Baltimore County Office of Housing

REASONABLE ACCOMMODATIONS POLICY

Drumcastle Center
6401 York Road-1st Floor
Baltimore, Maryland 21212
410-887-2766
FAX (410) 887-8804
TTY users call via Maryland Relay
E-mail www.baltimorecountymd.gov

As of April 1, 2020

Version 1.1
REASONABLE ACCOMMODATIONS GUIDELINES AND POLICY

The following Reasonable Accommodations Policy shall be in effect for assessing requests for reasonable accommodations of housing choice voucher participants, project based voucher participants, and applicants with disabilities\(^1\) in programs administered by Baltimore County Office of Housing (BCOH). The Policy is not intended to be an exhaustive compilation of rules governing assessment by BCOH of requests for reasonable accommodations. If any conflicts exist or arise between this Policy and regulations issued by the U. S. Department of Housing and Urban Development, or future legal requirements, BCOH shall comply with its legal obligations notwithstanding the Policy.

I. General Principles

A. BCOH will assume as an initial matter that the individual requesting a reasonable accommodation is an expert with the respect to his/her disability and the accommodation that may be appropriate in relation to it. BCOH will also assume as an initial matter that the information the person provides regarding his/her needs is accurate and the method proposed for accommodating those needs is the most appropriate one to pursue. BCOH may seek from the person documentation and/or other verification of the effect of the disability on the person and the method(s) proposed to accommodate it. BCOH may offer alternative methods for providing the requested accommodation, however whenever possible, consideration shall be given to the individual’s request.

B. Procedures for evaluating requests for reasonable accommodations and responding to those requests should take place in the context of a cooperative relationship between BCOH and the individual.

C. Reasonable accommodations shall be focused on the individuals and designed to address each person’s situation. Any meetings that must be held concerning an individual’s request for a reasonable accommodation shall be held in a location accessible to the individual.

D. In some cases, non-disabled persons may (incorrectly) perceive reasonable accommodations as conferring a special advantage on persons with disabilities. However, BCOH will not base its decisions on how those decisions will be perceived, but rather on whether the requested accommodation will be effective in

\(^1\) For purposes of his policy, the preferred term “disability” includes within its scope the term “handicap”.

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removing barriers that interfere with the ability of the individual with a disability to access, use, and equally enjoy the benefits of the housing program.

II. Notice and Posting

A. A copy of this Reasonable Accommodation Policy shall be posted and available at BCOH’s main business offices.

B. This Policy shall be posted on and available for download on BCOH’s website.

C. BCOH shall include in prominent type and location on all notices and written communications to voucher participants and applicants the following: “If you are a person with a disability you may ask for an accommodation based on your disability. To have assistant in understanding or completing BCOH forms, or to use BCOH service or housing. Contact: Reasonable Accommodation Coordinator at 410-887-3435 or mbmosley@baltimorecountymd.gov.

III. Procedures

A. BCOH has developed and implemented procedures though which individuals may request a reasonable accommodation, as described herein. The process for making such requests is designed to be accessible to all person. All communications that are a part of the process should be in plain language that the individual applicant can understand, in a format that is appropriate to meet the needs of the person with disabilities. Where appropriate, BCOH shall follow its Effective Communication Policy.

B. BCOH employees may ask individuals requesting a reasonable accommodation to complete a Reasonable Accommodation Request Form (attached as Form 1) and when needed a Verification Form (attached as Form 2). Copies of the Reasonable Accommodation Request Form and Verification Form shall be kept at BCOH’s main business offices. BCOH shall also accept verbal and other written requests for accommodations.

C. All request received by BCOH, either written or orally, shall be entered into BCOH’s centralized database for tracking reasonable accommodations requests promptly within recipe of the request. The Reasonable Accommodation Coordinator, or designees, shall be responsible for ensuring that all reasonable accommodation requests received are entered into BCOH’s centralized database and are responded to timely as set forth in this Policy.
D. BCOH shall provide a receipt to every individual who makes a reasonable accommodation request. Each receipt shall include the time and date the request was made.

E. Individuals may submit reasonable accommodations requests to rental specialists.

F. Requesting for additional documentation to verify a disability shall be made in writing as soon as possible as and no later than 10 (ten) days from the request being received. BCOH may ask individuals to provide verification information on a Verification Form (attached as Form 2). BCOH may verify an individual’s disability only to the extent necessary to insure that the individual has a need for the request accommodation. For example, BCOH will not require that a resident using a wheelchair requesting a wheel-chair accessible unit, produce verification of the applicant’s disability or need for a wheelchair accessible unit. Coversyl, BCOH may request documentation to verify the same resident’s disability related need for an emotional support animal.

