

Commonwealth of Massachusetts

Department of Housing and Community Development

ADA and ICM Unit, Division of Housing Stabilization

Open Office Hours with:

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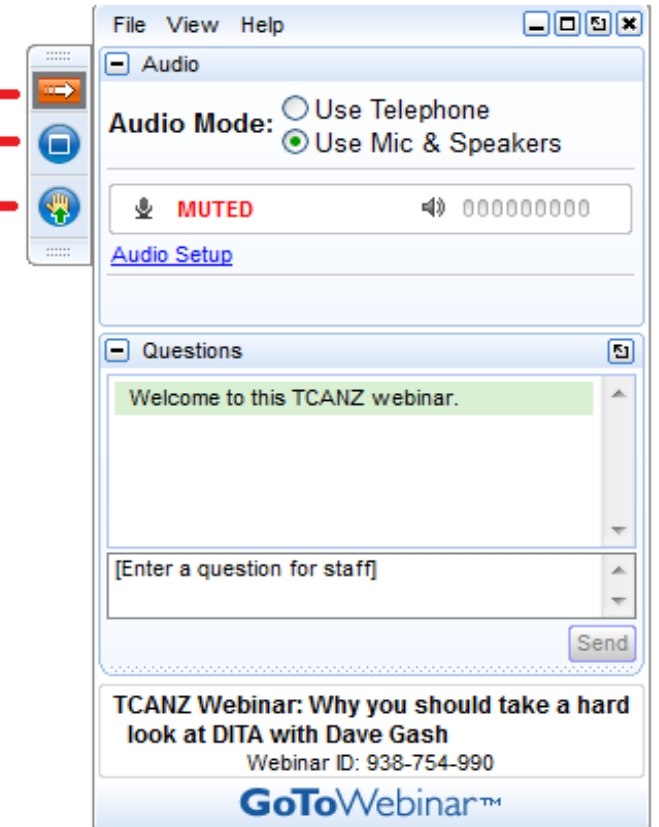
Before We Begin

- ❖ All attendees will initially be muted to limit background noise and maintain privacy.
- ❖ Camera on
- ❖ We will stop after each section for questions.
- ❖ Questions can be asked through the question box or by raising your hand to ask a question verbally.

Hide/show control panel

Full screen

Raise hand





Guiding Principles

- ❖ The Massachusetts Department of Housing and Community Development's (DHCD's) Emergency Assistance shelter program is committed to ensuring its program does not discriminate on the basis of any protected status under state or federal law, including disability. Accordingly, the EA Program shall be administered by DHCD to ensure that its program is accessible to and usable by persons with disabilities and that its staff and EA shelter providers comply with all applicable federal, state, and local laws that prohibit discrimination on the basis of disability. Disability-related laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, as well as those federal, state and local laws governing fair housing.
- ❖ Civil rights laws that prohibit discrimination based on disability recognize that rules, policies, practices, services, and physical structures may have a different effect on persons with disabilities than on other persons, and that treating persons with disabilities the same as others will sometimes deny them an equal opportunity to participate in or benefit from the program. Accordingly, for persons with disabilities to have an equal opportunity to access and utilize the EA program, at times they may need a change in a rule, policy, practice, service or the physical structure of a shelter unit or common area. Different Federal and State laws use different terms to describe such changes and require the EA Program to do different things. This document uses the term reasonable accommodation to describe such changes.



Role outline

- ❖ The ADA Coordinator will be the main point of contact between the shelter and the DHCD Central ADA Coordinators regarding reasonable accommodations within their program.
- ❖ Duties Regarding Reasonable Accommodation Requests:
 - ❖ Ensure that all policies, practices and procedures as outlined in the Scope of Service pertaining to persons with disabilities is implemented and adhered to
 - ❖ Participate in trainings, Open Office Hours with the ADA unit, and other opportunities relative to increasing knowledge and capacity around relative laws and best practices
 - ❖ The Contractor must keep a log of family requests for reasonable accommodations (changes in policies, practices, procedures or services) and/or reasonable modifications (physical changes to facilities) based on disability.
 - ❖ The Contractor will utilize the reasonable accommodation policies and procedures as outlined by DHS when processing reasonable accommodation requests. **PENDING**
 - ❖ The Contractor will not deny a reasonable accommodation request without review and guidance from DHS **PENDING**
 - ❖ The Contractor will process requests made regarding an apparent physical disability related need as follows (not limited to): **PENDING**
 - ❖ First floor, ground floor or elevator accessible placement
 - ❖ Chores
 - ❖ Initial placement of Assistance animals (DHS will make final determination if the animal is not deemed a service animal) ?
 - ❖ Overnights (when needed to attend a medical appointment)
 - ❖ Curfew (when needed to attend a medical appointment)
 - ❖ Visitor policy (PCA, in home therapist or other professional needed to provide care or service)



Disability Laws

Federal:

- ❖ ADA and ADAAA (2008)
 - ❖ is a civil rights law that prohibits discrimination based on disability.
- ❖ Section 504 (Rehabilitation Act of 1973):
 - ❖ It prohibits discrimination against people with disabilities in programs that receive federal financial assistance, and set the stage for enactment of the Americans with Disabilities Act.

