

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

- I. General Policy
- II. Applicability
- III. Definitions
- IV. Notification Regarding Reasonable Accommodations Policy
- V. Program Accessibility
- VI. Examples of Reasonable Accommodations
- VII. Disallowed Accommodations
- VIII. Reasonable Accommodation Request
- IX. Request for Consideration of Mitigating Circumstances
- X. Reasons for Denial of Accommodation Request
- XI. Response to Requests
- XII. Grievances
- XIII. Oversight and Records

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

I. GENERAL POLICY

- A. It is the policy of the Housing Authority of the City of Los Angeles (HACLA) to comply fully with the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Unruh Act, and the California Fair Employment and Housing Act. The policy incorporates by reference the requirements of those laws and applicable regulations.
- B. The HACLA strives to provide equal opportunity for all individuals, (including individuals with disabilities and families that include a member with disabilities), to participate in and benefit from programs that are administered by the HACLA. The HACLA will provide reasonable accommodations under all its programs properties, and related facilities in accordance with this policy. The HACLA will seek to identify and eliminate conditions that create barriers to equal opportunity and, whenever possible, will make physical and procedural changes in order to reasonably accommodate people with disabilities.
- C. The HACLA will be thorough and prompt in reviewing accommodation requests and will explain the basis of any denial.
- D. The HACLA will review all requests for a reasonable accommodation on a case-by-case basis and there is no limit to the number of reasonable accommodation requests a client may make.
- E. It is the responsibility of the Client to identify the type of accommodation best suited to their disability needs. Clients are encouraged to communicate alternative accommodations that would meet their needs. HACLA may enter into negotiation with the Client to identify alternative accommodations if the initial request is not reasonable.
- F. Through its marketing/outreach program the HACLA seeks to attract a broad section of low-income families, including person(s) with disabilities.
- G. The HACLA will make written communications available to Clients in alternative formats such as Braille, large print, audio, or electronic formats if requested by a Client with a disability or a disabled family member.
- H. The Director of Planning shall be designated as the Accessibility (Section 504) Coordinator for the HACLA and will be responsible for the coordination of compliance activities, record keeping, and shall be the final determiner of accommodation grievances.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

## II. APPLICABILITY

This policy applies to all clients of HACLA programs including but not limited to:

- Public (or Conventional) Housing Program
- Section 8 Housing Choice Voucher Program
- Section 8 New Construction Housing Assistance Payments Program
- McKinney Vento Programs (Shelter Plus Care and HOPWA)
- Other programs (both housing and non-housing) administered by the HACLA. Non-housing programs include, but are not limited to, those services/programs provided by the Resident Services division.

## III. DEFINITIONS (Listed in alphabetical order)

1. Client

For the purpose of this policy, Client shall mean a current or former: applicant for, participant in, or resident of a HACLA housing or non-housing program.

2. Individuals with a Disability

Individuals with disabilities are defined as persons with a physical or mental impairment that limits one or more major life activities; has a record of such impairments; 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 whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

a) Family with a member with disabilities

As used in this chapter, the term family with a member with disabilities means a family that consists of: 1) a sole disabled member or 2) several members, at least one of whom is a disabled person

b) Has a record of such an impairment

Means has a history of, or has been misclassified as having, a mental or physical impairment that limits one or more major life activities.

c) Is regarded as having an impairment means

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

- 1) Has a physical or mental impairment that does not limit one or more major life activities but is treated by HACLA as constituting such a limitation;
- 2) Has a physical or mental impairment that limits one or more major life activities only as a result of the attitudes of HACLA staff toward such impairment; or
- 3) Has no impairments but is treated by HACLA staff as having impairment.

d) Major life activities

Functions such as, but not limited to: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

3. Live-in Aide

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.

Per HUD guidelines, for the Section 8 program, occasional, intermittent, multiple or rotating care givers are considered guests or employees, not Live-in Aide(s) – for the purpose of listing on the HUD 50058.

4. Mitigating Circumstances

A disability related situation that effects an individual's or household's ability to comply with the HACLA program requirements and results in an adverse action by the HACLA against the Client. Examples of an adverse action include, but are not limited to: eviction, termination, removal from the waiting list, or cancellation of a voucher.

5. Nexus

The connection or link between the stated disability and the accommodation requested.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

**6. Provider/Worker**

A Provider/Worker is a reliable third party generally defined but not limited to:

A “Provider” is a medical or mental health care provider qualified to render a professional opinion in regard to the disability. Providers include but are not limited to: a licensed physician, physical therapist, and psychiatrist.

