

**HOUSING AUTHORITY OF THE CITY
AND COUNTY OF DENVER**

**REASONABLE ACCOMMODATION IN
HOUSING GUIDELINES**

Revised January 2008

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HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER REASONABLE ACCOMMODATION IN HOUSING GUIDELINES

I. INTRODUCTION

It is the Housing Authority of the City and County of Denver's ("DHA") policy to provide a "reasonable accommodation"¹ in housing for applicants and residents/clients² with disabilities³ where a reasonable accommodation is necessary to provide them with an equal opportunity to participate in, or benefit from, DHA housing programs. This policy is in furtherance of DHA's goal of providing affordable housing to low-income persons regardless of disability and in compliance with applicable federal, state, and local law. A "reasonable accommodation" is a modification or change DHA can make to its procedures and rules or to the person's apartment or to a public/common area which would provide an otherwise eligible person with a disability an equal opportunity to participate in, or benefit from, DHA housing programs, provided that the change does not pose an undue financial or administrative burden to DHA or result in a fundamental alteration of its program.

The Reasonable Accommodation in Housing Guidelines ("RAHG") outlined here apply to DHA applicants and residents/clients who are qualified "individuals with a disability" as set forth below. DHA requires reliable documentation or verification of the disability, that the individual needs the accommodation, and that the accommodation is likely to be effective in providing an equal opportunity to participate in, or benefit from, DHA's housing, programs, services or activities. DHA will consider any request for a reasonable accommodation, and will explain, in writing, the basis for any denial to the individual making the request.

II. DISCLAIMER

A. The policy guidelines described herein do not form a contract between DHA and any other parties. The RAHG are guidelines intended solely to ensure compliance with federal, state and local law.

B. The RAHG will be used for assessing requests for reasonable accommodation by DHA applicants and residents/clients with disabilities. They are not intended to be an exhaustive compilation of rules or policies governing assessment by DHA of requests for reasonable accommodation. If any conflicts exist or arise between these guidelines and guidance issued by

¹ "Reasonable accommodation" is a term of art. The term "reasonable accommodation" is not intended and should not be construed to be an admission that any requested accommodation is reasonable. Whether the requested accommodation is reasonable is determined by DHA, in its sole discretion, based on the information provided by the applicant or resident/client, during the review process.

² Residents are defined as individuals who reside in public housing units, or low-income or market rate units owned and/or managed by DHA. Clients are defined as recipients of Section 8 assistance through the Tenant-Based Assistance Voucher program or Moderate Rehabilitation ("Mod-Rehab") programs administered by DHA.

³ For purposes of these Reasonable Accommodation in Housing Guidelines, the preferred term "disability" includes the term "handicapped" within its scope.

the U.S. Department of Housing and Urban Development (“HUD”), or existing or future statutes, regulations, or other legal requirements, DHA will follow the legal requirements.

III. REASONABLE ACCOMMODATION POLICY

Applicable law requires that DHA grant a request for an accommodation when:

1. An applicant, resident/client, or member of their household, is a qualified individual with a disability;
2. The requested reasonable accommodation or an alternative accommodation is necessary because of the disability, and will provide an equal opportunity to participate in, or benefit from, DHA housing, programs, services or activities. DHA requires that a Health Care Provider provide information regarding why the requested accommodation is necessary for the qualified individual with a disability to have an equal opportunity to participate in, or benefit from DHA housing, programs, services or activities. DHA will not simply grant an accommodation because the individual is disabled;
3. The requested accommodation, or an alternative accommodation is reasonable in that it will not impose an undue financial and administrative burden on DHA, or would not require a fundamental alteration in DHA’s housing programs; and
4. Neither the applicant or resident/client, nor members of the household, falls into any of the exceptions precluding protection under the relevant anti-discrimination and housing laws.

IV. DEFINITIONS AND EXCLUSIONS

A. A Person With a Disability

A person with a disability is one who:

1. Currently has a physical or mental impairment that substantially limits one or more major life activities, such as caring for one’s self, doing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working; or
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

DHA’s determination that the individual is disabled for the purpose of exemption from Community Service requirements shall not constitute a determination by DHA that the applicant or resident/client is disabled for the purpose of receiving a reasonable accommodation pursuant to these guidelines, nor shall it constitute a record of impairment or evidence that DHA regards the individual as having such impairment.