State:

- ❖ Fair Housing Act (FHA):
 - ❖ Protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities



What is a Reasonable Accommodation?

- ❖ A reasonable accommodation is a change that DHCD, or where appropriate, an EA provider, can make to its rules, policies, or services in order to afford persons with disabilities an equal opportunity to enjoy and participate fully in its programs, activities, or services.
- ❖ DHCD will also make reasonable modifications (physical alterations) to its facilities in order to afford persons with disabilities an equal opportunity to use and enjoy such facilities and participate fully in DHCD's programs, activities or services.
- ❖ DHCD is not required to grant any requested accommodation or modification that would require fundamental alteration in the nature of a program or impose undue administrative and financial burdens.
 - ❖ Example: It would not be reasonable to entirely waive the housing search requirement for a disabled EA participant, because to waive the housing search would fundamentally alter the EA program by changing it from a temporary emergency shelter program to a permanent housing program.



Definition of Disability

- ❖ An individual who has a physical or mental impairment that substantially limits one or more major life activities;
- ❖ An Individual who is regarded as having such an impairment; or
- ❖ An individual with a record of such an impairment
- ❖ **REMINDER**: There needs to be a disability related need in order for an accommodation to be made. For example: work, school and routine primary care appointments are not a disability related need.



Major Life Activities

Non-exhaustive list

Life Activities:

- ✓ caring for oneself
- ✓ performing manual tasks
- ✓ seeing
- ✓ hearing
- ✓ thinking
- ✓ eating
- ✓ sleeping
- ✓ walking
- ✓ standing
- ✓ sitting
- ✓ working
- ✓ learning

Bodily Functions:

- ✓ immune system
- ✓ cell growth
- ✓ digestive
- ✓ bowel
- ✓ bladder
- ✓ neurological
- ✓ respiratory
- ✓ circulatory
- ✓ cardiovascular



Record of such an Impairment

- ❖ A history of a disability, whether or not they currently are substantially limited in a major life activity
- ❖ People who may have been misclassified or misdiagnosed as having a disability
- ❖ ADAAA expanded to include conditions that are episodic or in remission



Regarded as Having an Impairment

- ❖ Impairment is not substantially limiting, but is perceived to be
- ❖ Impairment is only limiting because of the attitudes of others
- ❖ Individual has no impairment, but is regarded as having one
 - ❖ -The ADAAA clarifies that “Regarded as” is meant to be very broad



Interactive Process

An informal process to clarify what the individual needs and identify the appropriate reasonable accommodation.

- ❖ Recognize accommodation request/ need for accommodation
- ❖ Gather information e.g. medical documentation
- ❖ Explore options e.g. CO-Shelter V. Scattered Site
- ❖ Choose accommodation
- ❖ Implement accommodation
- ❖ Monitor



What is Reasonable

Unless it would result in:

- ❖ Undue financial or administrative hardship
- ❖ Elimination of an essential function
- ❖ Direct threat to health or safety
- ❖ These considerations are part of the interactive process required under the ADA.



Effective Communication

Obligation to provide appropriate “**auxiliary aids**,” where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others

- ✓ Qualified Interpreters
- ✓ Assistive listening headsets
- ✓ CART
- ✓ Screen Readers
- ✓ Brailed Materials
- ✓ Large Print Materials

Primary consideration to the request of the individual with a disability in determining what type of auxiliary aid



Service Animal

Service Animals: Dogs only (with the exception of miniature horses) individually trained to perform tasks for people with disabilities.

“Perform tasks” trained to take action when needed:

- ✓ Guiding people who are blind,
- ✓ Alerting people who are deaf,
- ✓ Pulling wheelchair,
- ✓ Protecting person having a seizure,
- ✓ Retrieving objects

“A person accompanied by, and engaged in, the raising or training of a Service Dog, including a hearing, guide, or assistance dog, shall have the same rights, privileges, and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act.”



Service Animal

- ✓ **Permitted anywhere** the handler may go
- ✓ Any breed, weight, and size
- ✓ **Working animals** and not pets
- ✓ **Under control** at all times
- ✓ **Housebroken**
- ✓ May **not pose direct threat** to health or safety



Support Animal

- ✓ Provide emotional support that alleviates identified symptom(s) or effect(s) of a person's disability
- ✓ Not pets; Could be allowed for accommodation purposes
- ✓ Not required to be individually trained
- ✓ Commonly dogs but can also be other animals
- ✓ Not specifically defined in ADA or 504
- ✓ Under umbrella of *reasonable modifications*



Next Steps

- ❖ Make up session for this presentation scheduled for October 21st
- ❖ Next training scheduled for October 28th
- ❖ Independent trainings to complete before the next DHCD training
 - ❖ Burton Blatt Institute - Syracuse University and Southeast ADA Center (myadalearning.org)
 - ❖ Register and complete Foundations of the Americans with Disabilities Act (ADA)
 - ❖ New England ADA web courses (<https://www.newenglandada.org/trainings-and-events/web-courses>)
 - ❖ Register and complete Fair Housing Act, Section 504 and the ADA