A “Worker” includes, but is not limited to, a social worker, caseworker, or counselor from a government or private agency who is in position to know of the individual’s disability.

**7. Reasonable Accommodation**

A reasonable accommodation is a change, exception or adjustment that the HACLA makes to its rules, policies, practices, procedures or to its housing units or common areas that will provide a person with a disability an equal opportunity to participate in and benefit from the programs administered by the HACLA.

A reasonable accommodation does not include accommodations that would require a fundamental alteration to the nature of HACLA’s operations or program rules or would create an undue financial or administrative hardship.

There must be an identifiable relationship (“nexus”) between a requested accommodation and an individual’s disability.

**IV. NOTIFICATION REGARDING REASONABLE ACCOMMODATION POLICY**

- A. Each HACLA business office will post a current HACLA Notice of Nondiscrimination (S504-01) that provides information about the HACLA's reasonable accommodation policy and examples of accommodations that a program participant may request. As needed, the Notice and/or a copy of this policy may be made available in alternative format upon request of a person with disabilities.
- B. Copies of the policy, procedures, and forms will be available on the HACLA Intranet/Internet and at each program office.
- C. The Notice and the Special Needs Questionnaire (S504-02) - the form that provides the Client with an opportunity to request a reasonable accommodation - will be provided in re-examination packets, applications, at voucher issuance sessions, resident orientations, and Resident

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

Services program orientations. The forms may be provided at any time at the request of a Client.

- D. Section 8 staff, Housing Services staff and/or Resident Services staff will provide information on the reasonable accommodation request process, the forms used to request reasonable accommodation and assistance in completing forms as necessary.

**V. PROGRAM ACCESSIBILITY**

- A. **Non-Housing Facilities.** New non-housing facilities will be made readily accessible to and usable by individuals with disabilities. Existing facilities are made accessible to individuals with disabilities to the maximum extent feasible (without imposing undue financial and administrative burdens on the HACLA operations).
- B. **New Construction.** New multifamily projects shall be accessible to and usable by people with disabilities as required under current law and applicable regulation. For public housing units a minimum of five percent of the total dwelling units will be made accessible for persons with mobility impairments and an additional two percent of the units will be made accessible for persons with hearing or vision impairments.
- C. **Alterations to HACLA-Owned Existing Housing.** As alterations are undertaken to existing housing developments that have 15 or more units, and the cost of the alterations is 75 percent or more of the replacement costs, the HACLA will modify its units in accordance with the needs of the resident population. Reasonable modifications to units will be made at no charge to a resident who has verified a need for the modification due to his/her disability as defined under federal law. Persons who have a disability as defined under CAL-FEHA, but not under federal law, may request the HACLA's approval for unit modifications to be installed at the resident's own expense.
- D. **Tenant-Based Section 8 Department Programs.** The HACLA encourages owners to provide accessible units and reasonable accommodations to Section 8 Program applicants and participants. Households with a disabled member may request owner approval for unit modifications. Clients are encouraged to consult with disability rights specialists and/or the HACLA website [www.hacla.org/504](http://www.hacla.org/504) for information regarding tenant/landlord responsibilities regarding unit/common area modifications. The HACLA's contracts shall include the necessary language to assure nondiscrimination. In addition, the HACLA maintains a

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

list of properties which owners have described as accessible to its Section 8 Program applicant and participant families.

- E. Public Meetings.
1. To the greatest extent possible, public meetings will be held in accessible locations.
  2. Reasonable accommodations for persons with disabilities will be available upon request.
    - a. Requests for sign language interpretation should be made at least five (5) working days prior to the scheduled meeting to ensure availability. Requests received with less notice will be accommodated to the extent available.
    - b. Notices announcing meetings will include contact information to request accommodations.

VI. EXAMPLES OF REASONABLE ACCOMMODATIONS

The following are examples of reasonable accommodations; it is not intended to be an exclusive list.

- A. If a person with disabilities is unable to come to the office due to a disability, a HACLA staff member may upon the Client's request:
1. Re-schedule the interview to accommodate the family's needs;
  2. Conduct the interview by phone and mail the documents to the family for signature(s); or
  3. Schedule a non-office visit (e.g. visit at home or nursing home).
- B. If a person with disabilities has difficulty understanding or filling out forms, the HACLA staff shall assist the individual if requested and advise the person with disabilities that he or she may bring someone with him or her to assist with the interview.
- C. If a person with disabilities has a hearing impairment, the HACLA shall provide a Sign Language Interpreter if requested five (5) working days in advance.

