

## **LESLEY SENIOR COMMUNITIES REASONABLE ACCOMMODATION POLICY**

### **Fair Housing and Equal Opportunity Requirements**

All potentially eligible, qualified applicants will be considered in accordance with the HUD-Approved Affirmative Fair Housing Marketing Plan (HUD Form 935A), after complying with all applicable admissions requirements according to the HUD Handbook 4350.3 including all changes.

### **Statements of Non-Discrimination**

It is the policy of Lesley Senior Communities to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, 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, and any state legislation protecting the individual rights of tenants, applicants or staff which may subsequently be enacted.

This includes, but is not limited to, discrimination based on race, color, creed, religion, source of income, occupation, sex, gender identity, marital or domestic partner status, familial status, sexual orientation, national origin, ancestry, age, disability; acquired Immune Deficiency Syndrome, (AIDS) or HIV status.

Under Federal Law it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, disability, familial status or national origin. In compliance with the Fair Housing Act, Lesley Senior Communities prohibits discrimination because of race, color, creed, religion, national origin, sex, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with local fair housing and civil rights laws.

Lesley Senior Communities shall not:

- Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- Provide housing which is different than that provided others;
- Subject a person to segregation or unequal or different treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

Lesley Senior Communities shall not automatically deny admission to a particular group or category of otherwise eligible applicants; i.e., single head of households with children, elderly pet owners, or a family whose head or spouse is a student. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Lesley Senior Communities will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504,

Lesley Senior Communities will make physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, Lesley Senior Communities may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

### **Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status**

Lesley Senior Communities complies with the Final Rule – Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity which was published in 2012. The owner/agent will comply with the requirements established in the Final Rule which ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status.

This is an equal opportunity housing facility. Lesley Senior Communities will make “reasonable accommodations” to individuals whose disabilities so require. Residency is open to all qualified, eligible persons without regard to race, color, creed, religion, source of income, occupation, sex, gender identity, marital or domestic partner status, familial status, sexual orientation, national origin, ancestry, age, disability; acquired Immune Deficiency Syndrome, (AIDS) or HIV status in the leasing, rental or other disposition of housing related facilities

["Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity"](#) is a final rule published by the U.S. Department of Housing and Urban Development (HUD) that prohibits housing discrimination against lesbian, gay, bi-sexual or transgendered (LGBT) individuals in all HUD subsidized, insured and financing programs. This rule took effect on March 5, 2012.

From an assisted housing perspective, the final rule requires owners and operators of HUD-assisted or HUD-insured housing to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs.

The rule also prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant's or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.

### **Reasonable Accommodations**

It is in the intention of Lesley Senior Communities to make “reasonable accommodations” both in the application process and residency in accordance with HUD Handbook 4350.3 and especially with regards to Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes. This also includes taking reasonable steps to ensure meaningful access to information and services we provide for persons with LEP (Limited English Proficiency).

### **Applicants who Require Reasonable Accommodations, Including Live-In Aides.**

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. For reasonable accommodations to apply there are several requirements.

First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type. Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property. In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, management will provide a reasonable accommodation if the request meets the requirements discussed above.

Lesley Senior Communities' Reasonable Accommodation policies and procedures, will comply in all respects with California and Federal Law, and are presented below:

- a. Management, through the on-site manager, shall accept requests for reasonable accommodations orally or in writing. If the request is made orally, management shall assist the requestor in filling out the necessary paperwork in writing.
- b. Lesley Senior Communities forms shall be readily available at the front desk for distribution to tenants and applicants when requested or when staff has reason to believe a reasonable accommodation is being requested. At no point should residents or applicants be made to wait to submit a reasonable accommodation request until management or some other designated staff member is available.
- c. A request may be made by an individual tenant, or if the request is made by anyone on their behalf, including but not limited to a family member, spouse or significant other, healthcare provider or advocacy group, the request must be made in writing to management and make specific reference to the requesting tenant and a statement confirming the authority given by the tenant to the person making the request.
- d. Any understandable request for reasonable accommodation made to the on-site manager will be considered even if the individual making the request fails to use the term "reasonable accommodation" as part of the request.
- e. A request for reasonable accommodation can be made at any time, including in the application for housing and through eviction (up until the date of judgment).
- f. All requests for reasonable accommodation directed to the on-site manager of the Property, whether made orally or in writing, shall be immediately forwarded to the appropriate supervisor for a response, if that manager is unable to grant the decision themselves.
- g. If the applicant or tenant's disability is not apparent or known or if the accommodation/modification requested presents an undue burden or fundamental

