

# **A DAY IN THE LIFE OF THE PUBLIC HOUSING PROGRAM**

*PROCESSING, VERIFYING & TRACKING  
REASONABLE ACCOMMODATIONS*

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## **DEFINITIONS**

- Reasonable Accommodation
  - ✓ Change to policies, rules, practice, or services that may be needed by a person with a disability to benefit from housing
- Reasonable Modification
  - ✓ Structural change to housing needed by a person with a disability
- There must be a nexus between the request and the individual's disability

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## SCENARIO

A resident requests new flooring, citing a severe carpet allergy. They presented a doctor's note to support their request.

- ✓ What would you do?
- ✓ Are allergies considered a disability?

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## SCENARIO

A maintenance tech was completing a work order in a resident's unit and while there the resident told him that she needed grab bars installed by her bathtub. A week later, the resident called the office complaining because her grab bars had not been installed yet.

- ✓ Was there a request for a reasonable modification?

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## SCENARIO

A resident has a live-in aide. The live-in aide has developed some health issues and can no longer provide the care the resident requires. The resident has requested to move the live-in aide to a household member and make a current household member the live-in aide.

- ✓ What would you do?

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## SCENARIO

The Property Manager informed a guest on the property that she was not permitted to bring her dog on the property. The guest became upset and accused the Property Manager of breaking the law as the guest claimed that it was a service animal.

- ✓ Who was in the right?

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## PROCESS FOR REQUESTING REASONABLE ACCOMMODATIONS

- No **required** process
- Does **NOT** have to be made by the person with a disability
- In some circumstances, PHA may be obligated to provide Reasonable Accommodation even if applicant/resident has not made a request

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## PROCESS FOR REQUESTING REASONABLE ACCOMMODATIONS

- Advocates frequently advise people with disabilities to use the following process:
  - ✓ Make the request in writing
  - ✓ Keep a copy
  - ✓ Make it clear what is being requested, and that the request is because of a disability
  - ✓ Provide contact information

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## RESPONDING TO REQUESTS FOR REASONABLE ACCOMMODATIONS

- **Respond** promptly and **Listen** to the request
- If it appears the request would “not be reasonable”, discuss alternative accommodations with person making the request
- Be very cautious about asking for too much information about the person’s disability

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## RECORDING THE REQUEST

- Complete a request form, even if the request is received orally
  - ✓ Place in tenant’s file
  - ✓ Forward copy to 504 Coordinator
  - ✓ Enter each request on the appropriate tracking form

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## REVIEW PROCESS



Contact the applicant/tenant  
and/or 504 Coordinator  
if more information is needed



The request should be approved or  
denied within 5 days of receipt,  
if possible

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## VERIFICATION PROCEDURES

- PHAs may obtain information necessary to evaluate if a Requested Reasonable Accommodation is necessary due to a disability
- If disability is obvious or otherwise known, and if the need for the accommodation is apparent or known, the PHA may not request any additional information

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## VERIFICATION PROCEDURES

- If a person's disability is not obvious or otherwise known, the PHA may request reliable disability-related information that:
  - ✓ Is necessary to verify that the person meets the 504 definition of disability
  - ✓ Describes the needed accommodation
  - ✓ Shows the relationship between the person's disability and the need for the requested accommodation

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## VERIFICATION OF DISABILITY

- Written third-party verification provided by applicant/tenant
- Written third-party verification form
  - ✓ Qualified professional who is treating the person for his/her disability

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## TRACKING REQUESTS



PHAs should develop a **Reasonable Accommodation/Modification Summary Log** to maintain a list of requests for Reasonable Accommodations and Modifications

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## REPORTING REQUIREMENTS ON HUD-50058

5e. Has the PHA identified this unit as an accessible unit? (Public Housing only) (Y or N)	5e.
5f. Has the family requested accessibility features? (Public Housing only) (Y or N) (if no, skip to next section)	5f.
5g. Has the family received requested accessibility features? (Public Housing only)	
<input type="checkbox"/> a. Yes, fully <input type="checkbox"/> b. Yes, partially <input type="checkbox"/> c. No, not at all <input type="checkbox"/> d. Action pending (can be checked in combination with b. or c.)	

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## TRACKING REQUESTS



PHAs should maintain a **Reasonable Accommodation/Modification Transfer List** to list the requests for transfers due to need for a Reasonable Accommodation/Modification

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## TRACKING REQUESTS



Update all applicable tracking logs as each action or decision is made

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## **RECOMMENDED RECORDKEEPING**

- Keep separate files containing copies of:
  - ✓ Reasonable Accommodation/ Modification Summary Log for each AMP and for the PHA overall
  - ✓ Reasonable Accommodations/ Modification Transfer Log for each AMP and the PHA overall

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## **MAINTAIN ALL RECORDS FOR AT LEAST 3 YEARS**

- If an applicant or tenant feels discriminated against, they can:
  - ✓ File a suit with HUD/State/local Fair Housing agencies within 1 year from the date of the alleged discriminatory act; or
  - ✓ File a private suit in Federal court within 2 years from the date of the alleged discriminatory act
  - ✓ Time frames do not include time that the allegation has been under investigation by a Fair Housing Enforcement Agency

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## APPROVE OR DENY?

- PHAs must approve the Reasonable Accommodation and/or make the Modification unless:
  - ✓ Request was not made by or on behalf of a person with a disability
  - ✓ There is no disability-related need for the accommodation/modification
  - ✓ Request is not "Reasonable"

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## APPROVALS

- Meet with the family to discuss the approval
  - ✓ How the accommodation will be provided
  - ✓ When it will be provided
  - ✓ Advise of any variations to the original request
  - ✓ Sign a Reasonable Accommodations Agreement form
  - ✓ Mail determination notice to family

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## WHEN IS A REQUEST UNREASONABLE?

- A Reasonable Accommodation request is unreasonable when:
  - ✓ It would pose an undue financial ***and*** administrative hardship, or
  - ✓ It would fundamentally alter the nature of the program

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## UNDUE FINANCIAL & ADMINISTRATIVE BURDEN

- Must be made on a case-by-case basis considering factors such as:
  - ✓ The cost of the requested accommodation
  - ✓ The financial resources of the PHA
  - ✓ The benefits that the accommodation would provide the requester, and
  - ✓ The availability of alternative accommodations that would meet the requester's disability-related needs

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## FUNDAMENTAL ALTERATION

An accommodation that alters the essential nature of the PHA's operations, including policies required by statute

### Examples:

- Any action that require substantial modifications to or the elimination of essential lease or program requirements
- Actions that would require the PHA/owner to provide supportive services outside of the scope of services the PHA/owner offers tenants

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## DENIALS

- Meet with the family to discuss the denial
  - ✓ How the determination was made
  - ✓ Administrative solutions
  - ✓ Explain the process of filing a Grievance, requesting an informal review/hearing, or filing a complaint
  - ✓ Mail determination notice to family

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## NOTICES OF DENIAL & APPEALS

- Mail a written notice of the denial
  - ✓ Provide information regarding the PHA's Grievance Procedures or informal review/hearing procedures
  - ✓ Advise that a person with a disabilities may request a Reasonable Accommodation to participate in the meeting or review/hearing
  - ✓ Right to representation

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