**CHAPTER 125:1**

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

- D. If a person with disabilities has a vision impairment, if requested, the HACLA staff shall:
  - 1. Assist as a reader in completing forms;
  - 2. Permit the interview to be recorded;
  - 3. Allow the individual to bring someone to assist him/her; or
  - 4. Provide alternate format materials, such as large print documents.
- E. Provide a space to accommodate an assistive animal or device.
- F. Reissue a voucher so that the family can locate a unit that has necessary accessibility features.
- G. Extend the voucher search time so family can locate unit with necessary accessible features.
- H. Provide a larger subsidy size in order to rent a larger bedroom size unit to accommodate special needs such as accessibility, a live-in aide, rotating caregivers, or large medical equipment.
- I. Provide an exception to the Fair Market Rents or Voucher Payment Standards to allow the family to rent a unit accessible to the family.
- J. Provide an exception to the “renting to relatives rule”.
- K. Provide an exception to the HACLA unit guest policy for rotating caregivers.
- L. Provide time and/or assistance for HACLA unit preparation for bed bug treatment.
- M. Make physical modifications to a common area.
- N. Accessible Units

Examples of unit modifications include but are not limited to:

- 1. A fully accessible unit.
- 2. A unit equipped with a smoke alarm and/or other amenities such as a flashing doorbell designed for persons with a hearing impairment.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

3. Grab bars, handrails, or lever handles instead of knobs at doors and sinks.
4. If a public housing household has a member with disabilities that needs a reasonable accommodation, and the current unit cannot be reasonably modified, the resident will be offered a transfer to a suitable unit in accordance with the transfer procedure outlined in the Admissions and Continuing Occupancy Policy (MPP 201:1).

**VII. DISALLOWED ACCOMMODATIONS**

The following accommodations are prohibited per federal regulations.

**A. Medical Marijuana**

HUD has determined that the use of medical marijuana, as allowed by State law, is disqualified from protection under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. As such, any request for a reasonable accommodation approving the use of medical marijuana will be denied.

**B. Shared Housing**

Dwelling units where the owner resides in the unit and is related by blood or marriage to the Section 8 voucher holder cannot be occupied by the Section 8 voucher holder as a reasonable accommodation.

**VIII. REASONABLE ACCOMMODATION REQUEST**

The HACLA will give equal consideration to a reasonable accommodation request even if it is made orally or in writing on other than HACLA's standard forms.

A Client may request a reasonable accommodation at any time.

- A. A Client may request a reasonable accommodation by submitting a Reasonable Accommodation Questionnaire (S504-02) or current request form, or through other written or oral format that provides the pertinent information needed. The Questionnaire (S504-02) form is included in application and income re-examination packets. A Client may request the form from HACLA staff and submit it at any other time as needed.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

- B. Except in situations when a Client is able to self-certify as outlined in Section D below, the nexus between the disability and the accommodation requested shall be verified by the Provider/Worker indicated by the individual on the Questionnaire form (S504-02). The Client may provide other acceptable documentation in line with HACLA's verification hierarchy.
- C. Other acceptable documentation includes but is not limited to a letter to the HACLA from a Provider/Worker on his/her letterhead. Such documentation will be accepted in lieu of the Certification form (S504-03) if the documentation identifies: 1) the individual as a person with disabilities 2) the accommodation requested; and 3) link (nexus) between the disability and the requested accommodation.
- D. As an alternative to third party verification process, a person with disabilities may self-certify his/her disability and his/her need for an accommodation if the following conditions exist:
  - 1. The individual has an obvious and/or visible disability (such as an individual who regularly uses a walker or an individual with a hearing impairment) and
  - 2. The accommodation requested is clearly related to the individual's disability (for example, a mobility-impaired person requests a grab bar or a hearing-impaired person requests a sign language interpreter).

**IX. REQUEST FOR CONSIDERATION OF MITIGATING CIRCUMSTANCES**

- A. A family with member with a disability who would normally be/or was denied, terminated from a HACLA program, or evicted from HACLA-owned housing due to the family's action or inaction may request consideration of mitigating circumstances related to a disability.
- B. Facts regarding mitigating circumstances shall be verified in accordance with the procedures found in Section VII of MPP 125:1A.
- C. Based upon the documentation provided, a mitigating circumstance shall be granted if:
  - 1. The action or inaction of the family was due to a family member's disability; and

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

- 2. A reasonable accommodation related to the person would allow the person to fulfill program obligations or requirements.
- D. The family may be (where appropriate) required to enter into an agreement with the HACLA that outlines the conditions that the family will follow to ensure that they meet and maintain the essential eligibility requirements for participation in a specific program.
- E. A recurrence of the action or inaction by the family following the granted reasonable accommodation due to mitigated circumstances may result in denial, termination or eviction. However, HACLA will evaluate any further reasonable accommodation requests on a case by case basis, even where the Client has previously received an accommodation regarding action or inaction that violated program rules.

