

***Reasonable Accommodation Policy and Procedures at the  
Chicago Housing Authority***



Revised 11-2010

Introduction.....	3
Policy Guidelines.....	3-7
I.    Communications with Disabled Applicants and Residents.....	7
II.   Admissions Process for People with Disabilities.....	7
III.  Applicant Requests for Reasonable Accommodation.....	7-8
IV.  Processing Applicant Requests for Reasonable Accommodation.....	8-9
V.    Criteria to be Considered when Processing Reasonable Accommodation Requests.....	9-10
VI.  Making a Decision on an Applicant’s Reasonable Accommodation Request.....	10-11
VII.  Current Resident Requests for Reasonable Accommodation.....	11
VIII. Assessing a Resident Request for Reasonable Accommodation.....	12
IX.  Making a Decision on a Resident’s Reasonable Accommodation Request.....	12
X.    Reasonable Accommodation and Transfer Requests.....	13
XI.  CHA’s Department of Housing Rights and Nondiscrimination.....	14
XII.  Confidentiality.....	14-15
XIII. Non-Retaliation.....	15
XIV.  Federal, State, and Local Laws Governing Disabled Individuals’ Housing Rights.....	15-16
XV.  Definitions Related to Disability.....	16-19

## INTRODUCTION

The Chicago Housing Authority (CHA) provides reasonable accommodations in housing for applicants and residents with disabilities where reasonable accommodation is necessary to provide them with an equal opportunity to use and enjoy CHA housing. Reasonable accommodation is an essential component of the CHA's goal of providing affordable, accessible housing to persons with disabilities. The CHA complies with all applicable federal, state, and local laws and regulations prohibiting discrimination based upon disability. A "reasonable accommodation" is a modification or change the CHA can make to its policies/procedures or to a resident's unit/development's common area that would assist an otherwise eligible person with a disability to benefit from CHA housing, provided that the change does not pose an undue financial or administrative burden to the CHA or result in a fundamental alteration of its program.

The Reasonable Accommodation Policy and Procedure at the CHA (RAPP) outlined here applies to CHA applicants and residents who are qualified "individuals with a disability" as set forth below. The CHA may require documentation or verification of the disability in order to specify that the individual's need for the requested accommodation is connected to the disability. The CHA takes reasonable accommodation requests seriously and will thoroughly and promptly consider any request for reasonable accommodation. The CHA will seek to fully engage applicants/residents throughout the reasonable accommodation process once an accommodation is requested. After the CHA reviews the request, approvals and/or denials will be explained in detail to the requesting party.

The policies and procedures contained herein are designed to inform and assist CHA employees in properly identifying, determining, and implementing reasonable accommodations for applicants and residents with disabilities where appropriate.

## POLICY GUIDELINES

This policy and procedures manual is created for use by CHA staff and its agents when assessing requests for reasonable accommodation by CHA applicants and residents with disabilities. Although not exhaustive, these rules and policies will govern the implementation and facilitation of the CHA's reasonable accommodation process. If conflicts arise between guidelines and guidance issued by the U.S. Department of Housing and Urban Development (HUD), or other existing statutes, regulations, or other legal requirements, the CHA will follow the other requirements.

**I. Procedures**

- A. The CHA will develop and implement procedures through which individuals may request a reasonable accommodation. The process for making requests will be accessible to all persons. The CHA will endeavor to make all communications about the process in plain, easily understandable language and in a format that is appropriate to meet the needs of the individual with a disability. If deemed necessary, alternative formats other than written documents should be used.
- B. The CHA will make the option to request a reasonable accommodation known and make the reasonable accommodations form available to everyone applying for and currently living in CHA housing.
- C. All meetings pertaining to an applicant's/resident's request for accommodation will be held in a location that is accessible to the applicant/resident.
- D. The CHA will make a determination on the reasonable accommodation within thirty (30) days after the date on which the request was made. If additional information is required in order to make a determination, the CHA will ask the applicant/resident to provide such information within a reasonable time period.
- E. If the CHA denies a request for a reasonable accommodation, it must do so in writing and include a basis for the denial and the reason why the request is being denied.
- F. If a staff person at CHA or CHA agents decide to deny an accommodation, they must first contact the Department of Housing Rights and Nondiscrimination for concurrence. Denials can only be issued by the Department of Housing Rights and Nondiscrimination; however, the denial letter will be written by CHA's agent property management team if the request is from a resident. The Occupancy Department at CHA will supply the written denial to applicants to the CHA.
- G. The CHA will keep written and/or electronic records in applicant/resident file of its decision to grant or deny any request for reasonable accommodation for a period of three (3) years from the date of the request.

