

Affirmative Fair Housing Policy and Reasonable Accommodation Plan
Grandview Pointe Apartments, Cleveland, Ohio

Introduction

On April 11, 1968, President Lyndon B Johnson signed the Civil Rights Act of 1968, which contains Title VIII also known as the Fair Housing Act (FHA). This was a follow-up to the Fair Housing Act of 1964. The Fair Housing Act guarantees: “the right of every person to live where they choose, regardless of their race, color, national origin, sex, religion, familial status, or disability.” HUD encourages everyone to get involved in their communities, to help eliminate disparities in access to housing and all other community assets, and to help protect and promote the ideal that *“doors of opportunity should be open to everyone.”*

The Grandview Pointe Apartments (GVP) Plan for Affirmative Fair Housing is, and is intended to be, consistent with the U.S. Department of Housing and Urban Development (HUD) policies and practices in order for Grandview Pointe Apartments to receive HUD, Section 8, Housing Choice Voucher funding and to maintain consistent housing policy for all residents who live at the Grandview Pointe Apartments.

1.0 Objectives

1. To maintain our housing inventory in a safe, clean and decent condition.
2. To provide housing to qualifying applicants.
3. To lawfully deny the admission of applicants or continuation of residency of tenants whose behavior, circumstances, and/or habits may adversely affect the livability, condition, and operation of the property. This includes the health, safety, welfare, comfort and physical condition of GVP, its tenants, and its employees.
4. To ensure compliance with Title VI of the Civil Rights Act of 1964, and with all laws and regulations regarding applicant acceptance and tenant occupancy pertaining to race, color, national origin, sex, religion, familial status, disability, or similarly protected classifications or attributes.
5. Facilitate the training of staff to carry out these objectives.

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1.1 Statement of Non-Discrimination

GVP Will:

1. Not discriminate on the basis of an applicant/tenant's race, color, national origin, sex, religion, familial status or disability when leasing or during the rental, occupancy, use of housing or facilities of GVP.
2. Carry out its housing or housing related activities in a manner consistent with Title VI of 1964 and Title VIII of 1968, and all federal, state and local laws and regulations prohibiting discrimination in housing-related activities whether federally funded, or not.
3. Adhere to the provisions relating to policy and of non-discrimination laws including:
 - Title VI of the Civil Rights Act of 1964
 - Title VIII of the Fair Housing Act of 1968, (24 CFR Section 100.21)
 - Section 504 Rehabilitation Act of 1973, (24 CFR Section 8.3)
 - Age Discrimination Act of 1975
 - Executive Order 11063, requiring non-discrimination and equal opportunity
 - Improve Access to service for Limited English Persons (LEP)
 - Title II of the Americans with Disability Act (ADA) 1990, (38 CFR Section 35.104)
 - Violence Against Women Act (VAWA) 1994 and 2013
 - Applicable State Laws and Local Ordinances

GVP Will Not:

- Treat anyone disparagingly
- Deny anyone the opportunity to apply for housing suitable to their needs
- Provide housing to anyone that is any different to already established tenants, except as may be necessary to accommodate disability
- Subject anyone to segregation
- Restrict anyone access to amenities enjoyed by others
- Treat anyone differently or discriminatorily regarding remedies for compliance with the terms of the lease
- Discriminate against anyone because they are associated with someone in a protected class
- Publish any advertisement or notice that represents availability of housing that prefers or excludes persons of a protected class

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Exclusion of pets shall be in accordance with the most recent published property pet policy.

1.2 Compliance with Disability Related Civil Rights Requirements under Section 504 Rehabilitation Act and Fair Housing Act and other applicable laws and regulations

1. GVP will operate its programs in a manner that offer accessibility and usability by persons with disabilities. This applies to facilities that are barrier free so that persons with mobility impairments can use the facilities.
2. GVP will be prepared to effectively communicate with persons who are visually impaired, hearing impaired; or speaking impaired.
3. GVP cannot change its policies and procedures when it will adversely affect its operations financially or impose an undue administrative burden.
4. For purposes of this portion of the policy, reasonable accommodation is defined as a change, modification or adaption of policy, procedure or program that provides a person with a disability the opportunity to participate in or benefit from a program, service or activity. (whether Housing or Non-Housing Related).

1.3 Persons with Disability under the Federal Civil Rights Law

A. The Fair Housing Act, 24 CFR paragraph 100.201, Section 504 of the Rehabilitation Act of 1973, 24 CFR paragraph 8.3 and the Americans with Disability Act, 28 CFR paragraph 35.104, defines a disability as:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment;
3. Is regarded as having such impairment;

B. The definition of a person with disability does not include:

1. Current alcohol and/or drug abusers, whose use of alcohol or drugs prohibits them from participating in housing and non-housing programs and activities;
2. Current alcohol and/or drug abusers, whose participation by reason of use of alcohol and/or drug use would not constitute a direct threat to the property or safety of others.

C. As used in the definition the phrase “physical or mental impairment” includes:

1. Any physiological disorder, disfigurement, anatomical loss, neurological, muscular-skeletal, respiratory, cardiovascular, reproductive, digestive, hemic or lymphatic, skin

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or endocrine; or

2. Any mental or psychological disorder, emotional or mental illness, or learning disability. The term “physical or mental impairment” includes but is not limited to: such diseases and conditions as orthopedic, visual, hearing or speech impairments, emotional illness, alcoholism or drug addiction.
- D. “Has a record of such an impairment” mean by history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- E. “Major life activities” means functions such as caring for one’ self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and employment.
- F. “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.
- G. This definition of disability determines whether an applicant or resident is entitled to any of the protections of federal disability civil rights laws. A person who does not meet this definition of disability is not entitled to a reasonable accommodation under Section 504 and the Fair Housing Act.
- H. The definition of disability, as it relates to reasonable accommodation, is not the operative definition of disability for determining eligibility for housing that serve persons with disabilities such as mixed population housing, disability vouchers, and eligibility for preference or medical deductions related to have a disability.

