

TCP Reasonable Accommodations Training Summary—The Equal Rights Center

About the ERC

- The Equal Rights Center is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment and public accommodations in its home community of Greater Washington DC and Nationwide.

Civil Rights Model of Disability

- Medical Model: Disability is a limitation of the person that needs to be “fixed” or “cured”
- Social Model: Disability is a social construction created by a lack of accessibility in the environment.

Legal Definition of Disability

- A physical or mental impairment which substantially limits one or more major life activities, or a record of having such impairment, or being regarded as having such an impairment. (Remember that not all disabilities are visible.)

Disability Etiquette

- A set of rules—written or unwritten—offering guidance on what constitutes socially preferred behavior when meeting, introducing, writing about, assisting, or enjoying the company of a person who has a disability.
- Best practices
 - Respect that each person is the expert on their own experience.
 - Talk to a person with a disability just as you would talk to anyone else.
 - When speaking to a person with a disability, maintain eye contact.
 - Don't assume that someone with a disability needs help.
 - Use people-first language:
 - Refer to the person first and his or her disability second
 - Do not use terms such as afflicted, suffering, or stricken
 - Equipment is not a limitation but an instrument for independent living
 - Remember that terminology changes and not every person in a group will agree with these terms

Civil Rights Laws

- **The Americans with Disabilities Act (ADA)** is a civil rights law that prohibits discrimination solely on the basis of disability in employment, public services, and public accommodations.
- **Section 504 of the Rehabilitation Act** requires that any organization that receives federal funding must make their programs and activities accessible to people with disabilities.
- **DC Human Rights Act** prohibits discrimination in housing, employment, public accommodations, and educational institutions based on 19 protected traits of people who live, visit, or work in DC.
- **The Fair Housing Act (FHA)** prohibits specific activities that lead to the discrimination of protected classes in housing. It also details design and construction requirements that provide a moderate level of accessibility.

Fair Housing Fundamentals

- Fair Housing is the sale and rental of housing free from discriminatory practices or policies, while continuing to treat everyone equally and with respect.
- The Fair Housing Act describes protected classes, prohibited activities, accessibility requirements.
 - **Federally protected classes:** race, color, national origin, religion, sex, familial status, disability

- **Legally protected classes in DC:** age, family responsibilities, gender identity, genetic information, marital status, matriculation, personal appearance, political affiliation, sexual orientation, source of income, status as a victim of an intra-family offense, place of residence/business
- **Prohibited activities:** refuse to sell or rent, enforce/offer discriminatory terms and conditions, advertise a discriminatory preference, misrepresent availability, engage in blockbusting or steering, harass, threaten, intimidate, coerce, retaliate, refuse to make reasonable accommodations.

Reasonable Accommodations and Modifications

- Reasonable accommodations are changes in rules, policies, practices, or services that give a person with a disability equal opportunity to benefit from a program's goods and services, such as waving a no-pet policy.
- Reasonable modifications are structural changes made to units or common use areas that afford a person with a disability full use and enjoyment of the premises, such as lowering countertops or installing a ramp.

Service and Companion Animals

- Service animals are dogs trained to provide specific tasks, while companion animals, used mostly for emotional support, are not necessarily dogs or trained.
- Both are permitted in all TCP shelters, but owners are responsible for animal care.

TCP Reasonable Accommodations Procedure

- Steps to TCP Reasonable Accommodations Procedure
 1. Provide client with Reasonable Accommodations brochure
 2. Review brochure and "Request for Reasonable Accommodation" form with client
 3. If needed, complete verification form
 4. Complete "Notification of Accommodation Status" form
 5. Approve, deny, or provisionally approve request
 6. If needed, suggest an alternative accommodation
- When is it reasonable to deny an accommodation request?
 - If request would result in a fundamental alteration to the nature of the program.
 - If the request would provide an undue financial/administrative hardship.
 - If the request would result in a direct threat to the health and safety of others.
 - If a request is for a structural change, such as building a ramp or lowering countertops, it may pose an undue burden, or be unreasonable given the length of stay of the client.

**If any of these is the case, and staff believe the request should be denied, record the request as pending and consult with the ADA Compliance Specialist at the DC Department of Human Services before denying.*

- Additional Reasonable Accommodations Considerations
 - Review each request on a case-by-case basis
 - Provider may not inquire as to the nature or extent of the disability
 - If denial of an accommodation will cause serious harm to the client, grant the accommodation if at all possible.
 - May not pass information about a person's disability to a third party
- Best Practices to remain compliant:
 - Avoid steering by allowing applicants to make their own decisions about where to live
 - Regularly review disability etiquette tips
 - Promptly respond to requests for reasonable accommodations
 - Keep up-to-date on protected classes
 - Never disclose the nature of a resident's disability or membership in a protected class.