

## Procedures And Guidelines For Responding To Requests For Reasonable Accommodation

1. We operate these facilities according to applicable Civil Rights laws, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as amended, Section 504 of the Rehabilitation Act of 1973, Executive Orders 11063, 11246 and 12892, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and the United States Constitution. We do not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, our federally assisted programs and activities.
2. The person named below has been designated to coordinate our compliance with the applicable Fair Housing and Civil Rights laws, including but not limited to, the Regulations issued by the Department of Housing and Urban Development (“HUD”) implementing Section 504 of the Rehabilitation Act of 1973 (24 C.F.R. Part 8), and implementing Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (24 C.F.R. Part 100), and similar Regulations issued by Rural Development (“RD”) (7 C.F.R. § 1930.103, 7 C.F.R. § 1930.104 and 7 C.F.R. Part 1930-C, Exhs. B II and VI):

Ms. Shelly Vowels  
Fair Housing Compliance Coordinator  
P.O. Box 99564  
Louisville, Kentucky 40269-0564  
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Kentucky Hearing Impaired Relay Service 711

3. Upon a request made by an applicant or resident with a disability, or made by someone who is acting on his/her behalf, we will make a reasonable accommodation (change, exception or adjustment) in our rules, policies, practices and procedures in order to enable the applicant or resident with a disability to have an equal opportunity to access, use and enjoy a dwelling unit and the public and common use spaces of the property, or to participate in or have access to any other activities conducted or sponsored by us.
4. Upon a request made by an applicant or resident with a disability, or made by someone who is acting on his/her behalf, subject to the provisions set out hereinbelow and subject to the Uniform Federal Accessibility Standards or such other methods that provide for substantially equivalent or greater access to and usability of our buildings, we will make and pay for such structural modifications to dwelling units and common areas as are needed as a reasonable accommodation to enable the applicant or resident with a disability to have an equal opportunity to access, use and enjoy a dwelling unit and the public and common use spaces of the property.
5. A person with a disability is any person who:
  - a) Has a physical or mental impairment that substantially limits one or more major life activities;
  - b) Has a record of such an impairment; or
  - c) Is regarded as having such an impairment.

The definition does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the housing program or activities, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

As used in this definition, the phrase “physical or mental impairment” includes:

- a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- b) Any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such disease and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.
- c) “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

“Has a record of such an impairment” means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” means:

- a) Has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as constituting such a limitation;
  - b) Has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment; or
  - c) Has none of the impairments defined in this section but is treated by another person as having such an impairment.
6. A requested accommodation is necessary when there is an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.
7. The Request For A Reasonable Accommodation form (No. 047-B), shall be readily available to all applicants and residents in the rental office on site and a copy will be mailed to any applicant or resident upon request. The Request For A Reasonable Accommodation form is designed to help us and applicants/residents avoid misunderstandings about what is being requested, or whether the request was made. It is recommended that all requests for a reasonable accommodation be reduced to writing on a Request For A Reasonable Accommodation form. If an applicant/resident is reluctant to use the form, we will explain to the applicant/resident the advantages of using the form, and reassure the applicant/resident that we are sincerely willing to provide him/her with any assistance he/she may need to fill out the form. We will give appropriate consideration to all reasonable accommodation requests, even if the requester does not use our “Request For A Reasonable Accommodation” form, or makes his/her request orally, or otherwise does not follow our procedures for making a request. Once we receive a request from an applicant/resident that we reasonably understand to be related to a disability, we will follow the procedures and guidelines set out herein and respond to the applicant/resident in a timely manner.

8. The person requesting the reasonable accommodation is usually an expert in regard to his or her own disability and the accommodation that may be appropriate. Generally, we will presume that the information the person provides concerning his or her own needs is accurate and the method proposed for accommodating those needs is the most appropriate.
9. Our procedures for evaluating and responding to requests for a reasonable accommodation rely on a cooperative relationship between the applicant/resident and us. The process is not adversarial.
10. We will not seek information on the name of the disability or the nature or extent of the disability. Medical information concerning the disability is not required.
11. In the event that it is unclear that the applicant/resident qualifies for the requested accommodation, or why the requested accommodation is needed, or how the requested accommodation will afford the applicant/resident an equal opportunity to access, use and enjoy a dwelling unit and the public and common use spaces of the property, we retain the option to seek clarification and/or additional information from the applicant/resident, and shall do so without inquiring into the name, nature or severity of the disability involved.
12. In the event it is unclear that the applicant/resident qualifies for the requested accommodation, or whether the requested accommodation is needed, or how the requested accommodation will afford the applicant/resident an equal opportunity to access, use and enjoy a dwelling unit and the public and common use spaces of the property, we retain the option to seek verification from a qualified person who understands the applicant/resident's disability; 1) that the applicant/resident qualifies for the requested accommodation, and/or 2) that the requested accommodation is needed, and/or 3) how the requested accommodation will afford the applicant/resident an equal opportunity to access, use and enjoy the dwelling unit and the public and common use spaces of the property.
13. If the applicant/resident does qualify for a reasonable accommodation, and if the requested accommodation is reasonable, we will generally approve it:
  - a) In most instances, we will accept the judgment of the person with a disability that an accommodation is needed. However, we retain the option to require the person with the disability to show the need for an accommodation for him/her to have an equal opportunity to access, use and enjoy our housing program;
  - b) In most instances, we will accept the judgment of the person with disabilities that the requested accommodation is the most appropriate for him or her. However, we retain the option to investigate alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation;
  - c) If a number of potential accommodations will satisfy the needs of the person with the disability (are equally effective), we retain the option to select the accommodation which is most convenient and cost-effective for us. This includes the option to select a change in a procedure or policy, rather than to make a structural change, when the procedural change would be equally effective;
  - d) If the requested accommodation is needed, but the requested accommodation constitutes a fundamental alteration of our housing program, we will deny the request. A "fundamental alteration" is a modification that alters the essential nature of our housing operations;

