

## Chapter 2

### FAIR HOUSING AND EQUAL OPPORTUNITY

#### INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA's housing choice voucher (HCV) operations.

This chapter describes HUD regulations and PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the housing choice voucher program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the HCV program and its activities by persons with limited English proficiency (LEP). This part incorporates HUD and DOJ's Notice of Guidance, published December 19, 2003 in the *Federal Register*.

#### PHA Policy

Specifically, the City of Tempe Family Self-Sufficiency Program engages in the following actions:

- All openings for Family Self-Sufficiency Coordinators are widely advertised throughout the community with an emphasis on recruiting bi-lingual applicants.
- The City of Tempe Family Self-Sufficiency Program is marketed to all Housing Choice Voucher participants. At program briefings, all applicants are informed about the Family Self-Sufficiency Program and how to apply to participate in the program. Additionally at annual recertification, all tenants are reminded about the Family Self-Sufficiency Program and how to apply. The City of Tempe Family Self-Sufficiency program also has a bulletin board in the lobby of the office with information about the program. Interpreters are utilized when necessary to ensure all applicants and tenants have equal access to City of Tempe Housing Services program.

- The FSS Program actively provides and/or hosts, as well as refers to, workshops and events that include Fair Housing topics and information. The FSS Program also collaborates with local non-profits and financial institutions for diverse homeownership opportunities.
- The City of Tempe Housing Services division office, including the Family Self-Sufficiency Program, is accessible to persons with disabilities and responds to all requests for reasonable accommodations to ensure equal access. The office has a fully-functional TTY machine; staff also utilizes the Arizona Relay System. Upon request, City of Tempe Housing Services will obtain vital forms in alternative formats such as Braille. The City of Tempe employs an Americans with Disabilities Act Compliance Specialist to ensure that all city services are accessible. This employee is available to City of Tempe Housing Services when needed.
- The City of Tempe Housing Services employs a designated Fair Housing Coordinator. All housing discrimination complaints that are directed to the City of Tempe Housing Services staff, including the Family Self-Sufficiency Program are directed to the Fair Housing Coordinator. The Fair Housing Coordinator is responsible for increasing community awareness of the Fair Housing Act, assisting Tempe residents with filing Fair Housing Complaints and regularly updating the Analysis of Impediments to Fair Housing Choice in Tempe. The Fair Housing Coordinator educates Tempe residents about the Housing Discrimination Hotline (1-800-669-9777) and provides copies of the HUD Housing Discrimination Complaint Form upon request and as needed. Fair Housing brochures and posters are displayed throughout the City of Tempe Housing Services office in both English and Spanish. The Fair Housing Coordinator maintains data on the number and nature of all Fair Housing complaints that come into the office. The City of Tempe is a member of the Arizona Fair Housing partnership and as such, participates in celebrating April as Fair Housing month by conducting community awareness events during that month.
- The City of Tempe FSS program has a goal of homeownership and housing mobility. Tempe Housing partners with Newtown, Community Services of Arizona and Neighborhood Housing Services of Arizona to provide housing counseling and education. Tempe Housing will recruit service providers and landlords in areas that expand housing choice to program participants seeking homeownership by having a landlord outreach event and continue to market the Community Assistance Mortgage Program (CAMP) to participants, real estate professionals, and mortgage lending institutions.

The HAPPY software tracks the program statistics such as race, ethnicity, familial status, and disability status of program participants

## **PART I: NONDISCRIMINATION**

## **2-I.A. OVERVIEW**

Federal laws require PHAs to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of 2005 (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

### PHA Policy

It is the policy of the PHA, to comply fully with all Federal, State, and local nondiscrimination laws, the Americans with Disabilities Act, and the U.S. Department of Housing and Urban Development regulations concerning Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the PHA housing programs. The PHA complies with this policy in all aspects of the program and process from the time a prospective tenant first applies through a voucher being given.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to applicants for and participants with all Civil Rights laws. The PHA will provide Federal/State/local information to applicants for and participants in the Section 8 Housing Choice Voucher Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. All applicable Fair Housing and Discrimination Complaint Forms will be made available at the PHA office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo. In compliance with HUD's Limited English Policy and to ensure meaningful access to PHA

programs, the PHA will have copies of all vital forms translated into Spanish given the number of Tempe residents who speak Spanish according to Census data.