- H. Consistent with applicable law, the CHA will keep information supplied by the applicant/resident related to the nature of their disability confidential and available only to people within the CHA who are directly involved in decision-making related to reasonable accommodations. If, at any time, that CHA or its agents receive information—including medical records, medical test results, or written explanations detailing the severity of a disability—it will dispose of these documents, unless directly related to a decision to deny the accommodation. If the documentation is needed as part of a mitigating hearing or grievance hearing, it will be kept in a sealed envelope separate from the applicant’s/resident’s personal file until such time as it is needed. After such time, the document will be properly disposed.

## II. Assessing Reasonable Accommodation Requests

- A. The CHA will not require additional verification of a disability from an applicant/resident if the disability is obviously identifiable and the request for an accommodation makes logical sense. An example of such a situation includes a person who uses a wheelchair requesting to apply or transfer to an accessible unit or a person who is blind requesting to apply or transfer to a unit with sensory equipment.
- B. When assessing requests for reasonable accommodation, the CHA will consider the factors listed below in making its final determination of whether to grant or deny the request. If additional information is needed to make a determination the CHA will notify the applicant/resident either by telephone or in an alternative format requested by the applicant/resident. The CHA reserves the right to request information from a knowledgeable professional concerning the applicant’s/resident’s disability and the nexus, or relationship, between the requested accommodations.

### Determining Factors:

1. Whether the applicant/resident is a qualified “individual with a disability.”
2. Whether the requested accommodation is related to the disability.
3. Whether the requested accommodation can be considered “reasonable.” A request for accommodation is to be considered “reasonable” if it **does not** create an undue financial hardship or 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 is made by CHA staff only, which does not include its agents.
  - b. All determinations are made on a case-by-case basis, accounting for factors such as particular property circumstances and resources available at the time of the decision.
  - c. If the request is determined to create a fundamental financial or administrative burden, the CHA will comply with the request to the extent it can do so without undergoing the undue burden detailed above.
  - d. Fundamental alterations to the program will always be denied. An example includes permitting residents to live rent-free because of a disability.
  - e. The CHA will not consider the possibility of setting precedence as a sufficient basis for denying a request. This will not be considered a fundamental alteration, and the CHA will review subsequent requests for the same accommodation on a case-by-case basis.
- C. The CHA retains the right to offer different accommodations that satisfy the needs of the person with a disability based upon cost effectiveness and convenience, assuming that there are no significant detrimental impacts on the person requesting the accommodation that directly relate to their disability.

## I. COMMUNICATION WITH DISABLED APPLICANTS AND RESIDENTS

- A. The CHA will take all necessary steps to provide effective communication with applicants and residents with disabilities. Where appropriate, the CHA will furnish auxiliary aids, including qualified sign language or oral interpreters, readers, or use of taped materials. These aids will be provided in a timely manner; for interpreter use, the CHA requests one week in which to schedule services.
- B. The CHA will make documents intended for applicant/resident use in accessible formats, including Braille, upon request. Such documents will be prepared with simple, clear language to assist those with cognitive or learning disabilities. When requested, CHA

staff and its agents will explain written materials verbally, and, if necessary, will assist persons with disabilities in completing necessary forms.

- C. If requested, the CHA will permit third-parties (i.e. advocates, friends, family members) to assist the person with disabilities at any meetings or interviews. The CHA will also, by request, send copies of written correspondence to an authorized representative as well as the applicant/resident.
- D. The CHA will utilize telecommunication devices for deaf persons (TDD) or other effective communication systems to communicate with applicants/residents who are deaf or hard of hearing when applicable.

