HOUSING AUTHORITY OF THE CITY OF BAYONNE

THE NON-DISCRIMINATION AND REASONABLE ACCOMMODATIONS POLICY WITH REGARD TO PERSONS WITH DISABILITIES PARTICIPATING IN THE PUBLIC HOUSING AND/OR SECTION 8 HOUSING CHOICE VOUCHER PROGRAMS ADMINISTERED BY THIS HOUSING AUTHORITY IS AS FOLLOWS:

INTRODUCTION

The Federal Fair Housing Act (the Act), Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA) cover the rights of persons with disabilities.

The Federal Fair Housing Act (Act) makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance. Specifically, it states that "No otherwise qualified individual with disability in the United States shall solely by reason of his or her disability, be excluded from the participation in be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..." Section 504 mandates that recipients of Federal funds designate a Section 504 coordinator to ensure compliance with Section 504 requirements. The Housing Authority of the City of Bayonne (the Authority) receives Federal funds.

Therefore, the Authority has designated Hernan Bracero as the Section 504 Coordinator. Hernan Bracero may be reached at hbracero@bayonneha.org. 549 Avenue A, Bayonne NJ 07002, phone 201-339-8700 Ext. 1035, fax 201-436-0990. Accessibility for the hearing impaired is provided by the TTY/TTD telephone number 201-339-5283. The National TTD Line is 711.

The ADA prohibits discrimination on the basis of disability by public entities. Specifically, it states "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity…"

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The Act, Section 504, and the ADA require Public Housing and Section 8 agencies to affirmatively ensure that people with disabilities are given an equal opportunity to participate in the programs administered by the Authority. HUD's Section 504 regulations, which are contained in 24 C.F.R.§ 8, provide a more detailed explanation of Public Housing and Section 8 responsibilities. The regulation requires that a qualified person with a disability:

a. Must meet the essential eligibility requirements for Public Housing and Section 8 assistance; and
b. Must be afforded an opportunity equal to that afforded to others; and/or
c. Must be provided housing or benefits afforded to others; and/or
d. May not be provided different or separate housing or benefits unless necessary to provide the person with a disability with housing or benefits that are as effective as those provided to others.

The Federal law regarding disabled persons is designed to afford people with disabilities an "equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement" as those who do not have disabilities.

The Authority is obligated to administer its Public Housing and Section 8 Program in the most integrated setting possible that is appropriate to the needs of qualified individuals rather than to separate the individual from the general population.

A participant with a disability must ask for an accommodation of the disability before the Authority treats him/her differently. A reasonable accommodation request can be made orally or in writing or may be reduced to writing by a staff member from the BHA. However, it is extremely helpful for both the requestor and the Authority if the request for the reasonable accommodation is made in writing. The Authority will consider the request for a reasonable accommodation even if the individual does not utilize the agency's forms or procedures for making the request. Requests for reasonable accommodation from a person with a disability will be granted when the Authority has determined that granting the accommodation would be consistent with HUD policies and pertinent Federal, State and local regulations. The Authority 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 an individual can make.

1) ***A person with disabilities is defined as:*** Individuals with a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

2) ***Physical or mental impairment means:***

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

(iii) Or any other disability not expressly mentioned herein, but covered under applicable regulations: 24 CFR Parts 8 & 100 as well as 28 CFR Part 35.

3) ***Physical or mental impairment*** includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. ***Physical or mental impairment*** **does not include homosexuality or bisexuality.**

4) ***Major life activities*** include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and

(ii) The operation of a ***major bodily function***, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

1. ***Substantially limits***.

(i) The term "substantially limits" shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. "Substantially limits" is not meant to be a demanding standard.

(ii) The primary object of attention in cases brought under title II of the ADA should be whether public entities have complied with their obligations and whether discrimination has occurred, not the extent to which an individual's impairment substantially limits a major life activity. Accordingly, the threshold issue of whether an impairment substantially limits a major life activity should not demand extensive analysis.

(iii) An impairment that substantially limits one major life activity does not need to limit other major life activities in order to be considered a substantially limiting impairment.

(iv) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(v) An impairment is a disability within the meaning of this part if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.

(vi) The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term "substantially limits" shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for substantially limits applied prior to the ADA Amendments Act.

(vii) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence. Nothing in this paragraph is intended, however, to prohibit or limit the presentation of scientific, medical, or statistical evidence in making such a comparison where appropriate.

(viii) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

(ix) "The six-month "transitory" part of the "transitory and minor" exception in paragraph (f)(2) of this section does not apply to the "actual disability" or "record of" prongs of the definition of "disability." The effects of an impairment lasting or expected to last less than six months can be substantially limiting within the meaning of this section for establishing an actual disability or a record of disability.

