "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. “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning.

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 or activities; or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

## **EXAMPLES OF REASONABLE ACCOMMODATIONS**

Examples of reasonable accommodations may include, but are not limited to:

- (a) 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;
- (b) Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
- (c) Allowing a live-in aide to reside in an appropriately sized unit;
- (d) Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a resident to a unit on a lower level or a unit that is completely on one level or transfer to a building with an elevator ;
- (f) Resident can no longer do stairs or limited stairs because of disability. Therefore, they need a first floor unit or a unit in a building with an elevator;
- (g) Making documents available in large type or Braille and in electronic format.
- (h) Providing qualified sign language interpreters for applicant or resident meetings with the Chicopee Housing Authority staff; or at resident meetings;
- (i) Installing strobe type flashing lights and other such equipment such as bed shaker alarm for a family member with a hearing impairment and;
- (j) Permitting an outside agency or family member to assist a resident or an applicant



in meeting screening criteria or meeting essential lease obligations;

(k) 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;  
and

- (l) As a reasonable accommodation for a family member with a disability, approving a request for exception payment standard amounts under the Housing Choice Voucher Program in accordance with 24 C.F.R. §§ 8.28 and 982.504  
(b)(2).

## **CONFIDENTIALITY**

Before the Authority can release confidential information and documents of an application, resident or participant must have a signed release on file.

Information provided to the Housing Authority in relation to a reasonable accommodation/modification request will be kept confidential and will not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation/modification request or unless disclosure is required by law.

## **PROCESSING OF REASONABLE ACCOMMODATION REQUESTS**

The Chicopee Housing Authority will provide the "Request for Reasonable Accommodation", ("Request Form"), attached hereto, to all applicants, residents or individuals with disabilities who request a reasonable accommodation.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, the Chicopee Housing Authority will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the Chicopee Housing Authority will assist the individual in completing the Request Form.

- (a) The Chicopee Housing Authority will provide all applicants with the Request Form as an attachment to the Chicopee Housing Authority application. The Request for Reasonable Accommodation Form must be provided in an alternative format, upon request.
- (b) Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. The Chicopee Housing Authority will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.
- (c) The Chicopee Housing Authority will provide all residents with the Request Form during the annual re-certification upon request. The Chicopee Housing Authority will provide the Request Form in an alternate form, upon request.



- (d) Residents seeking accommodation(s) may contact the Central Administrative Office. In addition, residents may also contact the Section 504/ADA Coordinator's office directly to request the accommodation(s). All reasonable accommodation request(s) will be recorded into the appropriate fields of the Reasonable Accommodation Tracking Log and notate the file as to the request and the approval/denial of the reasonable accommodation.
- (e) Within seven (7) business days of receipt, the Central Administrative Office will forward the resident's reasonable accommodation request(s) to the Section 504/ADA Coordinator.
- (f) Within fourteen (14) business days of receipt, the Section 504/ADA Coordinator will respond to the Resident's Request. Requests for accommodation must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.
- (g) If additional information or documentation is required, the Section 504/ADA Coordinator's office will notify the resident, in writing, of the need for the additional information or documentation. The Section 504/ADA Coordinator's Office will provide the resident with the "Request for Information or Verification Form", a copy of which is attached. The written notification should provide the resident with a reply date for submission of the outstanding information or documentation.
- (h) Within thirty (30) business days of receipt of the request and, if necessary, all supporting documentation, the Chicopee Housing Authority will provide written notification to the resident of its decision to approve or deny the resident's request(s). Upon request, the written notification will be provided in an alternate format.
- (i) If the Chicopee Housing Authority approves the accommodation request(s), the applicant/resident will be notified of the projected date for implementation. Upon approval of the reasonable accommodation transfer, the applicant/resident name is given to the tenant selection department. The department will look for an available unit that would satisfy the needs of the request. If one is currently available, they will call the resident to set up a date and time to view the unit. If the applicant/resident agrees the unit will satisfy the need, the unit will be offered to them before anyone else. They will be given priority over all others on the waitlist except in emergencies affecting health or safety.
- (j) If there is not an available unit at the time they will be added to a waitlist. (A separate waitlist will be maintained for reasonable accommodation request only or as the ACOP and Administrative Plan has it will be organized to include "accessibility requirement"). This list will be checked before any unit is offered to anyone else on the main waitlist. Should the resident decline the unit it will be offered to the next applicant/resident for a reasonable accommodation until there is no one needing a transfer. Only at that time will it be offered to someone else on the waitlist. The waitlist will include the Name, Address, Request information and outcome. This waitlist will be maintained by the Tenant Selection Department and the Executive Director.





- (k) If the accommodation is denied, the resident will be notified of the reasons for denial. In addition, the notification of the denial will also provide the resident with information regarding the Chicopee Housing Authority's HUD-approved Grievance Procedures. The Grievance Policy is can be found in the ACOP in section 2.3.3.
- (l) All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the appropriate personnel for implementation. All requests for reasonable accommodation that are approved will promptly be implemented or begin the process of implementation.

## **VERIFICATION OF REASONABLE ACCOMMODATION REQUEST**

The Chicopee Housing Authority may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, the Chicopee Housing Authority may request that the individual provide suggested reasonable accommodations. The Chicopee Housing Authority may verify a person's disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation have a disability-based need for the requested accommodation.