B. Mental and Physical Impairments

1. A mental impairment includes, but is not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

2. A physical impairment includes, but is not limited to, cosmetic disfigurement, anatomical loss affecting the neurological, musculoskeletal, sensory, respiratory, cardiovascular, or reproductive, digestive, genito-urinary, hemic, lymphatic or skin systems, AIDS or HIV.

3. A mental or physical impairment includes, but is not limited to, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, alcoholism or drug addiction.

C. Exclusions from Protection

1. The laws protecting individuals with disabilities explicitly exclude the following from the definition of disability:

- a. Sexual behaviors or traits such as homosexuality, bisexuality, transvestitism, voyeurism, transsexualism, and gender identity disorders not resulting from physical impairments.
- b. Compulsive gamblers, kleptomaniacs and pyromaniacs.
- c. Psychoactive substance use disorders resulting from current illegal use of drugs.

2. In addition, despite the existence of a disability, the laws applicable to DHA and disabilities do not provide protection for the following:

- a. Individuals currently using controlled substances illegally;⁴
- b. Individuals who abuse alcohol to the detriment of others;⁵

⁴ The exclusion from protection based on current illegal use of drugs applies to a person whose illegal use of drugs occurred recently enough to justify a reasonable belief that the person's use is current. If such a reasonable belief exists, DHA may terminate a tenancy or deny the applicant admission even if the person is an individual with a disability. Therefore, DHA must make a reasonable judgment, based on the specific facts relating to the individual in order to determine whether he or she is excluded from protection because of current illegal use of drugs.

If a person has a history of illegal drug use, is not currently using illegal drugs and has either successfully completed a drug rehabilitation program or is participating in a drug treatment program or self-help group or has otherwise been rehabilitated successfully, then he or she is not a current illegal drug user.

The law does not prohibit DHA from requiring drug testing, designed to ensure that individuals who formerly engaged in the illegal use of drugs are not now engaging in current illegal use of drugs.

- c. Convicted sexual offenders who are required to register under Colo. Rev. Stat. § 16-22-103;
- d. Individuals who have been evicted from federally assisted housing due to drug-related criminal activity within the previous three years, unless a DHA approved rehabilitation program has been successfully completed;
- e. Individuals whose tenancy would pose a direct threat to others or the person's own health or safety;
- f. Individuals whose tenancy would result in substantial physical damage to the property of others;
- g. Individuals who are not "otherwise qualified" for housing;
- h. Individuals whose tenancy would cause undue financial and administrative burdens, or would require a fundamental alteration in the nature of DHA's housing programs; or
- i. Individuals whose request for accommodation is not necessary or will not be effective.

D. Qualified Person With A Disability

A qualified person with a disability is a person with a disability who meets DHA's essential eligibility requirements and can achieve the purpose of the program with or without modifications.

E. Essential Eligibility Requirements

Essential eligibility requirements include, but are not limited to, the following: stated eligibility requirements like income; compliance with selection criteria; timely payment of financial obligations; care of premises; no disqualifying criminal or drug activities; respect for the rights of others; explicit or implicit requirements inherent to the program or activity; and compliance with all obligations of occupancy with or without supportive services provided by persons other than DHA. A person may request an accommodation to meet the essential eligibility requirements.

For instance, a mentally ill person whose conduct, even with a reasonable accommodation, poses a significant risk of substantial interference with or direct threat to the safety and enjoyment of others or with the person's own health or safety or would result in substantial physical damage to the property of others, will not meet the essential eligibility requirements of DHA.

⁵ If an individual's current use of alcohol prevents that individual from participating in DHA's services, or interferes with the health, safety, or right to peaceful enjoyment of the premises by others, the individual is ineligible for public housing, regardless of disability.

F. Reasonable Accommodation

A reasonable accommodation may include a transfer; a physical alteration to the dwelling unit or the public areas or common areas of a development owned by DHA; an exception to DHA's rules, policies or procedures; or, special steps taken to enable the applicant or resident/client to more effectively communicate with DHA. DHA is not required to provide personal items such as hearing aids, eyeglasses, readers for personal study, or other devices of a personal nature.