G. Decisions on requests for reasonable accommodation shall be made within 10 (ten) days after the date on which the request is complete. A request shall be considered complete when BCOH receives the request and any other information reasonably required by BCOH to evaluate the request, such as verification of any aspects of the request for an accommodation, the individual supply additional information that is reasonably necessary for the BCOH to make a decision on the individuals request information, or otherwise respond to the BCOH’s request within a reasonable time period.

H. Any employees of BCOH may approve a reasonable accommodation request, however, the request must still be documented in accordance with this policy. The Reasonable Accommodation Coordinator is responsible for receiving, reviewing recommending approvals as well as ensuring that approved accommodation is provided. Only the Reasonable Accommodations Coordinator or Executive Director of BCOH may deny a reasonable accommodation request. If BCOH believes that the request is not reasonable, BCOH must engage in an interactive process with the individual to determine if there are alternative suitable accommodations that can be offered.

I. Any denial of a request for reasonable accommodations shall explain to the individual in writing the basis for the decision and the reason(s) why the request is being denied. The individual requesting the accommodation shall also be informed of his or her right to request a grievance in the decision.

J. Any approval of request for reasonable accommodation shall be communicated in writing. It shall describe the accommodation that will be provided and shall indicate
the date for implementation, which shall be as soon as practicable and except as explained in the approval notice no later than 10 days from the date of decision. The individual requesting the accommodation shall also be informed that if he or she believes the accommodation approved will not meet his or her needs or will take too long to provide, a grievance may be requested in accordance with BCOH’s grievance polices as set forth in its Administrative Plan.

K. The written decision will be forwarded to the Reasonable Accommodation Coordinator, who will implement the final decision as soon as practicable and as general rule no later than 30 days from receipt of the written decisions, unless he or she advised the applicant in writing of the reason for the delay and provides an estimated implementation date and right to request a grievance.

IV. Assessment of Requesting

A. In determining whether or not to grant a reasonable accommodation, BCOH shall consider the following factors:

1. The individual is a qualified “individual with disability”. A person is an “individual with a disability” if he or she has, or has a record of having, or is regarded as having, physical or mental impairment which sustainably limits one or more of his or her major life activities. However, the current, illegal use of or addiction to a controlled substance along not qualify as disability.

2. The requested accommodation may be necessary to provide an equal opportunity to use and enjoy BCOH’s programs or service.

3. Whether the requested accommodation is “reasonable”. A request for an accommodation shall be considered to be “reasonable “as long as it does not create an undue financial hardship and administrative burden or constitute a fundamental alteration in a housing program.

   a. The determination of whether an accommodation constitutes an undue financial and administrative burden shall be made on a case by case basis.

   b. If granting the requested accommodation would constitute an undue financial and administrative burden, BCOH shall propose any other action that will not result in or require an alternation or burden.

   c. If granting the requested accommodation would constitute a fundamental alteration in the housing program, BCOH may deny the request. For example, BCOH may refuse to walk a resident’s service dog as doing so is a fundamental alteration of its programs and services, whereas permitting the resident to have service dog would not be a fundamental alteration.
d. BCOH should consider providing the accommodation requested by the individual as the accommodation most likely to address the individual’s need. If there are a number of different accommodations that would satisfy the needs of the person with the disability, BCOH may select the option which is most convenient and cost effective, provided the option provides an equally effective alternative to the requested accommodation.

B. The verification source shall be a person with appropriate credentials and current knowledge of the participant’s or applicant’s disability who is able to make an informed judgment based on that knowledge. If the participant or applicant is unable to provide such a verification source, Reasonable Accommodation Coordinator shall discuss alternative sources available to evaluate the participant’s or applicant’s needs.

C. BCOH will not deny a request for reasonable accommodation based on a lack of sufficient information without first informing the individual requesting the accommodation of its need for additional information and affording the individual a reasonable opportunity to provide it.

D. If a requested accommodation is unlikely to provide the disabled individual with an equal opportunity to use and enjoy the housing, the BCOH need not grant that accommodation.

E. If the individual’s requested accommodation would, based on objective evidence, pose a direct threat to the health or safety of others or result in substantial physical damage to the property of others, the BCOH need not grant the accommodation.

V. Communications with Disabled Applicants or Residents

A. When auxiliary aids or services aids or services are necessary to provide effective communications, BCOH shall follow its Effective Communication Policy.

VI. Third Party Representatives

A. An individual with a disability who makes a reasonable accommodation request may authorize a third party representative to act on his or her behalf in dealing with the BCOH.

B. Upon presentation of appropriate authorization, a third party representative may request a reasonable accommodation request on behalf of a person with a disability.

