



## PUERTO RICO PUBLIC HOUSING ADMINISTRATION FAIR HOUSING POLICIES

### OVERVIEW

The **PUERTO RICO PUBLIC HOUSING ADMINISTRATION**, hereinafter to as “PRPHA”, a public agency created under Law Number 66 of August 17, 1989, as amended. The PRPHA is govern by the Puerto Rico Public Housing Administration Governing Board, whose President is the Secretary of the **PUERTO RICO DEPARTMENT OF HOUSING**, hereinafter the DEPARTMENT, which was created by Act Number 97 of June 10, 1972, as amended.

The PRPHA is a Public Housing Agency (“PHA”) created by law to administer the Puerto Rico Public Housing Program for the purpose of providing decent, safe, and sanitary housing under the United States Housing Act of 1937, 42 U.S.C. Section 1437 et seq. (“Housing Act”), the regulations promulgated by the United States Department of Housing and Urban Development (“HUD”), and the PRPHA’s Organic Act Number 66 of August 17, 1989, as amended, and other applicable federal or local laws, rules, regulations and ordinances.

One of the principal endeavors of the PRPHA is to provide decent, safe and sanitary housing and maintain the housing facilities in good conditions for the residents of the public housing communities. Also, it has the responsibility to promote activities and provide services that empower the community and improve their quality of life.

PRPHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of PRPHA’s programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a PRPHA policy, PRPHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, the PRPHA will make another accommodation that would not result in a financial or administrative burden.



A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

PRPHA will post a copy of this Reasonable Accommodation Policy and Procedures in the Central Administrative Offices located in San Juan; the Regional Offices of the PRPHA; the offices of PRPHA's private management companies; and, the management office in each public housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the PRPHA's Section 504 Administrator.

## LEGAL AUTHORITY

### I) Federal Legislation:

**United States Housing Act of 1937, as amended:** establishes low income housing for residents to be administered by the Public Housing Authorities (PHA). The Federal Department of Housing and Urban Development (HUD) and the PHA enter into an Annual Contribution Contract which provides the PHA with funding for housing assistance to very low-income households, and establishes the PHA's responsibilities in administering this funding.

HUD has four major responsibilities:

- Develop policy, regulations, handbooks, notices, and guidance to implement housing legislation;
- Allocate housing assistance funds;
- Provide technical assistance and training to PHAs; and
- Monitor PHA compliance with program requirements and performance goals.

Role of the PHA:

The PHA administers the public housing program under contract with HUD and has the following areas of responsibility:

- Establishing local policies;



- Determining family eligibility and reexamining of family income;
- Maintaining the waiting list and selecting families for admission;
- Calculating of family share of the rent and the amount of the housing assistance payment;
- Establishing of utility allowances;
- Assisting persons with disabilities in finding satisfactory housing;
- Approving units, including assuring compliance with housing quality standards and determining the reasonableness of rent;
- Conducting informal reviews and hearings at the request of applicants and participants and
- Complying with fair housing and equal opportunity requirements, HUD regulations and requirements, the consolidated ACC, the PHA's administrative plan, and federal, state and local laws.

The acts that apply to fair housing:

#### **A. Fair Housing Act**

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968), as amended, applies to almost all housing sold or rented in the United States. As such, owners/agents are required to comply with the federal Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal guardians, pregnant women, and people seeking custody of children under the age of 18), and handicap (disability).

The Act also establishes requirements for the design and construction of covered multifamily dwellings built for first occupancy after March 13, 1991, to ensure a minimum level of accessibility for persons with disabilities. Covered multifamily dwellings are buildings having four or more dwelling units, irrespective of whether or not the buildings are privately owned or federally/publicly assisted. In addition, covered multifamily dwellings include single family dwelling units when located in a building of four or more units.

All entities that are operating multifamily housing projects administered by the MFH programs and all housing providers applying for HUD mortgage



insurance, not just those providers that qualify as recipients of federal financial assistance, are required to comply with the Fair Housing Act. However, entities of subsidized multifamily housing projects must comply with additional requirements, which do not apply to unsubsidized projects. Therefore, entities of subsidized projects must also refer to HUD Handbook 4350.3, REV-1 for detailed guidance. The Handbook also provides useful information for entities of unsubsidized projects with respect to the Fair Housing Act's requirements.