DHA will not require that a qualified person with a disability participate in a program or activity specifically designed for individuals with disabilities despite its availability. On the other hand, a reasonable accommodation does not require DHA to provide counseling, medical or social services that are outside the scope of services provided to other persons.

An exception to DHA's rules, policies, practices or services does not require a lowering or a waiver of the essential requirements of a lease or program. If a resident refuses services or another reasonable accommodation, and violating conduct continues, DHA may take the same action as it would with regard to a person without a disability.

Federal regulations require DHA to allow, as a reasonable accommodation, a qualified person with a disability to own and keep an "assistance animal" (also referred to as a service animal or companion animal), on DHA's premises. An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability; or animals that provide emotional support that alleviate one or more identified symptoms or effects of a person's disability. An assistance animal is not considered a pet and therefore is not subject to DHA's pet policies. However, the resident must maintain health and safety standards in keeping the animal. DHA does not permit residents to own, possess or keep assistance animals that are wild or dangerous animals, as determined by DHA, in its sole and absolute discretion, or as defined in the Denver Revised Municipal Code, Section 8-2 (Keeping wild or dangerous animals prohibited). By way of example and not limitation, DHA considers any pit bull, Rottweiler, or mix including either of these breeds, to be dangerous animals and they are not permitted on DHA property. All individuals requesting an assistance animal must request a reasonable accommodation, in compliance with these guidelines, as modified from time to time.

G. Medically Necessary

"Medically Necessary" are procedures, treatments, supplies, devices, equipment, facilities or drugs (all services) that a medical practitioner, exercising prudent clinical judgment, would provide to a patient for the purpose of preventing, evaluating, diagnosing or treating an illness, injury or disease or its symptoms, and that are:

- in accordance with generally accepted standards of medical practice; and
- clinically appropriate in terms of type, frequency, extent, site and duration and considered effective for the patient's illness, injury or disease; and
- not for the convenience of the patient, physician or other health care provider; and

- not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of that patient's illness, injury or disease.

H. Equally Effective

The term "equally effective" is not intended to produce an identical result or level of achievement for a person with a disability, as a person without a disability. Instead, it is intended to give a person with a disability an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement.

V. COMMUNICATIONS WITH DISABLED APPLICANTS OR RESIDENTS/CLIENTS

DHA will take appropriate steps to ensure that all persons with disabilities who are eligible for a housing program are provided with the information and assistance necessary to participate in the program. DHA will also take appropriate steps to ensure that all persons with disabilities can obtain information concerning the existence and location of accessible DHA programs, services, activities and facilities.

DHA has developed "Guidelines for the Provision of Alternative Forms of Communication for Individuals with Disabilities" to ensure effective communication with applicants and residents/clients who are disabled. These guidelines outline the procedures for requesting alternative forms of communication from DHA. DHA will furnish appropriate auxiliary aids (e.g., qualified sign language and oral interpreters, readers, use of taped material) where necessary to facilitate communication with an individual with a disability. At the initial point of contact all potential applicants will be informed of DHA's policy of providing alternative forms of communication. Individuals requiring alternative forms of communication must complete a "Request for Alternative Form of Communication" to initiate the process; however, please note that in certain circumstances, in DHA's sole and absolute discretion, the individual may be required to complete the Request for Accommodation process, as outlined below.

DHA will permit an advocate, friend or service provider to assist the person at any meetings, conferences or interviews. Upon written request by an applicant or resident/client with a disability, DHA will arrange to send a copy of any DHA notice to an authorized third party representative, in addition to the applicant or resident/client. If the applicant or resident/client requires that all communications with DHA be sent to a third-party representative, the individual must complete the Request for Accommodation process, as outlined below.

Where DHA communicates by telephone with applicants or residents/clients who are hearing-challenged, it will use telecommunication devices for deaf persons (TDD's) or other effective communications systems.

