



**SUMMARY OF POLICY REQUIREMENTS:
RENTAL OCCUPANCY POLICIES RELATED TO DISABILITY: TENANT HANDBOOK AND
APPENDICES 1-10**

This document summarizes the *Rental Occupancy Policies Related to Disability (Policies): Tenant Handbook and Appendices 1-10*. These were provided to each household upon lease-up or annual recertification. The Owner or Property Management Agent must provide this *Summary of Policy Requirements* to each household at the time of annual recertification or lease renewal. A complete copy of the Policies for your building may be requested from the housing development at any time. A copy may be downloaded on accesshousingla.org. Owners and Property Management Agents must comply with fair housing obligations and follow applicable laws.

- a. **Nondiscrimination.** Owners and Property Management Agents must not discriminate on any basis prohibited by law. This includes race, color, religion, sex, sex/gender, gender identity and expression, familial status, national origin, citizenship, immigrant status, primary language, marital status, ancestry, age, sexual orientation, disability, source of income (including Section 8 vouchers or similar subsidies), genetic information, arbitrary characteristics, military or veteran status, or any other basis currently and subsequently prohibited by law. [Tenant Handbook Section 3.3.]
- b. **Reasonable Accommodations and Modifications** remove barriers to housing for Individuals with Disabilities.

When requested by an Individual with a Disability, Owners and Property Management Agents must provide **reasonable accommodations** to rules, policies, practices, programs, services, activities, and facilities that may be required to make sure that Individuals with Disabilities, and households including Individuals with Disabilities, are not discriminated against or excluded from housing or housing-related services based on their disability. It is unlawful to deny reasonable accommodations when such accommodations may be needed to afford Individuals with Disabilities an opportunity



equal to that of other tenants to use and enjoy their apartment and public and common use areas.

Requests for reasonable accommodations must be granted as soon as possible, but no later than thirty (30) days after any required information for processing the request is obtained, keeping in mind the timeline of the needs of the Individual with the Disability.

A **reasonable modification** is a physical or structural change to a unit or common area that may be needed so that Individuals with Disabilities have an opportunity equal to that of other tenants to use and enjoy their rental units and common use areas. To meet this requirement, a decision regarding a reasonable modification request must be made as soon as possible, but no later than thirty (30) days after any required information for processing the request is obtained, keeping in mind the timeline of the needs of the Individual with the Disability. This requires providing the modification as soon as possible. In cases where the Owners and Property Management Agents are not able to fulfill a reasonable modification request within thirty (30) days, the tenant must be informed of the decision and the timeline for providing the reasonable modification.

A reasonable accommodation or modification can only be denied if it creates an undue financial and administrative burden on the housing development, or if it is a fundamental alteration to the nature of the housing development program. For example, when the housing development does not provide rides for tenants, a request for a ride to the grocery store would be a fundamental alteration. However, a request for grab bars in the bathroom or a ramp that allows individuals in wheelchairs access to the pool area is not an undue financial burden or a fundamental alteration.

There must be a connection between the accommodation or modification requested and the disability. [Tenant Handbook Sections 3.4 and 3.15.]

- c. **Effective Communication.** Owners and Property Management Agents must make sure that communications with applicants, residents, and members of the public who have vision, hearing, speech, or other communication disabilities are as effective as communications with Individuals without Disabilities. Upon request, the Owners and

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Property Management Agents will provide auxiliary aids and services requested by the tenant or applicant. Effective communication requests must be carried out as soon as possible. Usually, requests for effective communication can be met immediately or within a few days (for example, providing electronic materials in screen reader-friendly versions or in large print, using telephone relay or text to communicate, providing American Sign Language or other types of interpreters, etc.), keeping in mind the timeline of the needs of the Individual with a Disability. A few requests (such as converting a document to Braille) may take longer. The individual making the request should be notified as soon as possible of how long it will take to complete the request. [Tenant Handbook Sections 3.5 and 3.18.]

- d. **Assistance Animals** include service animals and support animals.
- i. Service Animals are trained to provide tasks for a person with a physical or mental health disability. Owners and Property Management Agents must allow service animals and service animals in training.
 - ii. Support animals provide emotional support to people with disabilities. Support animals do not need to be trained to do a task. Support animals should usually be allowed as a reasonable accommodation.
 - iii. There are no weight and breed restrictions for any assistance animal. No deposit or fee can be charged for an assistance animal. For additional guidance about permissible inquiries and owner policies regarding assistance animals, see Tenant Handbook. [Tenant Handbook Sections 3.15, 3.16, and 3.17.]
- e. **Affirmative Marketing.** Owners and Property Management Agents must conduct outreach to Individuals with Disabilities and take steps to affirmatively further fair housing rights. [Tenant Handbook Section 3.6.]
- f. **Admissions Policy.** Owners and Property Management Agents must comply with the Admissions Policy/Tenant Selection Criteria detailed in the Property Management Plan (PMP). [Tenant Handbook Section 3.13.]