The PHA will assist any Tempe resident that believes they have suffered illegal discrimination by providing copies of the housing discrimination form and referring them to the City's Fair Housing Coordinator. The Fair Housing Coordinator will assist them in completing the form, if requested, and will provide them with the address of the Arizona Attorney General's office and the nearest HUD Office of Fair Housing and Equal Opportunity. The Fair Housing Coordinator will review fair housing complaints and, if applicable, refer them to the appropriate agency including the Arizona Attorney General's Office and/or the U.S. Department of Housing & Urban Development, Fair Housing Office, for further action if applicable.

## **2-I.B. NONDISCRIMINATION**

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

### PHA Policy

It is the policy of the PHA to comply fully with all Federal, State, and local nondiscrimination laws, the Americans with Disabilities Act, and the U.S. Department of Housing and Urban Development regulations concerning Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the PHA housing programs. Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone’s access to any benefit enjoyed by others in connection with the housing program
- Treat a person/family differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services received by others
- Deny anyone the opportunity to participate in a planning and/or advisory group that is an integral part of the housing program
- Discriminate against someone because they are related to or associated with a

member of a protected class

- Publish or cause to be published an advertisement or notice indicated the availability of housing that prefers or excludes persons who are members of a protected class

### **Providing Information to Families and Owners**

The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

#### PHA Policy

The PHA takes all necessary steps to ensure that families and owners are fully aware of all applicable laws. As part of the briefing process, the PHA provides information to applicants about the Fair Housing Act, information on accommodating persons with disabilities and census tract information on poverty within the City of Tempe. The PHA also provides owners with information about the Fair Housing Act.

**Discrimination Complaints** If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. HUD requires the PHA to make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the PHA is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

#### PHA Policy

Applicants and participants are informed by the PHA that if they feel they have been discriminated against by either the PHA or an owner, they should advise the PHA. This includes any family members who feel they have been discriminated against. The PHA Housing Specialists refer such cases to the Fair Housing Coordinator who works with the Housing Specialist to determine whether or not an applicant or participant has indeed been discriminated against. Warranted corrective action is always taken and documented. The Fair Housing Coordinator provides the applicant or participant with information on how to file a discrimination complaint and assists with that process as requested.

#### PHA Policy

The PHA will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form and referring them to the City's Fair Housing Coordinator. The Fair Housing Coordinator will assist them in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity. The Fair Housing Coordinator will review fair housing complaints and, if applicable, refer them to the appropriate agency;

Attorney General's Office and/or the U.S. Department of Housing & Urban Development, Fair Housing Office, for further action if applicable.

## **PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES**

### **2-II.A. OVERVIEW**

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the HCV program.

#### PHA Policy

The PHA will ensure that all applicants and participants have full access to the PHA's programs and services if they require any type of accommodations by the PHA posting the following language:

"If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to full utilize our programs and services, please contact Theresa James, Fair Housing Coordinator at 480-858-2360."

Request for accommodation for persons with disabilities should contact the Fair Housing Coordinator at 480-350-8950 or by TDD 480-350-8913 or by requesting a Request for Accommodation form.

## **2-II.B. DEFINITION OF REASONABLE ACCOMMODATION**

A person with a disability may require special accommodations in order to have equal access to the PHA program. The types of reasonable accommodations the PHA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for a PHA or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

### Types of Reasonable Accommodations

When needed, the PHA modifies normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting pre-applications to be completed by mail with a written request
- Permitting annual reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair

## **2-II.C. REQUEST FOR AN ACCOMMODATION**

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The applicant/participant must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.