1.4 Civil Rights Requirements Related to Verification/Inquiries About Disability (24 CFR Section 100.20)

- A. Under the Fair Housing Act, it is unlawful, in the absence of a request for disability accommodation, for GVP to:
 1. Ask if an applicant for a rental has a disability or a co-applicant of the rental nor an associate with the applicant or resident has a disability, or
 2. Ask about the nature or severity of a disability of such persons.

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B. GVP may make the following inquiries of all applicants for housing or housing-related services, regardless of whether the applicant appears to have a disability or says he or she has a disability:

1. An inquiry into applicant's ability to meet the requirements of tenancy;
2. An inquiry to determine if an applicant qualifies for rental legally available only to persons with a disability or to persons of a particular type of disability. GVP may inquire whether an applicant has a disability for determining if that applicant is eligible to live in mixed population housing designated for persons with disabilities;
3. An inquiry to determine if an applicant is a current illegal drug abuser;
4. An inquiry to determine whether an applicant has been convicted of illegal manufacture or distribution of a controlled substance; or

C. Applicants cannot be compelled to reveal the fact that they do have a disability; however, if they do not, they may not be entitled to any benefit that such status confers. GVP may however ask all applicants whether they wish to claim disability status.

D. To verify that an applicant and/or resident is a person with a disability, appropriate GVP staff can attempt to verify whether the applicant and/or tenant is under age 62 and receives either Social Security or SSI Disability income. Receipt of such income is sufficient to show that an individual qualifies as a person with a disability. On the other hand, some residents and/or applicants may be entitled to disability accommodation even though they do not have such income.

E. In the event of a disability accommodation request, GVP may use verification forms to document that an applicant or resident meets the HUD eligibility definition of a person with a disability. GVP's verification form should be completed by a qualified medical professional who has direct knowledge of the person's disability.

F. In the event of a disability accommodation request, GVP may also verify whether the requested accommodation is necessary to provide the individual with equal opportunity to use or enjoy a rental unit and its associated services, including the public and common areas, and may seek discussion of alternative accommodation methods in some circumstances.

G. Absent a disability accommodation request, GVP is not permitted to ask about the nature or extent of a person's disability, nor is it necessary or permitted for GVP staff to ask about anyone's diagnosis or detail of treatments. In the event of a disability accommodation request, GVP's inquiries into the nature or extent of the person's disability will be limited to determining

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the relationship between the disability at issue and the need for the requested accommodation.

H. Upon receipt of a disability accommodation request from a resident and/or applicant, GVP staff shall promptly determine and document the specific request(s) being made by the applicant and/or resident, the relationship between the request and the disability at issue, and any associated burden reasonably expected to be necessary to grant the requested accommodation, included but not limited to cost, expense, or disruption. So long as the existence of the disability at issue is verified as described herein, the requested accommodation is reasonably necessary to afford the disabled person equal opportunity to use and enjoy their dwelling, and the burden(s) associated with granting the request, if any, are reasonable under the circumstances, the disability accommodation request shall be promptly granted by GVP.

I. It is a violation of Section 504 and Fair Housing Act to inquire whether an applicant or tenant is able to “live independently.” Courts have consistently held that this is not a legitimate inquiry to make of applicants or tenants in HUD-assisted housing. Screening materials will not include questions related to such an inquiry. However, an individual “self sufficiency plan” may be required as a condition of occupancy.

1.5 Applications for rental housing – for Persons with Disabilities

- A. Applicants are completed and accepted on-line 24 hours/day and 7/days/week.
- B. GVP will accept applications from families where the head of household or spouse are disabled or elderly.

1.6 Assistance To Families Who Allege Discrimination

Applicant or Tenant family who feel they have been denied housing or housing related service for discriminatory purposes will be promptly referred by GVP to the Fair Housing and Equal Opportunity Division of the U.S. Department of Housing and Urban Development if they are a subsidized family or the OCRC if they are a non-subsidized family.

1.7 Families Who Require Assistance From Staff In Completing and/or Reading Documents

Management staff will assist applicants/tenants who request such assistance, in reading, completing all documents required for verification including applications, forms, Income Verification forms, etc. Management staff will usually suggest that a family member or assistant/aide be present to assist in confirming information and services necessary to complete the documentation so as not to delay the process. If a client cannot sign using a

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signature, an "X" will be an approved and sufficient mark in the event it is witnessed by another person who will initial and date document also.

1.8 Fraud

Applicants and residents will certify that all statements made to GVP are true and complete to the best of their knowledge. Deliberate misrepresentation of facts and circumstances can result in consequences including but not limited to denial of services, denial of disability accommodations, revocation of rental/service/accommodation applications and/or offers of tenancy, and/or termination of the GVP rental lease. Title 18 of the U.S. Code, states that a person who knowingly and willfully makes false or fraudulent statements to any Department or Agency of the United States, including the Department of Housing and Urban Development (HUD) is guilty of a felony.

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