No individual shall be considered to be a person with disabilities for purposes of housing assistance eligibility solely based on the current, illegal use of or addiction to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

ACCOMMODATIONS POLICY

Sometimes, people with disabilities may need a reasonable accommodation in order to take full advantage of the Authority's programs and related services. When such

accommodations are granted, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

This policy is applicable to all Authority situations described in the Authority's Public Housing Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan when a family initiates contact with the Authority, when the Authority initiates contact with a family, including when a family applies, and when the Authority schedules or reschedules appointments of any kind.

The Authority's operating policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing programs and related services. Except as otherwise provided in 24 CFR.§ 8, no individual with disabilities shall be denied the benefits of, be excluded from participation or otherwise be subjected to discrimination because the Authority facilities are inaccessible to or unusable by persons with disabilities.

The Authority is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone number and by the National TTD Line. The phone number is local number is 201-339-5283. The National TTD Line is 711. The Authority will make written communications available using the appropriate auxiliary aids if requested by an individual with disabilities.

Notifications of reexamination, inspection, appointment, termination of assistance or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by a Public Housing tenant or Section 8 participant will include information about requesting a reasonable accommodation.

A disabled applicant or tenant may request a reasonable accommodation at any time in the application process or at any time they need an accommodation.

The Authority is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious or otherwise known, and if the need for the requested accommodation is also readily apparent or known, then the Authority cannot ask for any more information.

If the requester's disability is known or obvious, to the provider, but the need for the accommodation is not, the provider may request only information that is necessary to evaluate the need for accommodation.

If neither the disability nor the need for accommodation is readily apparent, the Authority may request verification to determine the nexus between the person's disability and the requested accommodation. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about

the individual's disability may also provide verification of a disability. An individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry. Proof of receipt of government benefits may be used as verification of a disability (e.g. Social Security Disability Income).

Once the Authority has established that a person meets the Act, Section 504 and/or the ADA's definition of disability, the Authority's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law (*e.g.*, a court-issued subpoena requiring disclosure).

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, an Authority staff member may upon request:
    1. Reschedule the interview to accommodate the family's needs;
    2. Conduct the interview by phone and mail the documents to the family for signature;
    3. Schedule a non-office visit, such as a hospital or home visit.

B. If a person with disabilities has difficulty understanding or filling out forms, staff shall assist the individual with filling out Reasonable Accommodation forms if requested and advise the person with disabilities that he or she may bring someone with him or her to assist in the interview or otherwise delegate someone to act on their behalf.

C. If a person with disabilities has a hearing impairment, the Authority shall provide, the auxiliary aid(s) and services that the person may request (e.g. note taker, video text display, sign language interpreter, etc.).

D. If a person with disabilities has a vision impairment, if requested, the Authority shall:
    1. Assist as a reader in completing forms;
    2. Provide alternate format materials or any auxiliary aid(s) that the person may request (e.g. larger font).

E. Reissue or extend a voucher so that the family can locate a unit that has necessary accessibility features and go beyond the payment standards as necessary.

The Authority's 504 Coordinator will review thoroughly each request for reasonable accommodation(s) and make a decision regarding the approval or denial of same. Such decision, and the reason(s) for same, shall be transmitted, in writing, to the applicant/resident within the time period that follows receipt of the request that follows:

1. Twenty-four (24) hours for requests related to life safety;
2. Five (5) to ten (10) calendar days for most other requests;
3. To a maximum of thirty (30) calendar days.

All decisions granting or denying requests for reasonable accommodations will be made in writing, unless an alternative method is required due to a visual impairment (such as an email notification of the decision in a text-to-speech reader format. Throughout the entire process, the Authority shall engage in an interactive process with the requestor to explore any alternative accommodations that meet the disability related needs of the requestor.

Generally, the individual knows best what it is that they need. However, the Authority retains the right to ask how the requested accommodation enables the individual to access or use the Authority's programs or services if it is not obvious. There must be a connection or link between the stated disability and the accommodation requested.

No Documentation of Need for a Reasonable Accommodation

1. No documentation of disability and need for an accommodation may be requested of an individual with disabilities, if all of the following exist:

    a. The individual has an obvious and/or visible disability (such as an individual who regularly uses a wheelchair or an individual with a hearing impairment); and

    b. 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);

    c. Documentation has already been submitted and is in the file.

2. The Request for Reasonable Accommodation need not be in writing. However, a written request must be signed and dated by the person needing the accommodation. Unless the request is being made on behalf of a minor who lacks legal capacity. In such cases the form must be signed and dated by the parent, guardian, conservator, or attorney in fact who holds an appropriate power of attorney or any other person who represents the disabled person.

