

7404 REQUEST FOR REASONABLE ACCOMMODATION BY PUBLIC HOUSING RESIDENTS AND APPLICANTS

7404.1 Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of District of Columbia and/or federal law;
- (b) A fundamental alteration in the nature of the DCHA public housing program;
- (c) An undue financial and administrative burden on DCHA;
- (d) A structurally unfeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

7404.2 All requests for reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the resident or potential resident, DCHA staff, or any person identified by the individual. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

7404.3 The Property Manager shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the resident in the opportunity to fully enjoy the dwelling unit or non-housing program.

7404.4 The following may provide verification of a resident's disability and the need for the requested accommodation:

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

7404.5 The property manager shall forward his or her recommendation and all materials and verifications to the Director of Housing Management in the Regional Office within ten (10) days of receipt.

7404.6 The Director of Housing Management for the Region may approve a request for a reasonable accommodation, but may not deny a request.

The decision to approve or deny the reasonable accommodation request shall be made as expeditiously as possible but must be within sixty (60) working days of the receipt of the request.

7404.7 All recommendations for denial from the Director of Housing Management for the Region must be forwarded to the ADA/504 Coordinator for further review and final determination.

7404.8 Once the decision has been made to approve a request for a reasonable accommodation, a copy of all documents shall be forwarded to the ADA/504 Coordinator.

7404.9 The resident will be notified in writing of the final reasonable accommodation determination by the ADA/504 Coordinator, Regional Office or property manager. If the accommodation is

approved, the resident will be notified of the projected date for implementation. If the accommodation is denied, the resident will be notified of the reasons for denial.

- 7404.10 All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the appropriate Regional Director of Housing Management for implementation. All requests for reasonable accommodation that are approved by the Director of Housing Management will promptly be implemented or begin the process of implementation.
- 7404.11 If a request for a reasonable accommodation is denied pursuant to the reasons provided in § 7404.1, DCHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by DCHA.
- 7404.12 DCHA shall not require 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 an adjacent project, DCHA may offer to transfer the resident to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that resident rejects the proffered transfer or voucher, DCHA shall make modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden.
- 7404.13 If the resident accepts the transfer, DCHA will work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within 30 days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of DCHA's Tenant and Assignment Plan and any resident's rights thereunder.
- 7404.14 When issuing a voucher as an accommodation, DCHA must include a list of current available accessible units known to DCHA, upon request. DCHA will also provide search assistance. DCHA may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing.
- 7404.15 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. Sign language interpreters and readers will be made available upon request.

SOURCE: Notice of Final Rulemaking published at 49 DCR 2468, 2472-74 (March 15, 2002).