- alteration, Management will engage in a timely interactive dialogue to determine a mutually agreeable reasonable accommodation or modification. Includes suggesting equally effective alternatives to meet the disability related needs of the applicant or tenant.
- h. Management shall acknowledge receipt of a request for accommodation received, either in writing or orally, in writing within five (5) business days of receipt.
  - i. All understandable requests for reasonable accommodations must be promptly considered. The time necessary to respond to a request depends on various factors, such as the urgency and complexity of the matter, but in no case shall the decision or written explanation as to why additional time is needed, take longer than fourteen (14) calendar days. Ignoring a reasonable accommodation request or reasonable modification request is denying that request.
  - j. The final written decision regarding reasonable accommodation requests shall be retained in the tenants' and the company's files.
  - k. Management shall consider all such intelligible requests for accommodations because of disability and shall grant those requests that are reasonable and as required by California and Federal Law.
  - l. Management shall not impose nor condition granting a request for accommodation upon the payment of any additional fees or costs, except as may be permitted by all applicable law.
  - m. Denial of a request for reasonable accommodation shall be in writing and may be based upon reasons permitted by all applicable law. Management shall notify such applicant or tenant (1) that the denial is without prejudice to a subsequent request accompanied by additional information or a change in circumstances and (2) that the tenant has the right to appeal the decision denying the request as set forth below.
  - n. The denial of a request for reasonable accommodation shall be without prejudice to a subsequent request based upon different facts or circumstances and such subsequent request will be evaluated and decided upon based upon the same criteria as any other request.
  - o. A reasonable accommodation request can only be denied if it poses an undue financial burden or fundamental alteration of the program. The fact that an accommodation may impose some cost on the housing provider is not grounds for a denial.
  - p. Should a tenant seek an appeal of management's denial of a request for an accommodation, the tenant shall provide the written request to appeal and supporting materials and information (including but not limited to appropriate verification that the requestor meets the California and/or Federal definition of disability to the extent such disability is not obvious or previously known and that the requested accommodation is both necessary and related to the requestor's disability from a health care provider or other reliable qualified third party as defined in paragraph r below to the extent necessity and relationship to disability is not obvious or previously known) to the on-site manager within twenty-one (21) calendar days of the postage date of the denial.
  - q. Management shall review any appeal of a denial of a request for an accommodation to see if the request for accommodation could be granted or if some other accommodation would be possible. Management's decision regarding

the appeal will be provided to the appealing tenant in writing and sent via Certified Mail Return Receipt Requested within twenty-one (21) calendar days of the receipt of the appeal. Such decision shall be retained in the tenant's and the company's files.

- r. Only if the disability of the tenant is not obvious or already known to management, management may request documentation of the disability and/or the disability-related need for accommodation. In such instances, the following policies and procedures will apply:

(i) If the disability underlying the need for a requested accommodation is not readily apparent to the person considering the request, management may request reliable information that is:

(1) necessary to verify that the individual has a disability;

(2) describes the needed accommodation; and

(3) shows the relationship between the individual's disability and how the requested accommodation would enable the individual with a disability equal opportunity to use and enjoy a dwelling.

(ii) Management may not seek nor may it require information about, except as permitted by applicable law:

(1) The requestor's particular diagnosis or medical condition, the severity of the disability, medical records, medical history, other disability or medical issues unrelated to the request, or other disability or health related information beyond the information needed under (i) above.

(2) Information unrelated to the inquiry under (i) above.

(iii) Depending on the individual's circumstance, information establishing that the individual has a disability can usually be provided directly by the individual with a disability through a variety of means, such as a statement or documentation of receipt of disability benefits. Information confirming that the individual has a disability, or confirming that there is a disability-related need for the accommodation, may also be provided by any objectively reliable third party who is in a position to know about the requestor's disability or the disability-related need for the requested accommodation, per California Government Code section 12178, including:

(1) A medical professional;

(2) A health care provider, including the office of a medical practice or a nursing registry;

(3) A peer support group;

(4) A non-medical service agency or individual, including In-

Home Supportive Services or Supported Living Services providers; or

(5) A reliable third party who is in a position to know about the individual's disability or disability-related need for the accommodation. This could include, but are not limited to, a relative or others in a caregiving relationship with a person with a disability. The determination of whether a third-party is reliable must be determined on a case-by-case basis. A determination of reliability may take into account: (a) information establishing how the third party is familiar with the individual's disability or the disability-related need for the accommodation; (b) information that specifies the functional limitations that underlie the request for an accommodation, but this information need not include specific medical information or terminology; or (3) Information providing a means to contact the third party to verify that the person identified did in fact provide the documentation and to answer any questions permitted by law.

(iv) All information concerning a person's disability, request for an accommodation, or medical verification or information must be kept confidential and must not be shared with other persons who are not directly involved in the interactive process or decision making about the requested accommodation unless disclosure is required to:

(1) make or assess the decision to grant or deny the request for accommodation;

(2) effectively implement the requested accommodation; or

(3) when disclosure is required and permitted by law.

- s. Management shall provide each tenant and each new tenant with a written explanation and summary of the company's policies and procedures set forth in the required Reasonable Accommodation Policy.
- t. If a tenant speaks to management about an issue they are having related to unequal access to their housing as a result of a disability, management shall notify that tenant of the reasonable accommodation policy and ask the tenant if they would like a copy of the written policy for their review, providing a copy if the tenant answers in the affirmative.