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- g. **Accessible Units.** Owners and Property Management Agents must make sure that units and common areas are accessible. Housing developments must provide a specific percentage of Housing Units with mobility features and Housing Units with hearing/vision features. [Tenant Handbook Section 3.7.]
- h. **Waiting Lists, Transfers, and Vacancies.** Owners and Property Management Agents must maintain waiting lists, fill vacancies, and provide unit transfers in a manner that make sure Individuals with Disabilities who need accessibility features have priority for Accessible Units. Owners and Property Management Agents must select tenants to fill units using a waiting list in chronological order of their application submission. For Accessible Units, Owners and Property Management Agents will fill vacant units from their Accessible Unit Transfer List first. Then they will fill them from their Accessible Unit Waiting List. For Conventional Units (those without accessibility features), Owners and Property Management Agents will use their Conventional Unit Waiting List. Tenants who need a transfer for disability-related reasons will be given priority on the Accessible Unit Transfer List. [Tenant Handbook Sections 3.12, 3.13, and 3.14.]
- i. **Barriers to Access.** Owners and Property Management Agents must not create barriers to accessibility (such as placing obstacles in accessible paths of travel or in accessible public bathrooms) or allow barriers to accessibility to occur due to neglect (such as failing to repair elevators in a reasonable time). Owners and Property Management Agents must promptly remove barriers to access. [Tenant Handbook Section 3.8.]
- j. **No Retaliation Against Tenants.** Owners and Property Management Agents must not retaliate against any tenant, applicant, or associated person for exercising rights under the law of these Policies or requesting that Owners and Property Management Agents comply with these Policies or any anti-discrimination law. **Under California law, it is unlawful for Owners and Property Management Agents to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any**



tenant, occupant, or associated person, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of their rights, influencing a tenant or occupant to vacate a unit, or recovering possession of the unit, regardless of whether the tenant or occupant currently resides in the unit. [Tenant Handbook Section 3.9.]

- k. **Tenant Requests.** Owners cannot generally ask about a tenant's or applicant's disability. A tenant's or applicant's disability may only be considered in reference to the following:
- i. requests for Accessible Units;
 - ii. requests for reasonable accommodations, auxiliary aids and services, and communications in alternative formats;
 - iii. occupancy in Housing Developments in which the eligibility for admissions is legally permitted to be limited to Individuals with Disabilities or a specific disability;
 - iv. when the Housing Development utilizes a selection preference for Individuals with Disabilities that is permitted by law; or
 - v. gathering information requested by AcHP to determine property compliance with Policies.

[Tenant Handbook Section 3.11.]

- l. **Limits on Requests for Disability-Related Information.** When disability-related information is needed, **Owners must seek only enough information** to determine whether the tenant or applicant meets the requirement of having a disability and a disability-related need for whatever the tenant is requesting (for example, accommodation or accessible unit) but must refrain from asking about the nature or severity of the disability. Additional information may only be requested if the information is needed to:
- i. verify that the tenant or applicant has a disability;

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- ii. is needed to describe the needed reasonable accommodation; and or
- iii. show the relationship between the individual's disability and the need for the requested reasonable accommodation, including a unit with specific accessibility features.

Any reliable third party can provide the needed information. It does not have to be a medical professional. Owners cannot ask for medical records and diagnoses. [Tenant Handbook Section 3.11.]

- m. **Confidentiality.** Owners and Property Management Agents must keep all medical and other information about the individual's disability confidential. That information must be kept in locked files that are separate from general applicant or tenant files. [Tenant Handbook Section 3.10.]
- n. **Language Access.** Many individuals, including applicants or tenants with disabilities, have Limited English Proficiency (LEP). When requested, Owners must provide information on the City's Policies in Spanish and in other languages used by tenants living in the property. [Tenant Handbook Section 3.5.]
- o. **Grievance Policies and Procedures.** Owners and Property Management Agents must provide applicants or tenants a copy of the Housing Development's Grievance Policies and Procedures. Applicants or tenants must be given the right to a meeting, with a manager or supervisory individual not involved in the decision of the action, to contest an adverse action and be given a written decision within five (5) business days. Grievances regarding discrimination based on disability in housing and housing programs of City's covered housing developments may be filed with the housing development, AcHP, Department on Disability (DOD), California Department of Fair Employment and Housing (DFEH), and United States Department of Housing and Urban Development (HUD). [Tenant Handbook Sections 3.20 and 3.21.]