#### **B. Title VI of the Civil Rights Act of 1964**

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. See the definition of federal financial assistance in HUD's Section 504 regulations at 24 CFR 8.3, and note that federal financial assistance does not include assistance made available through direct Federal procurement contracts or payments made under these contracts or any other contract of insurance or guaranty.

#### **C. Section 504 of the Rehabilitation Act of 1973 (Section 504)**

Section 504 prohibits discrimination based on disability in any programs, services and activities receiving federal financial assistance. See the definition of federal financial assistance in HUD's Section 504 regulations at 24 CFR 8.3, and note that federal financial assistance does not include assistance made available through direct Federal procurement contracts or payments made under these contracts or any other contract of insurance or guaranty.

#### **D. Titles II and III of the Americans with Disabilities Act of 1990 (ADA)**

Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. For example, Title II of the ADA applies to housing provided by public housing agencies. Title III, in most cases, does not apply to housing, however, certain parts of a housing development that are, by their nature, open to the general public, or otherwise made available to the general public, would be covered by Title III of the ADA; for example, rental offices and leasing offices. Similarly, if a common use clubhouse that is for the residents and their guests is also made available to the general public, it would be covered by Title III.

#### **E. Architectural Barriers Act of 1968**



The Architectural Barriers Act applies to certain buildings financed with Federal funds to ensure that they are designed, constructed or altered so as to be accessible to persons with disabilities. The Act applies to buildings, other than a privately owned residential structure, which are (1) constructed or altered by or on behalf of the United States; (2) leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans and specifications of the United States; or (3) financed in whole or in part by a grant or loan made by United States after August 12, 1968, if the structure is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.

**F.** For example, the ABA applies to housing provided by public housing agencies and through HUD's Community Development Block Grant Program. For more information on the ABA see HUD's ABA regulations at 24 CFR Parts 40 and 41.

**G. Age Discrimination Act of 1975**

The Age Discrimination Act prohibits discrimination on the basis of age in federally assisted and funded programs or activities, except in limited circumstances.

**H. Executive Order 11063**

Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

**I. Executive Order 12892**

Executive Order 12892, as amended, requires that federal agencies affirmatively further fair housing in their programs and activities and that the Secretary of HUD be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

**J. Executive Order 12898**

Executive Order 12898 requires that each federal agency conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.



#### L. **Executive Order 13166**

Executive Order 13166 eliminates, to the extent possible, limited English proficiency (LEP) as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally-conducted programs and activities. Costs for LEP-related activities are considered front-line management activities and may be charged to the project operating account, provided that the costs are reasonable for the population that will be served. Entities should refer to HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited-English Proficient Persons" published in the Federal Register on January 22, 2007 (72 F.R. 2732).

#### M. **Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity.**

As the Nation's housing agency, HUD policy is to ensure that its programs do not involve arbitrary discrimination against any individual or family otherwise eligible for HUD-assisted or insured housing, and that its policies and programs serve as models for equal housing opportunity. Toward this goal, HUD revised its program regulations on February 3, 2012 (77 FR 5662) to ensure that its core programs are open to all eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status in housing assisted with HUD funds or subject to FHA insurance, and to prohibit inquiries on actual or perceived sexual orientation or gender identity for the purpose of determining eligibility for the housing or otherwise making such housing available.

#### II) **PRPHA RULES:**

**Annual Contribution Contract (ACC)** is the contract signed between the public housing administration (PHA) and the Federal Department of Housing and Urban Development (HUD), where the PHA commits itself to administering the public housing units for HUD and receives managerial fee for said services. The PHA must comply with the Housing Act of 1937. It must provide all services, materials, equipment, supplies, facilities and professional and technical personnel, needed to



carry out all PHA obligations under the ACC, in accordance with sound management practices, federal statutes, the ACC, and HUD regulations and requirements. The PHA must implement procedures and systems sufficient to fulfill all PHA obligations under the ACC.

**Rule Number 8624:** Admission and Continued Occupancy in the Public Housing Developments Rules-regulates the applications and eligibility, leasing, inspections, rent reasonableness, reexaminations, and termination of assistance by the PHA, the responsibilities of the residents and the PHA and the public policies that the PHA employs to resolve any situation that may arise during the eligibility procedures and occupation of the housing unit.

**Rule Number 6405:** Rules of Acquisition-governs the manner that the PHA may acquire its services, materials and supplies, in order to comply with the requirements of the Public Housing Program.