However, the Chicopee Housing Authority may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the Chicopee Housing Authority may not require specific details regarding the individual's disability. The Chicopee Housing Authority may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The Chicopee Housing Authority may not require the individual to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

The following may provide verification of a resident's disability and the need for the requested accommodation(s):

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

## **DENIAL OF REASONABLE ACCOMMODATION REQUEST(S)**

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

- (a) A violation of State and/or federal law;
- (b) A fundamental alteration in the nature of the Chicopee Housing Authority public housing program;



- (c) An undue financial and administrative burden on Chicopee Housing Authority;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

This list is not inclusive and all accommodation requests will be considered on a case-by-case basis in accordance with federal, state, and local law and can be denied in whole or in part.

## **TRANSFER AS REASONABLE ACCOMMODATION**

The Chicopee Housing Authority shall not require nor force a resident with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a public housing 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, the Chicopee Housing Authority may offer to transfer the resident to the vacant unit in his/her project or to another project in lieu of providing structural modifications. However, if that resident rejects the proffered transfer or voucher, the Chicopee Housing Authority 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, the Chicopee Housing Authority shall pay the reasonable moving-related expenses unless such expenses become an undue burden. Nothing contained in this paragraph is intended to modify the terms of the Chicopee Housing Authority's Tenant and Assignment Plan and any resident's rights thereunder.

CHA will assist with moving expenses such as moving company should the resident be unable to afford the move for federal residents only.

Residents who need a transfer as a reasonable accommodation for their disability will be given priority on the transfer list over tenant who requests transfers for any other reason other than emergencies affective health and safety.

New applications for housing received after a reasonable accommodation transfer request has been submitted will not be prioritized above that reasonable accommodation request, except in emergencies affective health or safety.

Residents seeking a reasonable accommodation transfer may be provided with application materials for state-funded or federally-funded housing when appropriate. If approved the resident name is given to tenant selection team. If there is an available unit that meets their needs they are contacted immediately. If there is not a unit available, they are placed on a wait list strictly for RA's. If it is a state resident, they are responsible for the move.



## HOUSING CHOICE VOUCHER AS REASONABLE ACCOMMODATION

- (1) When issuing a voucher as an accommodation, the Chicopee Housing Authority must include a list of current available accessible units known to the Chicopee Housing Authority, upon request. The Chicopee Housing Authority will also provide search assistance. The Chicopee Housing Authority may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing. *See* 24 C.F.R. § 8.28.
- (2) 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.
- (3) The Chicopee Housing Authority 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).
- (4) Upon request by an applicant, participant, or their representative, the Chicopee Housing Authority will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent (FMR). However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to the Chicopee Housing Authority.
- (5) In exceptional cases, the Chicopee Housing Authority 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 the representative provides the appropriate supporting documentation.

## SERVICE OR ASSISTANCE ANIMALS

Residents of the Chicopee Housing Authority with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. The Chicopee Housing Authority residents or potential residents who need an assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy. Assistance animals are not subject to the requirements of the Chicopee Housing Authority Pet Policy.

## RIGHT TO APPEAL/GRIEVANCE PROCESS

- (1) The public housing applicant or resident may file a complaint in accordance with the Chicopee Housing Authority's HUD-approved Grievance Procedure following a formal determination by the Chicopee Housing Authority's ADA/504 Coordinator.
- (2) The Housing Choice Voucher participant and applicant complainant may file a complaint





in accordance with the Chicopee Housing Authority's HUD Approved Grievance Procedure following a formal determination by the Chicopee Housing Authority's ADA/504 Coordinator.

- (3) A grievance can be filed for any and all reasonable accommodation request if the Chicopee Housing Authority has found that such accommodation will impose an undue financial or administrative burden on the Chicopee Housing Authority or will require a fundamental alteration in the nature of its program.
- (4) If the resident disagrees with the decision, they have 10 business days to appeal the decision in writing. Grievance procedure will be completed immediately following the request.
- (5) An applicant or resident may, at any time, exercise their right to appeal the Chicopee Housing Authority's decision through the local HUD office or the U.S. Department of Justice.

Individuals may contact the local HUD office at:

U.S. Department of Housing and Urban Development  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, 3<sup>rd</sup> Floor  
Boston, MA 02222-1092

Telephone: (617) 994-8200  
Facsimile: (617) 565-6558 or (202) 485-9026  
TDD/TTY Number: (617) 565-5453

An applicant or resident may also contact:

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, Room 601  
Boston, MA 02108  
Telephone: (617) 727-3990  
TDY (617) 727-3990, ext. 588



You may utilize this form to request that the Chicopee Housing Authority provide a reasonable accommodation to you, or any member of your household who has a disability, so that you or a member of your household may utilize your residence, or any of the Chicopee Housing Authority's facilities, programs or services.

Date of Request	Social Security Number
Name of Applicant/Resident/Participant	Telephone Number
Address	City/State/Zip Code

- You may request a physical modification to your current unit or a transfer to a unit that has been previously modified [in your development or another development]. The Chicopee Housing Authority will work with you to determine how to fulfill your reasonable accommodation request. The Chicopee Housing Authority may require documentation to support your reasonable accommodation request(s).

☐ I wish to have modifications made to my current unit only

☐ I would consider moving to a unit that is currently modified, but only within my current development

☐ I would consider moving to a unit that is currently modified, even in another Development