## II. ADMISSIONS PROCESS FOR PEOPLE WITH DISABILITIES

- A. All applicants to the CHA's housing program will be advised of their right to request reasonable accommodations during the application intake process. A copy of the Notice of Non-Discrimination to All Public Housing Applicants and Residents will be provided to applicants during this process. A copy of this notice should be posted in areas visible to applicants and residents.
- B. Applicants who are visually, hearing or cognitively impaired will be provided reasonable accommodations by way of alternative formats, such as providing documents in enlarged print or having a third-party explain information. If necessary, the CHA will provide a sign language interpreter at the intake interview, but applicants must request such services at least one week before a scheduled appointment. Individuals with disabilities may request that CHA staff assist in completing applications and other forms for them as a reasonable accommodation.

## III. APPLICANT REQUESTS FOR REASONABLE ACCOMMODATION

- A. The following inquiries may be made to applicants/residents **only if asked to ALL applicants/residents**: questions about meeting requirements of the CHA lease; about current illegal use of controlled substances; about abuse of alcohol or the existence of a criminal record; about whether the applicant has a need for an accessible unit. If an applicant requests an accessible unit and the connection between the request and the applicant's disability is not obvious, the CHA can ask for verification of the need for the accessible unit.

- B. If the CHA receives unfavorable or negative information about the applicant with a disability, the applicant with a disability will be advised about their right to submit any additional information as evidence of a mitigating circumstance or as the basis for making a reasonable accommodation. If the applicant with a disability wishes the CHA to consider a reasonable accommodation, the applicant will submit an Applicant/Resident Request for Reasonable Accommodation form to CHA Occupancy Staff.
- C. Upon written or verbal request to the CHA, applicants will be provided with an Applicant/Resident Request for Reasonable Accommodation form. A copy of the RAPP may be made available by request.
- D. The Applicant/Resident Request for Reasonable Accommodation form will be submitted to the Occupancy Department or Property Manager on-site for review. Both the Occupancy Department and on-site Property Management must forward a copy of the determination (if made by either entity) to the Department of Housing Rights and Nondiscrimination. If necessary, the Department of Housing Rights and Nondiscrimination will review and make recommendations on the reasonable accommodation request. The Department of Housing Rights and Nondiscrimination will send the recommendation to the CHA staff via email and will document its recommendation in YARDI.

#### IV. PROCESSING APPLICANT REQUESTS FOR REASONABLE ACCOMMODATION

- A. Once an Applicant/Resident Request for Reasonable Accommodation form is submitted to CHA Occupancy staff or on-site Property Management, it will be promptly logged into YARDI. The recipient of the request will determine if any further information is needed from the applicant and/or whether verification from a knowledgeable professional is necessary to approve the request. If the recipient has obtained enough information to make a recommendation on the approval, the recipient will notify the applicant of the approval. If the recipient is on-site Property Management staff, the approval shall be transmitted to the Department of Housing Rights and Nondiscrimination, the appropriate Asset Manager for the property, and the Occupancy Department. When the Occupancy Department is the recipient of the request, staff shall notify on-site Property Management, the Department of Housing Rights and Nondiscrimination, and the appropriate Asset Manager for the property of the determination. If CHA staff is

considering denying the request, a concurrence **MUST** be obtained from the Department of Housing Rights and Nondiscrimination.

- B. The Department of Housing Rights and Nondiscrimination has sole discretion on denying reasonable accommodation requests.
- C. Recipients of reasonable accommodation requests that need additional information, verification, or completion will inform the applicant as soon as possible. The CHA may request applicants to consent to having a Certification of Need for a Reasonable Accommodation or Structural Modification form or the Certification of Need for a Live-In Aide form sent to a knowledgeable professional who has the appropriate credentials and current knowledge of the applicant's disability who is able to make an informed judgment based on that knowledge in order to provide information necessary to making a decision on the request. The Applicant/Resident Request for Reasonable Accommodation form contains a release of information clause that must be signed.
- D. Once written permission is obtained from the applicant to contact the knowledgeable professional, the recipient will send the applicant's completed Applicant/Resident Request for Reasonable Accommodation form and the Certification of Need for a Reasonable Accommodation or Structural Modification form or the Certification of Need for a Live-In Aide form to the knowledgeable professional. The knowledgeable professional is prompted to return the form as soon as possible by completing the Certification of Need for a Reasonable Accommodation or Structural Modification form and the Certification of Need for a Live-In Aide form.
- E. All documentation obtained by the recipient from verification sources will be kept confidentially and will only be used to make the determination on the reasonable accommodation request.