**Voluntary Compliance Agreement (VCA) 2016:** Agreement between PRPHA and the Department of Housing and Urban Development to, among other requirements, converts 2,560 units to mobility accessible, 1,024 units to sensory accessible. Includes the compliance efforts agreed upon by the parties between 2016-2021.



## PUERTO RICO PUBLIC HOUSING ADMINISTRATION MANAGERMENTS AGENTS

PHA and any Private Management Company under contract to PHA (Collectively PHA) **must** comply with federal, state and local laws that prohibit discrimination on the basis of disability, including but not limited to the Federal Civil Rights Act (Title VI), the Federal Fair Housing Act (Title VIII), Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act (ADA).

It is necessary to provide an applicant or resident with a disability an equal opportunity to apply for and live in housing. An applicant or resident with a disability may ask for specific changes in rules, policies, procedures, and methods of communication or may ask for physical modifications to a unit or common area to enable him/her access to a building, unit or program. Such changes are referred to as reasonable accommodations.

PHA and property management firms must evaluate requests for reasonable accommodations to determine if and how requests can be accommodated. PHA and its agents can deny the request if the request constitutes a fundamental alteration in the nature of the program or constitutes an undue financial and administrative burden. The determination not to grant a reasonable accommodation shall not be made without the concurrence of PHA's 504 Administrator. The 504 Administrator is the person the PHA designates as responsible for ensuring that the PHA complies with federal, state and local laws that protect the rights of people with disabilities. The 504 Administrator is responsible to ensure the PHA meets its obligations set forth in these laws.



## FAIR HOUSING POLICIES FOLLOWED BY THE PUERTO RICO PUBLIC HOUSING ADMINISTRATION:

### Nondiscrimination Policies:

#### A. Complying with Civil Rights Laws:

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the PHA in operating its programs. It is the policy of the Housing Authority (PHA) to comply with all Civil Rights laws now in effect and subsequently enacted, and any applicable State laws or local ordinances.
2. The PHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract (ACC) with HUD.
3. PHA shall not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.
4. PHA shall not permit these policies to be subverted to do personal or political favors.
5. PHA will offer units only in the order prescribed by this policy, since any other method violates the policy, federal law, and the civil rights of the other families on the wait list.

#### B. Reasonable Accommodations Policy:

1. PHA, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants and residents if they or any family members have a disability.



2. A reasonable accommodation is some modification or change PHA can make to its units, buildings, or procedures that will assist an otherwise eligible applicant or resident with a disability to take full advantage of and use PHA's programs.

3. An accommodation is not reasonable if it:

- a. Causes an undue financial and administrative burden; or
- b. Represents a fundamental alteration in the nature of PHA's program.

4. Examples of reasonable accommodations include, but are not limited to:

- Making alterations to a PHA unit to make it fully accessible so it could be used by a family member with a wheelchair;
- Transferring a resident from a unit that cannot be made accessible to a unit that is accessible;
- Widening the door of a community room or public restroom so a person in a wheelchair may use the facility;
- Adding or altering unit or building features so they may be used by a family member with a disability, including but not limited to;
- Installing strobe-type flashing light smoke detectors in a unit for a family with a hearing impaired member;
- Adding structural grab bars in the bathroom;
- Changing the doorknobs to lever-type door handles;
- Modifying for an accessible kitchen;
- Providing accessible kitchen appliances;
- Modifying for an accessible bathroom;
- Lowering the peephole on the door;
- Permitting a family to have an animal to assist a family member with a disability in a PHA family development where no pets are allowed or the size of the animal is usually limited;
- Making sure that PHA processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to:
  - i. Making large type documents, Braille documents, cassettes or a reader available to an applicant or resident with a vision impairment during interviews or meetings with PHA staff;
  - ii. Making a sign language interpreter available to an applicant or resident with a hearing impairment during interviews or meetings with PHA staff;



- iii. Permitting an applicant or resident to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with PHA if the individual desires such representation;
  - iv. Permitting an outside agency or individual to assist an applicant or resident with a disability to meet the PHA's applicant screening criteria.
5. An applicant or resident family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able
- a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
  - b. to care for and avoid damaging the unit and common areas;
  - c. to use facilities and equipment in a reasonable way;
  - d. to create no health, or safety hazards, and to report maintenance needs;
  - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
  - g. to comply with necessary and reasonable rules and program requirements of HUD and the PHA. But there is no requirement that they be able to do these things without assistance.
6. If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, PHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance.



