

Reasonable Accommodation Policy

Knox County Housing Authority
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Article I. Purpose / Scope of the Policy

Section 1.01 The KCHA and its designees must comply with Federal, State and local laws that prohibit discrimination on the basis of disability, including but not limited to the Federal Fair Housing Act (Title VIII), Section 504 of the Rehabilitation Act of 1973 (504), and the Americans with Disabilities Act of 1990 (ADA).

Section 1.02 An applicant/resident with a disability may ask for specific changes in rules, policies, procedures, and methods of communication or may ask for physical modifications to a unit or common area to enable him/her access to a building, unit, or program. Such changes are referred to as "reasonable accommodations."

Section 1.03 This policy is in effect for all Knox County Housing Authority properties.

Section 1.04 Any exemptions, changes, or special provisions to this policy will be made only with the approval of the Knox County Housing Authority Executive Director.

Article II. Definitions

Section 2.01 Determining whether a request poses a fundamental change to the KCHA's public housing program is not a cost-based test. The KCHA's goal is to provide decent, safe, and sanitary housing for low and moderate-income applicants.

Section 2.02 For the purpose of being eligible for consideration for a reasonable accommodation or structural modification, the U.S. Department of Housing and Urban Development (HUD) defines a disability as any physical, mental, or emotional impairment that substantially limits one or more major life activities.

- (a) An individual is "disabled" if he/she has a physical, emotional, or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.
- (b) 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, Human Immunodeficiency Virus (HIV) infection, AIDS, mental retardation, mental illness, emotional illness, and learning impairment.
- (c) This is not the definition to determine if someone is eligible for public housing based on his/her disability.
- (d) Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for one self, and working.

Section 2.03 "Reasonable Accommodation" and "Reasonable Modification"

- (a) **Reasonable accommodation** requests are those requests which involve changes to be made to policies, procedures or house rules.
- (b) **Reasonable modification** requests are those requests which involve structural changes to the Knox County Housing Authority's physical housing stock.

Article III. Reasonable Accommodation Request Process

Section 3.01 The KCHA and the Property Manager will provide all applicants and residents written notice of any obligation to provide individuals with disabilities a reasonable accommodation if they need one as a direct result of their disability. This must occur at the initial application process and/or at recertification.

Section 3.02 Reasonable Accommodation Guides will be available at each administrative office, and will be provided to applicants at the time of their interview with Occupancy staff.

Section 3.03 The following are step-by-step procedures for applicants/residents of the KCHA to request a Reasonable Accommodation.

- (a) Provide the applicant/resident with the "KCHA Reasonable Accommodation Guide."
- (b) Complete the "KCHA Applicant/Resident Request for Reasonable Accommodation" form. The requestor must be given a copy of the completed form. If the requestor is unable to complete the form, KCHA staff will complete the form, and sign accordingly.
- (c) Once the form is submitted, Occupancy staff will mail the "KCHA Certification of Need for a Reasonable Accommodation" form to the knowledgeable professional listed on the request form. Include a self-addressed return envelope.
- (d) Occupancy staff will forward the completed "KCHA Applicant/Resident Request for Reasonable Accommodation" and "KCHA Certification of Need for a Reasonable Accommodation" forms to the Property Manager for review.
 - (i) The KCHA must not maintain medical records or other documents that disclose the nature or extent of a person's disability.
 - (ii) These files must be sealed, marked "Confidential," and returned to the knowledgeable professional or entity that produced the documents.
- (e) The Property Manager must review the request, make a determination, and communicate the decision to the applicant/resident within ten (10) business days of receipt of the "KCHA Certification of Need for a Reasonable Accommodation."
- (f) The Property Manager will determine the nature, and the extent, of the accommodation to be made.
 - (i) Review the "KCHA Certification of Need for a Reasonable Accommodation" form and make a determination as to the request.
 - (ii) If the requested accommodation does not exceed the Property Manager's spending approval threshold (\$200.00), the Property Manager may make a determination as to the request.
 - (iii) If the requested accommodation exceeds the Property Manager's spending approval threshold (\$200.00), or the request is a fundamental alteration in the nature of the housing program, the Property Manager must forward the request to the Assistant Director/Executive Director for approval.
 - (iv) All denials must be communicated with the Assistant Director/Executive Director prior to communicating the decision to the applicant/resident.
- (g) Once a determination has been made, the Property Manager must communicate the decision to the applicant/resident.
 - (i) For approvals, the communication must include:
 - 1) How the reasonable accommodation will be provided

- 2) When the reasonable accommodation will be provided
 - 3) If the requested change is not possible, a discussion of alternative administrative solutions
- (ii) For denials, the communication must include:
 - 1) How the determination was made
 - 2) Provision for alternative solutions
 - 3) The process for grieving the determination
- (h) The Property Manager must ensure all appropriate documentation is placed into the applicant/resident file
 - (i) The KCHA will not maintain medical records or documents that disclose the nature or extent of any disability. It is illegal to do so.
 - (ii) All completed "KCHA Applicant/Resident Request for Reasonable Accommodation" forms
 - (iii) "KCHA Certification of Need for a Reasonable Accommodation" forms
 - (iv) Determination notices, and all documentation used in making the determination
 - (v) Any communication between the applicant/resident and the KCHA regarding the request
 - (vi) If the requested accommodation exceeds the Property Manager's spending approval threshold (\$200.00), or the request is a fundamental alteration in the nature of the housing program, the Property Manager must forward the request to the Assistant Director/Executive Director for approval.
 - (i) The Property Manager must log all applicant/resident requests for reasonable accommodation, and review the log quarterly for compliance to this policy.

Article IV. Completion of the Accommodation/Modification

Section 4.01 The KCHA and the Property Manager will complete accommodations or modifications in accordance with this policy, unless otherwise agreed to by the KCHA and the applicant/resident.

- (a) If the request involves a reasonable change to a method of communication, it will be made within seven (7) days of communicating the approval to the applicant/resident.
- (b) If the request involves a reasonable accommodation to a rule, policy, or procedure, it will be made within twenty-one (21) business days of communicating the approval to the applicant/resident.
- (c) If the request involves a minor physical modification and can be completed without engaging third-party consultants, it will be made within the timeframes established under standard "work order" requests.
- (d) If the change involves making a major structural change to a unit or common area (widening doorways, putting in a roll-in shower, putting in a ramp, etc.), the property manager will work to develop a scope for work, either with assistance or without, within five (5) business days of communicating the approval to the applicant/resident. The KCHA will perform their due diligence and strive to provide the modification within 120 days of the communicating the approval to the applicant/resident.

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