V. CRITERIA TO BE CONSIDERED WHEN PROCESSING REASONABLE ACCOMMODATION REQUESTS

- A. Reasonable accommodations are changes or adjustments to rules, policies, practices or procedures that are followed by the CHA, or physical modifications to a person's unit or common area. A request for reasonable accommodation may be granted if the following requirements are met:

1. The person making the request is a qualified “individual with a disability” as defined in Section VX of the RAPP and the CHA’s Admissions and Continued Occupancy Policy (ACOP).
  2. The requested accommodation is necessary to provide an equal opportunity to use and enjoy CHA housing; and
  3. The requested accommodation is deemed reasonable. A request is considered reasonable if it does not create an undue financial or administrative burden or constitute a fundamental alteration in the nature of the CHA’s housing program. Examples of unreasonable requests for accommodation include:
    - i. Providing an applicant/resident with a disability a person to do housekeeping.
    - ii. Allowing a resident with depression to not pay rent because he/she is too depressed to pay it.
    - iii. Permitting a resident with an assistance animal to not “pick-up” after the animal.
- B. The Department of Housing Rights and Nondiscrimination has sole discretion on denying reasonable accommodation requests. The Department of Housing Rights and Nondiscrimination may consult other CHA staff including Legal staff, Asset Management, Property Management, etc, in order to properly assess a request for reasonableness.

**VI. MAKING A DECISION ON AN APPLICANT’S REASONABLE  
ACCOMMODATION REQUEST**

- A. The decision on an applicant’s request for a reasonable accommodation will be made by CHA staff within thirty (30) days after the date upon which any additional information or verification from a knowledgeable professional was received. If no additional information or verification was necessary, a decision will be made within thirty (30) days from receipt of the applicant’s completed Applicant/Resident Request for Reasonable Accommodation form.
- B. If a knowledgeable professional fails to provide the CHA with the information and verification necessary to make a determination, the CHA will advise the applicant that the CHA has not received enough information to make a decision. The applicant is responsible for following up with the appropriate parties to obtain the needed documentation.

- C. Any denials (after concurrence from the Department of Housing Rights and Nondiscrimination) are to be explained to applicants in writing utilizing the Reasonable Accommodation Determination form. The applicant will be informed of his/her right to request an informal hearing on the decision in writing (or other alternative format).
- D. Approvals of reasonable accommodation requests will also be communicated in writing utilizing the Reasonable Accommodation Determination form. The form shall contain the accommodation that will be provided and a timeframe in which the accommodation will be provided. The applicant will be informed that if the approved accommodation will not meet his/her needs or if the proposed timeframe is too long, an informal hearing may be requested in writing (or other alternative format).

## VII. CURRENT RESIDENT REQUESTS FOR REASONABLE ACCOMMODATION

- A. A copy of the Notice of Non-Discrimination to All Public Housing Applicants and Residents will be provided to each new resident upon initial lease signing. A copy of this notice will also be provided to residents at least once annually upon recertification.
- B. Upon request to on-site Property Management, any resident will be provided with the Applicant/Resident Request for Reasonable Accommodation form. A copy of this RAPP may also be made available upon request. \*It is the responsibility of the resident to request a reasonable accommodation.\* An accommodation should never be offered without the resident first inquiring.
- C. A resident may request a reasonable accommodation for a disability **at any time** during his/her tenancy, up to the time the resident voluntarily vacates or is forcibly evicted from the dwelling unit. A resident may request an unlimited amount of reasonable accommodations, and all requests will be considered by the CHA. Property Management and the CHA may require further documentation and verification from a knowledgeable professional in order to determine if the accommodation is needed and if it is likely to be effective.

VIII. ASSESSING A RESIDENT REQUEST FOR REASONABLE ACCOMMODATION

The Applicant/Resident Request for Reasonable Accommodation form shall be submitted to Property Management staff for review. Property Management and CHA staff will follow all steps in Section IV of the RAPP to assess the request for accommodation.

