



JACKSONVILLE HOUSING AUTHORITY

1300 BROAD STREET N

JACKSONVILLE, FL 32202

REASONABLE ACCOMMODATION  
POLICY AND PROCEDURES

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**Introduction:**

This Reasonable Accommodation Policy and Procedures sets forth the policy and procedures of the Jacksonville Housing Authority (JHA) in connection with making reasonable accommodations for qualified applicants or residents with disabilities for participation in Public Housing and Housing Choice Voucher programs and activities.

The Reasonable Accommodation Policy and Procedures are available on the JHA website at [www.jaxha.org](http://www.jaxha.org) and in the Administrative Office located at 1300 Broad St N, Jacksonville, FL 32202, and in the management office of each Public Housing community. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request from the JHA.

**PART A – POLICY**

**Section 1-Definitions:**

- 1.1 The term “ADA” shall mean the Americans with Disabilities Act.
- 1.2 The term “FHA” shall mean the Fair Housing Act of 1968.
- 1.3 The term “JHA” shall mean the Jacksonville Housing Authority.
- 1.4 The term “504 Coordinator” means the representative of JHA who is responsible for reviewing the request for modification or reasonable accommodation made by or on the behalf of a disabled individual. Only the President & CEO may deny a request for Reasonable Accomodation. If you feel an accommodation should be denied, you must move it up the chain.

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<b>Chain of Command</b>
<b>Public Housing</b>
<b>Housing Assistant</b>
<b>Assistant Manager</b>
<b>Manager</b>
<b>Director</b>
<b>President &amp; CEO</b>
<b>Chain of Command</b>
<b>Section 8</b>
<b>Housing Counselor Aide</b>
<b>Housing Counselor</b>
<b>Operations Manager</b>
<b>Director</b>
<b>President &amp; CEO</b>

1.5 The phrase “a with disabilities” shall have the same meaning as the term “individual with handicaps” under 24 CFR §8.3 as follows:

“Individual with handicaps” means any person who has a physical or mental impairment that substantially limits one or major life activities; has a record of such an impairment; or is regarded as having such an impairment.

1.6 The term “Policy” shall mean Part A of this Reasonable Accommodation Policy and Procedure, as adopted by the JHA Board of Commissioners, and as may be amended.

1.7 The term “Procedures” shall mean Part B of this Reasonable Accommodation Policy and Procedure, as may be revised from time to time.

1.8 The term “reasonable accommodation” means a modification or change in JHA’s rules, policies, practices, or services that will provide the opportunity to participate in JHA’s programs and services and to meet JHA’s essential requirements of tenancy to an otherwise eligible individual with a disability.

1.9 Administrative Building means 1300 Broad Street N, Jacksonville, Florida, 32202.

**Section 2-Policy Statement:**

JHA is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise

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discriminate against individuals with disabilities in connection with the operation of JHA's housing services or programs, solely on the basis of such disabilities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature, or modification to JHA policy, JHA will provide such an accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such a case, JHA may make another reasonable accommodation that would not result in an undue financial or administrative burden. At JHA, the Section 504 Coordinator is defined by the Reasonable Accommodation Approval Tier and is responsible for processing, verifying and ultimately granting or denying a reasonable accommodation. If a reasonable accommodation request is denied, the request should be reviewed by the next level of management. Final review of a denial of a modification or a reasonable accommodation request will be made by the President & CEO.

**Section 3-Purpose:**

This Reasonable Accommodation Policy is intended to:

- Communicate JHA's position regarding reasonable accommodation for persons with disabilities in connection with the agency's housing programs, services and policies;
- Establish a procedural guide for implementing such a policy; and
- Comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by JHA.

**Section 4-Authority:**

The requirements of this Policy are based upon the following statutes or regulations:

- Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504") prohibits discrimination on the basis of disability status and states that:  
  
"No qualified individual with handicaps shall, solely on the basis of the handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department";

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- The Fair Housing Act (“FHA”) prohibits discrimination in the sale, rental and financing of dwellings. The FHA requires reasonable accommodations in rules, policies, practices, services and reasonable modifications to dwelling units and public common areas;
- Title II of the American with Disabilities Act (“ADA”), prohibits discrimination on the basis of disability status by public entities. Except as provided in §35.102 (b), of 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments); and
- Part 8, of the Code of Federal Regulations, Title 24, Housing and Urban Development, entitled Non-Discrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, applies to recipients of federal funds and implements the requirements of the Rehabilitation Act.