VI. SECTION 8 HOUSING VOUCHER PROGRAMS

It is unlawful for DHA to refuse to reasonably accommodate a qualified individual with a disability by making changes in rules, policies, practices, or services, when such accommodation is necessary to afford a disabled person an equal opportunity to participate in DHA's Section 8 Tenant-Based Assistance ("TBA") Voucher Program or a Mod-Rehab Program administered by DHA (hereinafter referred to as "Housing Voucher Programs"). However, under these programs, the client enters into a separate contract with a private landlord, and DHA is not a party to this contract. Consequently, clients must request modifications to their unit or common/public areas or changes to the rules and policies of the landlord, directly from the landlord, not DHA.

In its activities to encourage participation by private owners in DHA's Housing Voucher Programs, DHA will encourage participation by owners having accessible units.

Upon request by an applicant for the Housing Voucher Programs, DHA will provide a current listing of available accessible units known to it, and, if necessary, otherwise assist a family in locating an available accessible dwelling unit. DHA will also take into account the special difficulty inherent in locating an accessible unit, when considering requests for extensions of Housing vouchers.

When necessary as a reasonable accommodation, DHA may, in its sole and absolute discretion, request from the HUD Regional Field Office, approval of an exception payment standard within the upper limits for a family that includes a person with disabilities as described in 24 CFR Section 982.503(c)(2)(ii).

In order to ensure that the Housing Voucher Programs participating owners ("Participating Owners") do not discriminate in the provision of housing under DHA's auspices, DHA will enter into a HUD-approved contract with Participating Owners, which contract will include necessary assurances of non-discrimination.

Section 8 applicants and clients should make requests for reasonable accommodations requiring modifications of the housing or housing policies and rules to the Participating Owner or manager. While Participating Owners are not required to make modifications of existing premises at their own expense, it is unlawful for any person to refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises, if the proposed modifications may be necessary to afford the disabled person an equal opportunity to use and enjoy a dwelling unit or common space.

A Participating Owner may, where it is reasonable to do so, condition permission for a modification on the disabled person's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

A Participating Owner may not increase any customarily required security deposit for disabled persons. However, where necessary to ensure that funds will be available to pay for any restorations at the end of the tenancy, a Participating Owner may negotiate as part of such a restoration agreement a provision requiring that the disabled person pay into an interest-bearing

escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations.

A Participating Owner may also condition permission for modification on the disabled person's provision of a reasonable description of the proposed modifications, as well as reasonable assurances that the work will be done in a workmanlike manner, and that any required building permits will be obtained.

VII. APPROPRIATE INQUIRIES IN THE INITIAL SCREENING PROCESS FOR HOUSING

DHA is required to collect information regarding whether an applicant is disabled or not, to provide the U.S. Department of Housing and Urban Development information for statistical purposes to ensure non-discriminatory practices in DHA's programs. However, the information will not be used to determine an applicant's eligibility for any DHA programs. DHA will not make any inquiries regarding the nature or severity of a disability, either during the application process or during the reasonable accommodation process. However, DHA may make the following inquiries, provided the same inquiries are made of all applicants, whether or not they have disabilities: (a) whether an applicant is able to meet the essential eligibility requirements of DHA; (b) whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability; (c) whether an applicant is qualified for a priority available to persons with disabilities or to persons with particular types of disabilities; (d) whether an applicant is a current illegal user of drugs; and (e) whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

During this process, DHA must ask all applicants the same questions. An applicant is not required to talk about a disability but will be asked to verify a disability if the applicant asks for a reasonable accommodation. DHA will not assume that a person with a disability requires a reasonable accommodation, regardless of the apparent existence of a disability.

An applicant may refuse to explain negative information revealed through DHA's applicant screening process if the applicant does not want to disclose the existence, nature or severity of a disability. However, DHA has the right to deny admission because of the lack of information or because of negative information.

VIII. REASONABLE ACCOMMODATION APPLICATION AND EVALUATION PROCESS

A. Evaluation of a Request for Reasonable Accommodation

It is the responsibility of an applicant or resident/client with a disability to request an accommodation. A resident may request a reasonable accommodation any time a resident perceives the need for one. If a resident becomes aware of the need for an accommodation after receiving a Notice to Quit or a Notice to Cure, but before actual eviction, the resident must promptly notify their manager and request a Request for Accommodation packet. If the resident is not able to complete the Request for Accommodation paperwork,

because of his or her disability, then the resident may request assistance from their development manager.