IX. MAKING A DECISION ON A RESIDENT'S REASONABLE ACCOMMODATION REQUEST

- A. Property Management will determine whether to approve a resident's request for reasonable accommodation. If Property Management approves the request for accommodation, the approval shall be transmitted to the Department of Housing Rights and Nondiscrimination, the appropriate Asset Manager for the property, and the Occupancy Department. When Property Management asks for assistance from the Department of Housing Rights and Nondiscrimination, the Department will send its determination to the Property Management and appropriate CHA staff via email and will document its recommendation in YARDI.
- B. The Department of Housing Rights and Nondiscrimination has sole discretion on denying reasonable accommodation requests.
- C. Any denials are to be explained to residents in writing utilizing the Reasonable Accommodation Determination form, and, although the denial comes from the Department of Housing Rights and Nondiscrimination, the letter must be issued by Property Management. The resident will be informed of his/her right to request in writing (or other alternative format) an informal meeting on the decision.
- D. Following the informal meeting, if no agreement has been reached, Property Management will issue its decision in writing to the resident. The decision will include the basis and reasons for the denial, and will inform the resident of their right to request a grievance hearing on the denial.
- E. If a resident who has been denied a reasonable accommodation wishes to appeal by way of the Grievance Procedure, the resident shall follow the time requirements and process for requesting a formal grievance hearing set forth in the CHA's Grievance Procedure.

X. REASONABLE ACCOMMODATION AND TRANSFER REQUESTS

- A. Residents with disabilities who request a transfer to another CHA unit or property on grounds of reasonable accommodation must complete an Applicant/Resident Request for Reasonable Accommodation form and a Transfer Request packet and return the forms to their current Property Management. The completed forms are processed in a timely manner by CHA's Occupancy Department. Requests for transfer due to reasonable accommodation are considered Mandatory Administrative transfers as explained in the CHA's ACOP, Section V (B) (3) and will be assessed accordingly.
- B. Residents with disabilities who request a transfer on grounds of disability must be in good standing in order to be transferred to a different unit or property. The resident with disabilities must be current with their rent, the resident must be able to maintain utility connections, and must be compliant with the terms outlined in the CHA's Residential Lease Agreement.
- C. The CHA will pay the costs associated with moving and transfer of utilities for mandatory administrative transfers.
- D. When assessing the necessity for transfer due to disability, CHA staff will follow all steps in Section IV of the RAPP to assess the request for accommodation.
- E. If a resident's request for a transfer due to disability is approved, the CHA will offer the resident the first available unit that meets the resident's needs when the resident's name reaches the top of the transfer wait list. Residents are allowed to refuse units for good cause. The CHA will consider the factors such as the following in making a determination if the refusal is for good cause:
  - 1. Proximity of the unit to medical or other professional service offices, including but not limited to rehabilitation centers, psychiatric care facilities, substance abuse clinics for recovered addicts, and physical therapy centers;
  - 2. Distance to accessible transportation; or
  - 3. Inaccessible features in an offered unit.
- F. Residents with disabilities who reject a transfer to units offered by the CHA more than twice will be referred to the Department of Housing Rights and Nondiscrimination for further review.

XI. CHA'S DEPARTMENT OF HOUSING RIGHTS AND NONDISCRIMINATION

- A. The CHA's Department of Housing Rights and Nondiscrimination is a part of the CHA's Office of the General Counsel. The ADA/Section 504 Compliance Manager (Manager) reports to the General Counsel.
- B. The Manager is responsible for overseeing the implementation and operation of the RAPP and for facilitating all of CHA's efforts to comply with the various provisions of federal, state, and local law governing reasonable accommodation in housing. The Manager is available to CHA applicants and residents as well as all CHA staff and its agents to answer questions, deal with issues regarding reasonable accommodation requests, and issue recommendations on the approval or denial of reasonable accommodations if other CHA staff and its agents appeal for such aid.
- C. The Manager receives complaints and other reports of non-compliance with disability laws and regulations from CHA staff, applicants, residents, HUD and other state and local monitoring agencies, and interested third-parties. The Manager will investigate such claims expeditiously and try to bring resolution to the complaints. The Manager reports the findings to the General Counsel for further instruction.
- D. The Department of Housing Rights and Nondiscrimination shall have access to all files containing information on reasonable accommodation requests. The Department of Housing Rights and Nondiscrimination retains the right to perform periodic audits on all information surrounding requests for reasonable accommodations.