**Section 5-General Principles for Providing Reasonable Accommodations:**

This section lists the general principles, which provide a foundation for this Policy, and which JHA staff should apply when responding to requests for reasonable accommodations within all JHA housing programs:

- 5.1 It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods for providing, reasonable accommodations needed when making a request. However, the JHA reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.
- 5.2 The procedure for evaluating and responding to requests for a reasonable accommodation relies on a cooperative relationship between JHA and the applicant/resident.
- 5.3 JHA shall inform all applicants and residents of alternative forms of communication. The Request Form is designed to assist JHA and our applicants/residents. If an applicant/resident does not or cannot use the Request Form, JHA will still respond to the request for an accommodation. The applicant/resident may also request assistance with the Request Form or the applicant/resident may request that the Request Form be provided in an equally effective format or means of communication. (Examples: Some examples of alternative, equally effective forms

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of communication are: interpreters, printed material, telecommunication devices for deaf persons (TTD's) or other delivered materials available to persons with hearing impairments, qualified readers, taped text audio recordings, Braille materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments).

5.4 If the accommodation is reasonable (see Procedures 3), JHA will grant it.

5.5 In accordance with Procedure 3, JHA will grant the request for a reasonable accommodation only to the extent that an undue financial and administrative burden is not created from the accommodation.

5.6 All written documents required by or as a result of this Policy must contain plain language and be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation.

5.7 Any required meetings with a person with a disability will be held in an accessible location.

**Section 6-Amendment:**

6.1 Policy. The Policy may be amended only by resolution of the Board of Commissioners.

6.2 Procedures. The Procedures may be amended within the scope of the Policy by the President & CEO of the JHA.

6.3 Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

**Section 7-Staff Training:**

The agency shall conduct training on reasonable accommodations, and will thereafter conduct periodic supplemental training. It is JHA's intention to provide annual updates to all JHA staff regarding this policy and any changes in law and/or regulation concerning Reasonable Accommodations.

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## **PART B - PROCEDURES**

### **B.1 Communicating with Applicants and Residents:**

1. At the time of application, all applicants will be informed of the JHA's Policy and Procedures for requesting a Reasonable Accommodation. A statement of such is included in JHA applications.
2. JHA Residents seeking accommodations may contact the JHA 504 Coordinator directly or submit a Request for Reasonable Accommodation Form.
3. JHA is responsible for informing all residents that a request may be submitted for reasonable accommodations for an individual with a disability. All residents will be provided the Request Form when requesting a reasonable accommodation. However, a resident may submit the request in writing, orally, or use another equally effective means of communication to request the accommodation. A Reasonable Accommodation Request may also be made on behalf of an individual with disabilities. Upon receipt of the request, the 504 Coordinator will respond to the request within twenty (20) business days ("business days" defined as working days of the week, excluding Saturdays, Sundays and holidays observed by the JHA). If additional information or documentation is required, or if a meeting is needed, notification will be made to the resident in writing (contact made by phone or other acceptable method of communication will be followed-up in writing). The notification will specify the action or documentation required and will provide a due date of the information so as not to delay the review of the request. If JHA receives a request for an urgent reasonable accommodation request, JHA will respond in a reasonable timeframe based on the documentation and information provided. Various forms have been developed for reasonable accommodation requests, including a third-party verification form.
4. JHA will approve or deny the request within thirty (30) business days after receiving all needed information and documentation. All decisions to grant or deny a reasonable accommodation will be communicated in writing, or if required, in an alternative format in order to communicate the decision to the applicant/resident. Exceptions to the thirty (30) business day period for notification of JHA's decision on the request should be provided to the resident in writing setting forth the reasons for the delay. If JHA receives a request for an urgent reasonable accommodation request, JHA will respond in a reasonable timeframe based on the documentation and



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information provided. Forms have been developed for use by the JHA for such notifications.