DHA requires all requests for reasonable accommodation to be put in writing. If an applicant or resident/client is unable to provide a request in writing, they should contact DHA and a staff member will assist the applicant or resident/client by completing the form; however, the applicant or resident/client, or their legal representative, must sign the form.

The applicant or resident/client has the burden to show (a) that the accommodation is needed, (b) is likely to enable the applicant or resident/client to comply with the lease or is necessary to afford such person(s) equal opportunity to participate in, or benefit from DHA's housing programs, and (c) that the applicant or resident/client will accept the necessary assistance. In order to determine if the requested accommodation is necessary, based on the individual's disability, the "Health Care Provider's Verification of Need for Accommodation in Housing Because of a Disability" form must be completed. This form is intended to illicit information regarding whether the individual has a qualifying disability, how the individual's disability affects their major life activities, how the requested accommodation is related to the disability, and if the requested accommodation is medically necessary. If for any reason, additional information is required in order to make a determination regarding the request, DHA may send the applicant, resident/client, or Health Care Provider a letter stating what additional information is required.

DHA will not request information regarding the nature or severity of the disability, or for any medical records regarding the individual's disability. If the Health Care Provider provides medical records or other documentation regarding the individual's disability, it will not be used to determine whether the requested accommodation is reasonable or not, and will be returned to the applicant. Consequently, it is the Health Care Provider's responsibility to provide their opinion as to whether the individual is disabled as defined in this policy and how that disability is related to the individual's request for an accommodation. If the "Health Care Provider's Verification of Need for Accommodation in Housing Because of a Disability" form is not completed by a Health Care Provider, or if the applicant or resident/client refuses to sign the form, DHA will be unable to verify whether the requested accommodation is necessary based on the individual's disability and the request may be denied. Finally, DHA may require that an applicant or resident/client obtain a second Health Care Provider opinion.

If the person with the disability has previously requested the same accommodation from DHA and been denied, a new request for the same accommodation will not be considered unless there have been material changes to the person's situation, which may affect DHA's decision. A material change is a change in the applicant's disability status which will influence the decision, because of its affect upon the applicant and their ability to participate in, or benefit from, DHA housing programs. For example, an individual requested a second bedroom to allow a family member stay with them on occasion, but the family member would not be living with the individual; consequently, the request for accommodation was denied. Because the applicant's condition deteriorates, the Health Care Provider determines that the applicant requires a live-in-aide to help the applicant perform all activities of daily living. This would be a material change, because the applicant's needs are no longer "occasional," they now require assistance with all activities of daily living.

Additionally, once DHA has determined that the request is unreasonable, additional requests that do not contain information that the person's situation has materially changed will not be considered and the statute of limitations will be calculated from the denial of the original request.

If more than one reasonable accommodation will satisfy the needs of the person with the disability, DHA has the option to select the accommodation, which is most convenient and cost effective for DHA. A reasonable accommodation is not a personal preference. In choosing among available options, DHA will give priority to the methods that will provide the applicant or resident/client benefits and services in the most integrated setting appropriate. In terms of housing, this means that the housing provided to disabled individuals is not separate or unnecessarily segregated.

DHA has the burden to show that the reasonable accommodation would result in an undue hardship. An undue hardship is a significant or undue financial and administrative burden. DHA is not required to provide an accommodation that will require a fundamental alteration in the nature of DHA's housing programs.

If an accommodation has failed in the past, DHA is not required to approve the same accommodation again, unless the applicant's or resident's/client's Health Care Provider can demonstrate that because of new circumstances the accommodation will likely work in the future.

