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Relay #: 711

## MCKEAN COUNTY HOUSING AUTHORITY

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### **REASONABLE ACCOMMODATIONS/MODIFICATIONS POLICY**

It is the policy and intention of the McKean County Housing Authority (“MCHA”) to not discriminate against individuals with disabilities with regard to the development or operation of MCHA’s housing, housing services, and housing programs. MCHA is committed to complying with the federal Fair Housing Act (“FHA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), Title II of the American with Disabilities Act (“ADA”), and other federal, state, and local disabilities laws and regulations, as those laws and regulations are amended. MCHA will provide for accessibility throughout all of its services and programs.

MCHA recognizes that some elderly, near-elderly, and qualified individuals with disabilities need, and are entitled to, reasonable changes or waivers to MCHA’s usual rules and policies in order to fully enjoy and participate in MCHA’s housing, housing services, and programs (“Reasonable Accommodations” or “RAs”).

MCHA also recognizes that some qualified individuals with disabilities need, and are entitled to, reasonable modifications to their housing units or to MCHA’s common areas (“Reasonable Modifications” or “RMs”) in order to fully enjoy and participate in MCHA’s housing, housing services, and programs. As required by federal law, within its inventory MCHA will strive to maintain at least 5% accessible housing units for the mobility impaired, 2% for the vision/hearing impaired, and at least 2% accessible parking spaces. Individuals receiving RAs/RMs will be required to comply with all terms of the lease, family obligations, program rules and the law, with a reasonable accommodation if necessary.

MCHA will foster a corporate culture of acceptance of reasonable accommodations and reasonable modifications. MCHA will consider reasonable accommodations/reasonable modifications on an individualized, case-by-case basis. MCHA will engage in the interactive process to ensure that reasonable accommodation/reasonable modification requests are handled fairly and thoroughly. MCHA will effectively communicate with individuals with disabilities and will provide reasonable accommodations as necessary to do so, such as



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providing information to them in alternative formats, providing auxiliary aids, communicating with their designated representatives, and using language interpreters. MCHA will make reasonable efforts to communicate with disabled persons whose primary language is not English (“LEP”).

MCHA will consider an individual to have a “disability” when s(h)e: 1) has a physical, mental, emotional, developmental, or cognitive impairment that substantially interferes with one or more major life activities; 2) has a record of such an impairment, or 3) has been regarded by MCHA as having such an impairment. MCHA also will consider individuals receiving disability-related financial assistance from the federal Social Security Administration (such as SSI or SSDI) as having a “disability.”

MCHA only will provide reasonable accommodations that are medically necessary in order for the requestor to fully enjoy and participate in MCHA’s housing, housing services, and programs equally with persons without disabilities. MCHA will not provide accommodations that are simply beneficial, helpful, or otherwise not medically necessary. MCHA only will provide reasonable accommodations for impairments that are permanent, as certified by a knowledgeable licensed third-party professional. MCHA will not accommodate impairments that are non-permanent, episodic, periodic, or of a temporary duration.

Individuals seeking RAs/RMs will be required to verify, through a knowledgeable, licensed third-party professional, that they have a disability and that there is a medical need for their requested accommodation in order for them to fully enjoy MCHA’s housing, services and/or programs. Such verifications will be required at each family re-examination. The only exceptions to the verification requirement are for disabilities or accommodations that are obvious or known to MCHA.

MCHA considers the following disabilities to be “obvious:”

- Individuals who previously were declared by a knowledgeable, licensed professional to be “legally blind” or effectively such.
- Individuals who previously were declared by a knowledgeable licensed professional to be “legally deaf” or effectively such.



- Persons with extreme limitations on their mobility, such as those who permanently are unable to stand, walk or move without assistance; amputees of a major limb or body part; persons with substantial paralysis, dystrophy of limbs, or other disorders that result in extreme physical or mobility limitations that are immediately apparent to another person.
- Autism, Down's Syndrome, and other mental or developmental disabilities that have physical or mental manifestations immediately apparent to a MCHA staff person.
- Individuals with Alzheimer's or dementia that have physical or mental manifestations immediately apparent to a MCHA staff person.

MCHA will document the RA/RM process, and will maintain confidentiality with regard to all medical and other personal information received during the RA/RM process. Under certain circumstances, MCHA's approval will be conditioned upon the head of household and family member with the disability (if an adult) signing an appropriate agreement and lease addendum. Additionally, accommodations for persons requesting that MCHA not exercise its right to terminate assistance or initiate eviction proceedings also will be conditioned upon the person signing and complying with a remedial plan. In the event of a breach of an agreement or remedial plan, MCHA will have the right to withdraw approval of the RA/RM and proceed accordingly. In certain circumstances, a breach of an agreement/remedial plan may result in a serious breach of the lease and/or program rules, and may permit the termination of housing assistance or eviction.

MCHA will pay the full cost of the implementation, acquisition, installation, and on-going maintenance of reasonable accommodations and modifications. MCHA will not provide RAs/RMs that place an undue financial and administrative burden on MCHA, fundamentally alter the nature of MCHA programs, or otherwise are not infeasible or are unreasonable.

When MCHA denies a RA or RM, the requestor has the right to request administrative review of MCHA's decision in accordance with MCHA's administrative review policy.