XII. CONFIDENTIALITY

- A. All information obtained during the course of determining the outcome of reasonable accommodation requests, including the documentation of the request itself, will be kept confidential and will be used solely to make a determination on the reasonable accommodation request. Confidentially of all the material contained within submitted documentation will be maintained by the CHA's Occupancy Department, Property Management, the Department of Housing Rights and Nondiscrimination, and any other CHA entity that possesses such information. Information **will not be** shared with any other CHA applicant, resident, or housing provider who may call for references. Staff not involved in the evaluation of reasonable accommodations will not be privy to information gathered for the purpose of determining reasonable accommodation outcomes.

- B. All decisions made by the CHA on reasonable accommodation requests will be kept confidential.
- C. Federal, state, and local civil rights enforcement agencies will be provided with information and documents only as authorized by law.

### XIII. NON-RETALIATION

- A. The CHA will not discriminate or take any retaliatory action against a person who has requested a reasonable accommodation on the basis of disability.
- B. The CHA will not discriminate or take any retaliatory action against a person who has exercised his/her right to appeal or file a complaint with any federal, state, and local civil rights enforcement agencies.

### XIV. FEDERAL, STATE, AND LOCAL LAWS GOVERNING DISABLED INDIVIDUAL'S HOUSING RIGHTS

- A. ***Title VIII of the Civil Rights Act of 1968, as amended in 1988*** (The Fair Housing Act, 42 U.S.C. §§ 3601-3619): At the time of its passage in 1968, the FHA was the original federal statute that addressed discrimination against various classes of people. Title VIII was amended in 1988 by the Fair Housing Amendments Act, which expanded the coverage of the FHA to prohibit discrimination based on disability or on familial status (presence of a child under the age of 18 and pregnant women).

In connection with its prohibitions on discrimination against individuals with disabilities, this FHA contains design and construction accessibility provisions for certain new multifamily dwellings for first occupancy after March 13, 1991.

- B. ***Section 504 of the Rehabilitation Act of 1973***, (29 U.S.C. § 794): Section 504 provides that no otherwise qualified individual with a disability 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, service, or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency.

- C. **Title II of the Americans with Disabilities Act of 1990, as amended in 2009** (42 U.S.C. § 12101 et seq.), (ADA): Title II of the ADA prohibits discrimination on the basis of disability by public entities. The ADA protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, or activities of all State and local governments. It extends the prohibition against discrimination established by Section 504 for federally assisted programs to all activities of State and local governments, whether they receive Federal financial assistance or not, and it incorporates specific prohibitions against discrimination on the basis of disability from Title I, III, and V of the ADA.
- D. **The Architectural Barriers Act of 1968:** The ABA requires buildings and facilities that are constructed by, or on behalf of, or leased by the United States, or buildings financed in whole or in part by a grant or loans made by the United States to be accessible to persons with mobility impairments.
- E. **The City of Chicago’s Fair Housing Ordinance:** The City of Chicago assures full and equal opportunity to all residents of the city to obtain fair and adequate housing for themselves and their families in the City of Chicago without discrimination against them because of their race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.
- F. **Other Notable Disability-Related Regulations and Guidelines:** The following is a sample of other disability-related regulations and guidelines. Although not comprehensive, the listing does include construction standards and some frequently referenced criteria:
- 24 CFR Section 8--Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of HUD
  - The American National Standard (“ANSI”)
  - The Chicago Building Code (Chapter 18.11)
  - Americans with Disabilities Act of 1990 Guidelines (“ADAAG”)
  - Fair Housing Amendment Act Guidelines (“FHAAG”)

## XV. DEFINITIONS RELATED TO DISABILITY

1. **Accessible** - When used with respect to the design, construction, or alteration of housing and non-housing programs, ‘accessible’, means that the program or portion of the program when designed, constructed, altered or adapted, can be approached, entered, and used by individuals with disabilities.
2. **Accessible Unit** - A unit that is designed, constructed, altered or adapted to be in compliance with the Uniform Federal Accessibility Standards (UFAS) meets the minimum standards for compliance and is accessible.
3. **Accessible Route** - A continuous, unobstructed, UFAS-compliant path. **24 CFR § 8.21**