B. Conditional Admissions and Subsequent Eviction

In its initial screening process DHA may, if an applicant's history warrants, make it a condition of an applicant's admission that they accept a reasonable accommodation, such as a third-party representative to ensure applicant complies with all program requirements in a timely manner. **DHA does not provide support services, DHA only provides housing.** Therefore, the applicant will be required to find the necessary support services, such as a third-party representative, which must be approved, in writing, by DHA. The applicant has the burden to show that the accommodation being considered is likely to enable the applicant to comply with the lease or Section 8 program and that the applicant will accept necessary assistance. Nevertheless, once the applicant becomes a resident/client DHA may not require that a resident/client use such reasonable accommodation. However, DHA can and will evict any resident whose conduct violates the lease or program requirements, or terminate assistance for a Section 8 client who violates program requirements. However, DHA can and will terminate assistance for a Section 8 client whose conduct violates the lease or program requirements, or terminate assistance for a Section 8 client who violates program requirements. A resident who believes they have a disability requiring a reasonable accommodation must request accommodation for such disability before eviction occurs.

For example, during the initial screening process, DHA may require that an applicant show that the use of medication will enable the applicant to comply with the terms of the lease and the applicant must commit to the use of such medication. However, once that applicant becomes a resident DHA may not evict the person for not taking the medication; but,

DHA may evict the resident for lease violations that result from the resident not taking the medication.

C. Order of Priority of Occupancy of Accessible Dwelling Units

When an accessible unit becomes vacant, before offering such unit to a non-disabled applicant, DHA will offer such unit: (a) first, to a current occupant of another DHA unit of the same or comparable project, who has disabilities requiring the accessibility features of the vacant unit and who occupies a unit not having such features, or, if no such occupant exists, then (b) to an eligible qualified applicant on the waiting list who has a disability requiring the accessibility features of the vacant unit, or if no such occupant exists, then (c) to an eligible applicant not having a disability requiring the accessibility features of the unit. However, DHA will require the applicant to agree to move to a non-accessible unit when available, pursuant to provisions of the lease.

D. Forms

All correspondence to the applicant, resident/client, and Health Care Providers will be initiated by and directed to the 504 Coordinator. The following forms will be used when applicable:

1. Notice of Availability of Reasonable Accommodation

The “Notice of Availability of Reasonable Accommodation” form (“Notice”) will be posted at the DHA office at 777 Grant Street, Denver, Colorado. See Attachment 1. The Notice will also be posted and available upon request at all DHA-owned housing facilities, and will be distributed along with public housing interest cards and Section 8 lottery tickets whenever such are available. The Notice will be provided to all applicants who are approved for the public housing or Section 8 program. Finally, the Notice will be provided to all residents and clients during their annual re-examination and/or recertification.

2. Request for Accommodation and Health Provider Verification Forms

The “Form #1 - Request for Accommodation” form (“Request”) will be made available upon request at all DHA development offices, the Occupancy Department office and the Section 8 Department office, by phone to one of these offices, and on DHA’s website located at www.dhanet.com. See Attachment 2. If the applicant or resident/client requires assistance filling out this form, DHA will provide assistance in completing the form. The applicant or resident/client should request assistance from their Occupancy Interviewer, development manager or Section 8 Technician, as necessary. The “Form #2 - Health Care Provider’s Verification of Need for Accommodation in Housing Because of a Disability” form (“Verification”) and an Information Sheet for Completing the Health Care Provider’s Verification form will be distributed along with the Request. See Attachment 3. These forms will be provided in a packet with instructions regarding completion of the forms. Both the original Request and Verification, with original signatures of the applicant or resident/client and the Health Care Provider must be submitted to the 504 Coordinator, **BEFORE** the request can be processed.

3. Need for Additional Information or Verification

If for any reason, additional information is required in order to make a determination on the request, DHA may send the applicant, resident/client, or Health Care Provider a letter stating what additional information is required.

The letter should set forth the issues giving rise to the request for additional information, the reason the additional information is needed and examples of suggested sources of information or verification. The following are examples of situations requiring additional information:

- a. Issue: “Why do you need a sign language interpreter to drop off rent checks at DHA?”

Reason: “Usually, residents just drop off rent checks without discussion. We will provide communication assistance if you show it is necessary because there is something important you have to communicate each time.”

- b. Issue: “Why do you need a washer in your apartment even though the laundry room is accessible?”

Reason: “Neither your request nor the doctor’s letter explains what it is about the laundry room and/or its relationship to your apartment that makes the laundry room unusable for you. We will provide a washer in your apartment if you explain how it is necessary in order for you to have equal access to doing your wash.”