If the need for the accommodation is not readily apparent or known to the PHA, the applicant/participant must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

### PHA Policy

The PHA will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

The PHA will encourage the applicant/family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

## **2-II.D. VERIFICATION OF DISABILITY**

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services.

If a person's disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a applicant/participant indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a mental health professional, a peer support group, or a non-medical service agency [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

**2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION** [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The PHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the applicant/participant, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the applicant/participant, request more information from the applicant/participant, or may require the applicant/participant to sign a consent form so that PHA may verify the need for the requested accommodation.

The process begins with the appropriate Housing Specialist and then is reviewed by the Fair Housing Coordinator and finally, the Housing Services Administrator.

PHA Policy

After a request for an accommodation is presented, the PHA will respond, in writing, within 10 business days.

If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA operations), the PHA will discuss with the applicant/participant whether an alternative accommodation could effectively address the disability-related need(s) without a fundamental alteration to the PHA program and without imposing an undue financial and administrative burden.

If the PHA believes that the applicant/participant has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the PHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the applicant/participant.

## **2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

HUD regulations require the PHA to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

### PHA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available by calling (480) 350-8913. PHA staff have been trained on using TTY equipment. The PHA also accepts call from the AZ Relay Service.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

## **2-II.G. PHYSICAL ACCESSIBILITY**

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- PIH 2002-01 (HA), Accessibility Notice
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents.

This plan describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.

- Notice PIH 2002-01(HA) Accessibility Notice (which must be posted in the HCV offices in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- The PHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of the PHA's facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, the PHA will include a current list of available accessible units known to the PHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

## **2-II.H. DENIAL OR TERMINATION OF ASSISTANCE**

The PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the PHA's informal review process and their right to request a hearing. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal hearing process.

When a participant family's assistance is terminated, the notice of termination must inform them of the PHA's informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, the PHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation.

## **PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **2-III.A. OVERVIEW**

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register*.

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

### **2-III.B. ORAL INTERPRETATION**

In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent services free of charge to the LEP person.

### **2-III.C. WRITTEN TRANSLATION**

Translation is the replacement of a written text from one language into an equivalent written text in another language.

### **2-III.D. IMPLEMENTATION PLAN**

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access

by LEP persons to the PHA's Housing Choice Voucher program and services.

### PHA Policy

It is the policy of the PHA to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Any individual eligible for programs/services at the PHA who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with our staff has the following rights:

- A right to qualified interpreter services at no cost to them.
- A right not to be required to rely on their minor children, other relatives, or friends as interpreters.
- A right to file a grievance about the language access services provided them.

The PHA has determined that the language(s) other than English that is/are most likely to be encountered by employees of the PHA is Spanish. Therefore, all vital documents will be available in Spanish and English. The PHA will periodically monitor the LEP population of those served or those who could be served by the PHA. If it is determined that other LEP language groups are seeking benefits/services or are potentially eligible to receive benefits/services, the PHA will adjust its methods and services to serve the new population accordingly. Any new LEP populations will be reflected in an updated version of the LEP plan.

The PHA, at no cost to the LEP individuals or families, provides interpreter services to all LEP individuals or families applying for, participating in programs or receiving services/benefits through the PHA. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits or participation in City of Tempe run program beyond that of an English speaking individual or family. English and Spanish applications and outreach material are available at the agency. Additionally, English and Spanish brochures describing services are available at the agency and at various community events, fairs and speaking engagements.

The PHA addresses phone calls and voice mail by LEP individuals in the following manner:

The PHA's automated phone message is available in both Spanish and English. The automated attendant that greets clients calling the agency provides a Spanish greeting. Clients indicating they speak Spanish are automatically transferred to Spanish speaking staff by the receptionist. The PHA addresses walk-ins who are LEP individuals in the same manner (refers to receptionists or point of contact). Spanish speaking staff is also available for walk-in clients, scheduled appointments and written translation.

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## **EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER**

## **FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]**

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or 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
- 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” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such 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” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or 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.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the \$480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.