- e) If the requested accommodation is needed, but the requested accommodation creates an undue financial and administrative burden for us, we will comply with the request only up to the extent that we can do so without creating an undue burden. We will, however, consider permitting the applicant/resident who requests an accommodation in the form of a structural modification, to make the modification at his/her own expense, and where it is reasonable to do so, impose the condition that upon vacating the unit the individual will restore the unit to the condition that existed prior to the modification, reasonable wear and tear excepted, and we may require that sufficient monies be escrowed to cover the restoration expenses. We shall consider our financial resources, the cost of the requested accommodation, the benefits to the requestor of the requested accommodation, and the availability of other, less expensive, alternative accommodations that would effectively meet the applicant/resident's disability-related needs in determining whether a requested accommodation poses an undue financial and administrative burden.
  - f) If the requested accommodation is needed, but it would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others, we will deny the request.
14. Where a reasonable accommodation is requested by an applicant in order to overcome negative information, or by a resident in order to overcome a lease violation, we will make the following additional determinations:
- a) What is the essential impact of the negative information or lease violation? How serious is it, and exactly how does it impact us?
  - b) Does the requested accommodation eliminate, or satisfactorily reduce, the essential impact, so that the person can access, use and enjoy our housing program with a reasonable expectation of success?
15. Our consideration of requested accommodations will be focused on the individual and designed to address each person's situation.
16. In some cases, reasonable accommodations may be perceived (incorrectly) by non-disabled residents as conferring a special advantage on a person with disabilities; however, we will not base our decisions on how the decisions will be perceived, but rather on whether the accommodation is effective in removing the barriers which inhibit a person with disabilities from accessing and using our housing program.
17. Communications under this policy will be in plain language and in a format appropriate to meet the communication needs of the person with the disability. In situations where there is limited English proficiency (LEP), an appropriate language interpreter will be provided. In situations where a sign language interpreter or other assistance is needed, we will arrange to provide the appropriate assistance.
18. All meetings held under these procedures and guidelines will be held in an accessible location.
19. Before denying a requested accommodation because it is not reasonable, we will engage in an interactive dialogue with the requestor to determine if there is an alternative accommodation that would adequately address the requestor's disability-related needs. If an alternative accommodation would meet the individual's needs and is reasonable, we will approve the alternative accommodation. Our decisions on alternative reasonable accommodations will be reduced to writing.

20. We will make our decisions on requests for a reasonable accommodation in a timely manner, within at least thirty (30) days, unless an agreement is reached as to an extension of time, or if clarification or additional information is needed, or if a verification of the need is necessary, or if a conference is scheduled, or where an investigation and/or an interactive dialogue is being undertaken relevant to possible alternative accommodations which may meet the needs of the disabled applicant/resident.
21. Our decisions on requests for reasonable accommodation will be conveyed in writing and a full explanation of any adverse decision will be given.
22. In the event that an applicant or resident believes he/she has been discriminated against or has a dispute regarding any action or failure to act on our part with respect to a request for reasonable accommodation, the applicant or resident may submit a “grievance” to our Fair Housing Compliance Coordinator. A “grievance” is a written complaint that describes what the applicant /resident believes was wrong about what was done and how the applicant/resident maintains it should be corrected. If the applicant/resident desires that a hearing be held on his/her grievance, the Fair Housing Compliance Coordinator will appoint as a Hearing Officer a person not involved in the original transactions. The Hearing Officer will review the grievance and will also hold the hearing if one was requested. The hearing shall be held at a reasonable place and time after reasonable notice to the applicant/resident, and the Hearing Officer shall thereafter timely render a written decision on the grievance. Any applicant or resident who believes that he/she has been discriminated against on the basis of disability may opt to file a complaint alleging discrimination with the Assistant Secretary of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Washington, D.C., 20410, and any applicant or resident of an apartment community financed through a Rural Development (“RD”) Multiple Family Housing (“MFH”) loan, may also opt to file a complaint alleging discrimination with the Administrator, Rural Development, USDA, Washington, D.C., 20250.

Adopted and Effective June 2006