3. If the Authority cannot ascertain whether or not the requested accommodation is related to the disability, the individual will be informed that third-party verification of need for the accommodation requested is required.

The Authority will bear the burden of any necessary costs to carry out approved requests including requests for reasonable modifications.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

The Authority may deny a request for a reasonable accommodation if it would impose an

undue financial and administrative burden or if it would fundamentally alter the nature of the Authority's housing program. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as:

a) The cost of the requested accommodation,
b) The financial resources of the Authority
c) The benefits that the accommodation would provide to the requester, and
d) The availability of alternative accommodations that would effectively meet the requestor's disability-related needs.

Prior to denying a reasonable accommodation request for undue financial and administrative burden, the Authority must engage in an interactive process with the requester to discuss alternative accommodations to meet the requester's needs without causing undue burden. However, HUD FHEO retains the Authority to determine if an undue financial and administrative burden is met.

If a request for reasonable accommodation is approved, and a transfer is required, the individual's name will be placed on a transfer waiting list if no appropriate unit is available. Prior to wait list placement, however, the Authority will have performed the following review: (1) evaluate 504 accessible units to ensure that existing occupants have a disabling need for the accessibility features of such unit, and (2) verify ground-level units to ensure that none of its occupant families require relocation do to over-housing or under-housing occupancy issues. Transfers approved as reasonable accommodations will be placed above other regular transfer requests on the waiting list.

REASONS FOR DENIAL

An individual's refusal to sign and/or submit any/all forms pertaining to their request will not be grounds for denial or a request. However, alternative verification may be necessary.

All tenants and applicants always have the right to file a complaint with the US Department of Housing and Urban Development (HUD) at any time. A complaint can be filed with HUD by calling 800-496-4294 or TTY (212) 264-0927, visiting the following website https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint, sending a fax to (212) 264-9829 or e-mailing Complaints_office_02@hud.gov.

HOUSING AUTHORITY OF THE CITY OF BAYONNE

REASONABLE ACCOMMODATION REQUEST
(USE OF THIS FORM IS OPTIONAL)

Please Circle: Applicant Resident HCVP ("Section 8")

Name: _____

Address:
_____

Phone: _____ *Date*: _____

If additional space is needed, please use a separate sheet

1. Name of Applicant/Participant/Resident who requires a Reasonable Accommodation:
_____

2. Please state specifically what reasonable accommodation(s) is/are being sought:
_____

3. Please explain how this accommodation will alleviate symptoms or help the person with the disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces:
_____
_____
_____
_____

4. If the disability is not obvious, the Authority may need additional information. To show
that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. If this is the case, the Authority will notify the requester what additional information is needed to verify the nexus between the disability and/or the need for the accommodation.

Applicant/Participant/Resident Signature Date	

_____
Staff Signature /Date (If completed by Staff Member)

HOUSING AUTHORITY OF THE CITY OF BAYONNE

REASONABLE ACCOMMODATION THIRD PARTY VERIFICATION

Please complete this form as soon as possible. If you have any questions, please contact Mr. Hernan Bracero at hbracero@bayonneha.org or 201-339-8700, between the business hours of 9:00AM and 4:30 PM, Monday through Friday. The referenced individual has identified you as a person who can verify his/her need for a reasonable accommodation, based upon disability. **(NOTE: Do not send medical records or include any details which disclose the nature or severity of the disability.)**

A person with disabilities is defined as:
Individuals with a physical or mental impairment that substantially limits one or more major life activities of such individual;

1. ***Physical or mental impairment*** means:

   (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

   (ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

2. ***Physical or mental impairment*** **includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.**

3. ***Physical or mental impairment*** **does not include homosexuality or bisexuality.**

(c) ***Major life activities*** **include, but are not limited to:**

(i) **Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and**

(ii) **The operation of a *major bodily function*, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.**

(d) *Substantially limits.*

(i) The term "substantially limits" shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. "Substantially limits" is not meant to be a demanding standard.

(ii) An impairment that substantially limits one major life activity does not need to limit other major life activities in order to be considered a substantially limiting impairment.

(iii) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(iv) An impairment is a disability within the meaning of this part if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.

(v) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence.

No individual shall be considered to be a person with disabilities for purposes of housing assistance eligibility solely based on the current, illegal use of or addiction to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

1. Person with need for a reasonable accommodation: _____

2. Explain if this Person is Disabled, as defined above:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

3. What specific reasonable accommodation would this person need to enjoy equal access to the Housing Authority's Programs:

_____
_____

_____
_____
_____
_____
_____
_____
_____
_____

Name: _____
Title: _____
Address: _____
_____

_____
Signature/ Date

_____
Staff Signature /Date (If completed by Staff Member)