4. **Adaptability** - Ability to change certain elements in an otherwise accessible dwelling unit, such as kitchen counters, sinks and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons with disabilities or to accommodate the needs of persons with different types or degrees of disability. **24 CFR § 8.3**
5. **Auxiliary Aids** - Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. **24 CFR § 8.3.**
6. **Care attendant/Caregiver** - A person that regularly visits the unit of a CHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by CHA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.
7. **CHA:** The Chicago Housing Authority. The definition includes the CHA, its contractors, agents, and assignees.
8. **Disability Assistance Expenses** - Reasonable expenses that are anticipated during the period for which annual income is computed for attendant care or auxiliary apparatus for a disabled family member that are incurred to permit an adult family member (including the person with disability) to be employed, provided that the expenses are not paid to a family member, reimbursed by an outside source, and exceed three percent of annual income.
9. **Disabled Family** - A family whose head, spouse, or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. **24 CFR § 5.403**
10. **HUD** –The Department of Housing and Urban Development.
11. **Individual with Disabilities** - The definition of an individual with disabilities is for the purpose of determining if an individual may obtain a reasonable accommodation or physical modification. The Section 504 of the Rehabilitation Act (Section 504), Fair Housing Act and Americans with Disabilities Act (ADA) definitions of Individual with Handicaps and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition from 42 USC 1437a(b)(3) of “Person with Disabilities” as defined separately (#54) in this section.  
The terms ‘handicapped person’ or ‘person with handicaps’ as defined in Section 504 and the Fair Housing Act are synonymous with the term ‘individual with disabilities’.
  - A. A physical or mental impairment that:
    - i. Substantially limits one or more major life activities;
    - ii. Has a record of such an impairment; or
    - iii. Is regarded as having such impairment.
  - B. For purposes of housing programs, the term 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 program or activity in question, or whose

participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

C. Definitional elements:

*“Physical or mental impairment”* means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: immune; normal cell growth; circulatory; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, 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 diseases 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.

*“Major life activities”* means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

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

*“Is regarded as having an impairment”* means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or has none of the impairments defined in this section but is treated by a recipient as having such an impairment. **24 CFR § 8.3.**

12. **Live-in Aide** - A person who resides with one or more elderly persons, near elderly persons or person(s) with disabilities and who: (a) is determined by a knowledgeable professional to be essential to the care and well being of the person(s) or family member with a disability; (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the necessary supportive services. **24 CFR 5.403.** Live-in aides have no rights as remaining family members upon death, eviction, departure, or abandonment of the resident or the family member with a disability requiring the live-in aide’s services.
13. **Medical Expense Allowance** - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense not compensated for or covered by insurance in excess of three percent of annual income. **24 CFR § 5.603.**

14. **Person with Disabilities**<sup>1</sup>- This is the definition used to determine program eligibility. Under **42 USC § 1437a(b)(3)**, means a person<sup>2</sup> who:
- a. Has a disability as defined in Section 223 of the Social Security Act **42 USC 423**;
  - b. Has a physical or mental impairment that:
    - i. Is expected to be of long continued and indefinite duration;
    - ii. Substantially impedes his/her ability to live independently; and
    - iii. Is of such nature that such disability could be improved by more suitable housing conditions.
  - c. Has a developmental disability as defined in Section 102 (5)(b) of the Developmental Disabilities Assistance and Bill of Rights Act **42 USC § 6001(5)**.
15. **Qualified Individual with Disabilities**- An individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the CHA can demonstrate would result in a fundamental alteration in its nature. Essential eligibility requirements include stated eligibility requirements such as: income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the CHA. **24 CFR § 8.3**.
16. **Uniform Federal Accessibility Standards (UFAS)** - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disabled persons will have ready access to and use of such structures. **24 CFR § 8.32(a)**.

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Questions about this RAPP can be directed to the Department of Housing Rights and Nondiscrimination by mail or phone:

**CHA's Department of Housing Rights and Nondiscrimination**  
**Chicago Housing Authority**  
**60 E. Van Buren Street, 12<sup>th</sup> Floor**  
**Chicago, IL 60605**  
**Voice: 312-913-7690**  
**TDD: 708-714-9131**

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<sup>1</sup> This is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission.

<sup>2</sup> A person with disabilities could be a child.