**X. REASONS FOR DENIAL OF ACCOMMODATION REQUESTS**

The following are reasons why a request for a reasonable accommodation may be denied:

- A. Constitutes a direct threat to the health and safety of other individuals;
- B. Results in substantial physical damage to the property of others;
- C. Results in a fundamental alteration of the program;
- D. Causes an undue administrative or financial burden, if granted;
- E. There is no clear relationship (nexus) between the disability and the requested accommodation;
- F. Inability to obtain verification that a disability exists in cases when the disability is not evident;
- G. The Client fails to provide information or documentation as requested by the HACLA (case may be reopened once all necessary documentation is provided), or
- H. The accommodation has been previously granted, but was not effective in enabling the person with disabilities to meet the statutory eligibility requirements of the program.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

XI. RESPONSE TO REQUESTS

- A. The HACLA will promptly respond in writing to a request for a reasonable accommodation or consideration of mitigating circumstances with a decision or a request for additional information not to exceed 30 calendar days from receipt of verification(s).
- B. When a request for additional information is made, the Client must respond within 15 calendar days of such request, except in cases of extenuating circumstances.

A request may be reopened if the documentation is received after the stated deadline.

- C. Upon receipt of the necessary information, the HACLA will respond within 30 calendar days, except in cases of extenuating circumstances. In such cases of delay, the HACLA will notify the Client in writing why additional time is needed to respond to the request.
- D. HACLA will take into consideration a Client's disability and its impact on the Client's ability to comply with deadlines.

XII. GRIEVANCES

The HACLA will provide a two-tier Grievance process. The first step is an Appeal to the Department Director or his/her designee (such as Section 8 Director, Housing Services Director, Asset/Grant Management Director or LOMOD Director) and the final step is a Grievance to the Accessibility Coordinator.

- A. Tier One: Appeal
  - 1. If a request for a reasonable accommodation is denied or a Client believes that they have been discriminated against due to their disability, the Client may first submit an appeal to the pertinent Department Director. A request for an appeal must be in writing and received by the HACLA within 30 calendar days of the Client being notified of the initial denial or discrimination incident.
  - 2. The pertinent Director (or his/her designee) shall review the case and if necessary consult with the Accessibility Coordinator to ensure that the decision is in accordance to ADA and Fair Housing guidelines and HACLA policy.

**NONDISCRIMINATION ON THE BASIS OF DISABILITY  
AND REASONABLE ACCOMMODATION POLICY**

---

3. If more information is required from the Client, the Client shall have up to 15 calendar days to provide the requested documentation to the HACLA.
  4. Once the pertinent Director (or his/her designee) has all the documentation necessary to review the case, the HACLA has 30 calendar days to provide the Client with a determination on his/her appeal.
  5. If the appeal is denied, the Client is to be notified of their right to file a grievance within 15 calendar days of notification of the denial.
- B. Tier Two: Grievance
1. A Client may submit a request for a grievance to the Accessibility Coordinator upon notification of denial of their appeal. The Client has 30 calendar days from the date of the denial to file a grievance.
  2. A final determination of the denial shall be provided to the Client within 30 calendar days from HACLA's receipt of the grievance request or after all necessary documentation has been received by the HACLA.
- C. Grievances may be submitted on the HACLA Reasonable Accommodation or Disability Discrimination Grievance form (S504-08) or in another written format that provides the same information as requested on the HACLA form. The Grievance form is available on the HACLA website.
- D. In communicating with a Client during the grievance process, HACLA will take into consideration a client's disability and its impact on the client's ability to comply with deadlines.

**XIII. OVERSIGHT AND RECORDS**

- A. The Accessibility Coordinator will maintain the files and records of the HACLA relating to the complaints that are sent to the Accessibility Coordinator's office as required by federal regulations.
- B. All communication and documentation regarding reasonable accommodation requests are to remain in the Client's file. Staff is to ensure that data regarding reasonable accommodation requests is updated in the applicable business software system.