VII. BCOH Reasonable Accommodation Coordinator

A. BCOH shall notify all voucher participants, and applicants upon an initial and continuing basis that there is a Reasonable Accommodation Coordinator and shall
identify the Department, address and the telephone number (including TDD number). Methods of notification may include periodic posting of notices, distribution of written communications, and statements made in general information or resident publications. Notice shall be made available in accessible formats for persons with disabilities.

B. The Reasonable Accommodation Coordinator shall be responsible for overseeing the implementation and operation of the BCOH’s reasonable accommodations policies, and for coordinating all BCOH efforts to comply with the provisions of federal, state and local law governing reasonable accommodation in housing. Where the coordinator believes that certain corrective action is necessary, he or she shall directly advise the BCOH official involved or if deemed appropriate shall make a recommendation to the Executive Director who will in turn take appropriate action. The Coordinator shall be available to BCOH applicants and voucher participant as well as staff to answer questions and to deal with issues regarding reasonable accommodation requests.

C. The Reasonable Accommodation Coordinator may receive complaints or other reports of non-compliance with the reasonable accommodations policies from BCOH voucher participant, applicant, management staff, or interested persons outside the BCOH and shall investigate such complaints promptly. Following such investigation, the Coordinator shall report his or her finding and any remedial action determined to be necessary to the Executive Directors, who has the authority to take remedial or other action. This procedure shall be independent of the appeal procedures set forth in the reasonable accommodations policy for BCOH voucher or project based participants or applicants who have requested reasonable accommodation for disability and have been denied.

D. The Reasonable Accommodation Coordinator shall be responsible for ensuring that all BCOH employees and staff are trained on this policy and all applicable federal state and local requirements regarding reasonable accommodations.

VIII. Confidentiality

A. BCOH shall, consistent with the applicable laws, develop procedures for keeping information related to an individual’s disability confidential and available only to person with BCOH who are directly involved in decisions regarding the request for reasonable accommodation, and other authorized parties.

B. All decisions made by the BCOH on a reasonable accommodation request shall be kept confidential except insofar as disclosure is necessary to implement an
approved accommodation or to comply with the review and appeal procedures set forth herein.

C. Federal, state, and local civil rights enforcement agencies shall be provided with such information and documents as is authorized by law.

D. Individuals requesting a reasonable accommodation based on disability shall, upon request to BCOH, be entitled to access all documents in their BCOH files which relate to their reasonable accommodation request, in accordance with the applicable law. In addition, authorized third party representative shall be provided access to such documents upon written request of an individual with a disability.

E. The BCOH shall keep written records in participant or applicant files of its decisions to grant or deny any request for reasonable accommodation for a period of no less than three (3) years from the date of the request.

IX. Non-Retaliation

A. BCOH shall not discriminate or take any retaliatory action against a person who has requested a reasonable accommodation on the basis of a disability, or who has assisted or encouraged any other person to request such an accommodation.

B. BCOH shall not discriminate or take any retaliatory action against a person who has exercised his or her right of appeal or filed an administrative agency complaint or sought judicial review on a reasonable accommodation request, or who has assisted or encouraged another person to do so, or who has assisted in the investigation of a reasonable accommodation claim.

X. Tracking & Recordkeeping

A. The Reasonable Accommodation Coordinator shall maintain a record of how and when the notices required by this section are provided to applicants and voucher participants.

B. Copies of all reasonable accommodation request and BCOH’s response shall be kept for the duration of 3 years.

C. The Reasonable Accommodation Coordinator will maintain a centralized database for tracking reasonable accommodations requests which will include the date the request was made; the date a response was provided to the individual from BCOH; the response and the rationale for BCOH’s response; the date the accommodation is scheduled to be provided; any extension made in the provision of the
accommodation; and the identification of the individual requesting or receiving the accommodation.

D. BCOH shall maintain copies of information required by paragraph VIII (E) in the individual file of any applicant or voucher participant requesting reasonable accommodation. Copies of the following documents shall also be kept in such file: the Request(s) for Reasonable Accommodation; the Denial or Approval Notice(s); any final decision following an informal hearing any settlement agreements; any decision(s) of the Grievance Officer or BCOH Board of Commissioner; any decision(s) of an administrative agency or a court; documentation that an approved accommodation has been implemented; and all correspondence between the applicant or participant and the BCOH, and between the BCOH and verification sources concerning the reasonable accommodation request.

XI. Grievances

A. If the requesting individual with a disability is not satisfied with BCOH’s response to the individuals request for a reasonable accommodation, the individual may request a Grievance in accordance with BCOH’s Administrative Plan and the procedures set forth therein.