- c. Issue: “Why do you meet the definition of an ‘individual with a disability’?”

Reason: “If you do not meet this definition, we do not have to make the change you requested.”

4. Accommodation Approval or Denial

A response regarding the approval or denial of a request for an accommodation will be provided, in writing, within forty-five (45) business days of submission of the Request for Accommodation. If DHA does not receive all necessary information to make a determination within the designated time frames, the request will be denied because of a lack of information. DHA recognizes the following holidays, which will not be included in the forty-five (45) business days:

- New Year's Day (January 1st)
- M. L. King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)

- Independence Day (July 4th)
- Labor Day (1st Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (Friday following Thanksgiving)
- Christmas Eve (December 24th)
- Christmas Day (December 25th)

5. Reconsideration

From time to time, DHA denies requests for accommodation due to a lack of information. In these cases, the Health Care Provider, applicant or resident/client has not responded to DHA's request for additional information within the required time frame. As a result, DHA will reconsider its decision if the applicant or resident/client re-submits a completed request for accommodation packet. In other instances, DHA denies reasonable accommodation requests because the applicant or resident/client does not meet the requirements to receive a reasonable accommodation. As a result, DHA will not reconsider its decision unless there has been a material change in the request or the individual's disability.

IX. CONFIDENTIALITY

Confidentiality of all information submitted in furtherance of a Request for Accommodation will be maintained except (a) where written authorization is provided by the applicant or resident/client to make disclosures necessary to the determination of the request, (b) where necessary to the implementation of the request, or (c) as provided by law.

X. DHA 504 COORDINATOR

DHA will designate at least one employee to coordinate its efforts to comply with federal, state and local law. It will make available to all interested individuals the name, office address and telephone number of the employee so designated.

The DHA 504 Coordinator will be available to consult as needed and to provide advice to any DHA official making a determination on a reasonable accommodation request. The DHA 504 Coordinator may receive complaints and other reports of violations of governing law from DHA residents/clients, applicants, management, staff or interested persons outside DHA, and will investigate such complaints promptly. Following such investigation, the 504 Coordinator will make a determination on the complaint, and if necessary, take corrective action.

Currently, DHA's 504 Coordinator is Meichell Walsh, Legal Resources Manager. She may be contacted at 720-932-3000 or by mail at 777 Grant St., 4th Floor, Denver, Colorado, 80203.

XI. GRIEVANCES AND COMPLAINTS

Applicants denied a reasonable accommodation, or who believe that the approved accommodation will not meet their needs may request an informal hearing with the 504 Coordinator to discuss why their request was denied within seven (7) business days of the date on the denial or approval letter. The request for an informal hearing must state: (a) the name, address and telephone number of the applicant, and, (b) provide three (3) dates and times within fourteen (14) business days, from the date of the denial or approval letter, when the applicant can meet with the 504 Coordinator. The applicant will be notified in writing of the date and time of the informal hearing.

In compliance with the Admissions and Occupancy Policy, DHA will provide applicants with an opportunity for an informal review for denial of a request for accommodation, as described in the denial or approval letter sent to the applicant in response to a Request for Accommodation. This informal review will be conducted by a DHA staff member referred to as the "Hearing Officer," selected by DHA in its sole and absolute discretion. The applicant must follow all requirements as outlined in the denial or approval letter.

Only residents/clients may file a grievance pursuant to DHA's Reasonable Accommodation Grievance Procedure ("RAGP") as outlined in the denial letter. The RAGP is available for review on DHA's website at www.dhanet.com. A grievance is any dispute which a resident/client may have for DHA's failure to provide the requested accommodation. A person or his/her representative may present a grievance, in writing, to DHA within seven (7) business days after receiving the determination of DHA. The grievance must state: (a) the reasons for the grievance; (b) the name, address and telephone number of the resident/client, and, (c) provide three (3) dates and times in the following seven (7) business days when the resident/client or applicant can attend a hearing.

XII. REVISIONS

DHA may revise the RAHG, in its sole discretion, to effectuate the intent, purpose or interpretation to ensure continued compliance with applicable law, without notice to residents/clients, applicants, or other parties.