5. JHA will maintain at its Administrative Office and other management offices written materials, which summarizes this Policy and highlights the procedures for making a request for reasonable accommodation.

**B.2 Sequence for Making Decisions:**

1. Is applicant/resident a qualified “individual with a disability”?
  - a. If NO, the JHA is not obligated to make a reasonable accommodation. Therefore, the JHA will deny the request.
  - b. If YES, go to step 2.
  - c. If more information is required, JHA may either request additional information in writing using standard forms or request a meeting.
2. Is the requested accommodation related to the disability?
  - a. If NO, the JHA is not obligated to make a reasonable accommodation. Therefore, the JHA will deny the request.
  - b. If YES, go to step 3.
  - c. If more information is required, JHA may either request additional information in writing using standard forms or request a meeting.
3. Is the requested accommodation reasonable? This determination will be made by following Procedure B.3: Guidelines for Determining Reasonableness.
  - a. If YES, the JHA will approve the request for reasonable accommodation. A written description of the accommodation will be prepared and included in the letter approving the request.
  - b. If NO, the JHA will deny the request. The JHA will submit a letter of denial of the request to the applicant/resident and set forth the reasons for the denial.
  - c. If more information is required, JHA may either request additional information in writing using standard forms or request a meeting.

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**B.3 Guidelines for Determining Reasonableness:**

1. In accordance with Policy Principle 5.1, JHA will consider the requested method for providing reasonable accommodations for an individual with a disability. However, JHA is required to evaluate the requested method and may require the individual with a disability to provide further information to demonstrate the need for the requested accommodation to enable access to and use of the housing program. Additionally, JHA may meet with the individual(s) to discuss the reasonable accommodation in an informal, interactive dialogue and may offer alternatives to the requested accommodation, and/or determine alternative methods for providing the requested accommodation.
2. Requests for reasonable accommodations will be considered on a case-by-case basis. Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where JHA deems that a proposed reasonable accommodation would fundamentally alter the service, program or activity, or would result in undue financial and administrative burdens, JHA has the burden of proving such a result.
3. The responsibility for the final decision that a proposed reasonable accommodation request is approved or denied shall rest with the President and CEO. If a reasonable accommodation request is denied after considering all resources available for use in the funding and operation of the service, program or activity and it is determined that the request would result in an undue financial or administrative burden-will issue a written statement providing the reasons for the denial. If a request for reasonable accommodation is denied because it would result in a fundamental alteration or undue financial or administrative burden, JHA shall propose an alternative action that will not result in or require an alteration or burden, if one is available.
4. Live-in Aides: In some cases, an individual with a disability may require a live-in aide. In accordance with the provisions of the JHA policies, JHA may permit a live-in aide to reside in the dwelling unit to assist an individual with a disability. A live-in aide means a person who (a) is determined by JHA to be essential to the care and well-being of a family member with a disability; (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the supportive services. A live-in aide would not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d) (3)]. Prior to JHA granting

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permission for a live-in aide, the live-in aide candidate must submit to a criminal background check in accordance with JHA's policies and procedures. Additionally, medical verification or third-party verification of the need for a live-in aide is required, and the following factors will be considered by the JHA in determining whether to approve a live-in aide:

- A. whether the addition of a new occupant would create a situation of overcrowding in the dwelling unit, thereby requiring a transfer to another dwelling unit;
  - B. the availability of an appropriate dwelling unit; and/or
  - C. JHA's obligation to make reasonable accommodation for persons with disabilities.
5. Verification: The JHA may verify a person's disability only to the extent necessary to ensure that applicants/residents qualify for the housing for which they are applying or the reasonable accommodation they are requesting. The JHA may not require applicants/residents to provide access to confidential medical records in order to verify the disability, nor may the JHA require specific details as to the disability. The JHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit. The JHA may not ask what the specific disability is.

**B.4 Right to Appeal / Grievance Denial of Request:**

- 1. If the request for a reasonable accommodation is denied, the requester may file a written appeal / grievance request. The appeal / grievance request must be in accordance with the JHA grievance procedures and filed with the management office within (10) business days of the formal determination by JHA.