

BELOW MARKET RATE HOUSING PROGRAM
ACCOMMODATION POLICY

I. INTRODUCTION

This policy governs applicant and resident requests for accommodations with respect to the Below Market Rate (“BMR”) Housing Program administered by the City of Palo Alto (City) and/or PAHC Housing Services LLC (PAHC). The policy conforms to the requirements of the federal Fair Housing Act, the Americans with Disabilities Act and the Section 504 of the Rehabilitation Act (and implementing regulations), and to the requirements of the California Fair Employment and Housing Act and of the Unruh Civil Rights Act, under which it is illegal to refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, as well as public and common use areas.

II. DEFINITIONS

A. For purposes of this Policy, these terms have the following definitions:

1. “Accommodation” means a change in any rule, policy, practice or service that will enable an otherwise qualified person with a disability to access affordable housing opportunities.
2. “Disability” means a physical or mental impairment that substantially limits one or more major life activities including, but not limited to, self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, interacting with others and working. Furthermore, the term “person with a disability” includes a person who has a record of such impairment (even if the impairment no longer exists) or is regarded as having such an impairment (even if the impairment never existed). However, this definition does not include current illegal use of a controlled substance. The fair housing laws also prohibit discrimination, on the basis of disability, against individuals who are associated with a resident or applicant with a disability.
3. “Undue financial burden” means a monetary cost that is substantial when compared to the operating revenues generated by PAHC and/or the resources available to the City for affordable housing opportunities.
4. “Undue administrative burden” means a substantial increase, as measured in time and complexity, in the tasks required to be performed by the staff, contractors and consultants of City and PAHC.

5. “Fundamental alteration” means a) actions that would require substantial modifications to or the elimination of essential lease or program requirements; b) actions that would require the BMR Housing Program to provide supportive services that fall outside the scope of the services offered; or c) actions that would require the BMR Housing Program to offer housing of a fundamentally different nature than the type of housing offered.

III. STATEMENT OF POLICY

In compliance with the federal Fair Housing Act, the Americans with Disabilities Act and the Section 504 of the Rehabilitation Act (and implementing regulations), and the requirements of the California Fair Employment and Housing Act and of the Unruh Civil Rights Act, City and PAHC will make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford an otherwise qualified person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas. The law requires City and PAHC to incur reasonable costs to accommodate applicants and residents. An accommodation is reasonable provided it does not impose undue financial and administrative burdens or constitute a fundamental alteration of the relevant housing program.

IV. NOTIFICATION OF RIGHT TO REQUEST ACCOMMODATIONS

In fulfillment of their obligations under federal and state law, City and PAHC will post a statement concerning reasonable accommodations on any website advertising the BMR Housing Program and in a prominent place in the offices of each entity, and incorporate such statement into its BMR Housing Program brochures, application forms, and correspondence denying applications for tenancy or homeownership. Such statement shall be substantially similar to the following:

NOTICE OF RIGHT TO REASONABLE ACCOMMODATION

The City of Palo Alto is committed to accommodating people with disabilities.

If you have a disability and as a result of your disability you need:

- * a change in our rules or policies or how we do things,
- * a change in the way we give you information or communicate with you, or
- * a change in your unit or other part of the building,

and such a change would give you an equal chance to participate in our BMR Housing Program or make it easier for you to live in the building or use the facilities,

you can ask for this kind of change, which is called a Reasonable Accommodation.

If you can show that you have a disability and if your request is reasonable, not too expensive, and not too difficult to arrange, we will make the changes you request.

We will respond to your request within 10 business days unless there is a problem getting the information we need to make a decision or unless you give us a longer time. We will let you know if we need more information or if we would like to talk to you about other ways to meet your needs.

If we turn down your request, we will explain the reasons in writing and you can give us more information if you think that would help. You can also request to meet with the City's Equal Opportunity Officer by contacting [Name of officer and contact information]. You also have the right to make a complaint to the Department of Fair Employment and Housing, at 1-800-233-3212.

If you need help filling out a Reasonable Accommodation Request Form, we will help you.

You can get a Reasonable Accommodation Request Form from [Name of Responsible Party or Position].

V. ACCOMMODATIONS PROCESS

- A. An applicant or resident may request an accommodation at any time by submitting a written request to the BMR Administrator at PAHC or designee. City and PAHC are prohibited by law from asking whether an applicant or resident has a disability (except for purposes of assessing eligibility for housing that is set aside for people with disabilities, or where people with disabilities are entitled to a priority in admission or purchase) and from inquiring about the severity of any disability. As a consequence, City and PAHC will not assume that an applicant or resident needs an accommodation until such a request is made by or on behalf of such a person.
- B. Such request shall be made on the form provided by PAHC, and must include the requester's name and contact information, a statement that the requester has a disability, a description of the requested accommodation and information by which PAHC may obtain verification. PAHC will provide alternative means of

making such a request for any individual whose disability impairs his or her ability to make the request in writing; for instance, assistance in completing the form will be provided and verbal requests will be permitted when necessary because of the individual's disability.

- C. Following receipt of an accommodation request, the law permits City and PAHC to verify that:
1. The requester meets the definition of disability in the federal Fair Housing Act, the Americans with Disabilities Act and the Rehabilitation Act, Section 504 (and implementing regulations), the California Fair Employment and Housing Act and the Unruh Civil Rights Act; and
 2. The accommodation is necessary to provide equal housing opportunity for the requester. City and PAHC will consider an accommodation "necessary" when it is required in order to allow an otherwise qualified person equal access to BMR housing opportunities.
- D. Once the necessary verifications have been obtained, City and PAHC will determine, within ten (10) business days, whether the requested accommodation is reasonable. In the event the complexity of the request or verification thereof prevents a response within ten (10) business days, City and PAHC will advise the requester of its efforts to date and the projected time by which a response will be provided. In no case, however, shall City and PAHC take more than thirty (30) business days to provide a response.
- E. City or PAHC will provide a written response to the accommodation request, specifying whether or not the accommodation will be provided. When an accommodation request is denied because it would impose an undue financial or administrative burden, or because it would constitute a fundamental alteration, City or PAHC must provide the requester with a written explanation for such a denial. City and PAHC will work with the requester to determine an alternative accommodation which may be effective in meeting the requester's needs without imposing an undue burden or constituting a fundamental alteration.
- F. Any individual whose accommodation request is denied shall have the right to meet and discuss the matter with the equal opportunity officer for City or PAHC. Requests may be made by contacting: [Name, Address, Phone Number] All such requests must be made within ten (10) business days of receipt of the denial letter.

Any individual who believes he or she has been the victim of discrimination,

including the failure to make a reasonable accommodation, may file a complaint with state and federal agencies with appropriate jurisdiction and will not be retaliated against because of such complaint.