7. If an applicant or resident receives a referral to an agency or individual who can assist the applicant or resident with complying with the essential obligations of tenancy, the applicant or resident is not obligated to accept the service, but if refusing service results in a lease violation, PHA may terminate the lease.
8. At any time an applicant or resident family has a disability and needs or wants a reasonable accommodation, it may be requested.
9. If an applicant or resident would prefer not to discuss the situation with the PHA, that is his/her right.
10. PHA and its property managers have an ongoing responsibility to make modifications to PHA's physical facilities and reasonable accommodations in procedures and practices to ensure that its programs are fully usable by persons with disabilities.
11. If applicants or residents do not inform PHA of their disability needs or if they are unwilling to disclose the fact that they have a disability, PHA is not able to make reasonable accommodations.

### **C. Policy on Making Programs and Facility Accessible to People with Disabilities**

1. Subject to the undue burdens and fundamental alterations tests, PHA will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Act and its amendments, PHA shall comply with all requirements and prohibitions in applicable law.
2. Facilities and programs used by applicants and residents shall be accessible to persons in wheelchairs, persons with sensory impairments and other persons with disabilities. Application and management offices, hearing rooms, community centers, etc. (to the extent that the PHA has such facilities) will be usable by residents with a full range of disabilities. If PHA offers such facilities, and none is accessible, some will be made so, subject to the undue financial and administrative burden test.



3. Documents and procedures used by applicants and residents will be accessible for those with vision, hearing or other sensory impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible.

#### **D. Policy for Providing Information in Languages other than Spanish**

1. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants and residents shall be available in English and Spanish. This includes the following documents related to registration, intake, certification, re-examination and inspections:

- Forms;
- Leases;
- Posters;
- Letters; and
- Notices

2. At all PHA offices notices that will state that the above mentioned will be available in English and Spanish.

#### **E. Nondiscrimination Policy : The Fair Housing and Civil Rights Acts require that**

1. PHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability:

- Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide anyone housing that is different (of lower quality) from that provided 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 anyone differently in determining eligibility or other requirements for admission;
- Deny anyone access to the same level of services; or



- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

2. PHA makes all written materials to be used by or sent to applicants or residents available in both English and Spanish language versions. Complex documents, such as the Lease and Grievance Procedure are available in both English and Spanish versions.

3. Persons who are fluent in Spanish are available for interviews, meetings and other forms of face-to face. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants and residents shall be available in Spanish and English. This includes the following documents related to registration, intake, certification, re-examination and inspections:

- a. Forms;
- b. Leases;
- c. Posters;
- d. Letters; and
- e. Notices

#### **F. Policy for the Modification of Physical Facilities for Persons with Disabilities**

1. Occupancy staff must be familiar with PHA's obligations to modify its physical facilities so they can explain these obligations to applicants.
2. In making physical modifications to PHA property, (sites, parking lots, common spaces, routes through buildings and individual apartments), the following requirements apply, considering reasonable accommodations in procedures or practices:

PHA must, upon request by an applicant or resident with a disability, make structural modifications to its housing and non-housing facilities and make reasonable accommodations in its procedures or practices, **unless** such structural modifications or reasonable accommodations:

- would result in an undue financial and administrative burden on the PHA, or
- would result in a fundamental alteration in the nature of the program.



3. In making structural modifications to "existing housing programs" or in carrying out other alterations for otherwise qualified persons with disabilities, PHA may, but is not required to, unless otherwise stated by HUD:
  - make each of its existing facilities accessible or
  - make structural alterations when other methods can be demonstrated to achieve the same.
4. PHA bears the cost of modifying units for residents with disabilities.
5. Residents with disabilities are not required to accept PHA's modification of their units or to accept PHA transfer offers.
6. If the residents do not accept PHA's attempts at reasonable accommodation the residents cannot hold PHA liable for failure to make reasonable accommodations.

#### **G. Effective Communication Policy**

It is the policy of the Puerto Rico Public Housing Administration (PRPHA) to ensure that communications with applicants, residents, employees, and members of the public with disabilities are as effective as communications with others.

PRPHA, including its employees, agents, contractors and private management companies/agents, shall furnish appropriate auxiliary aids and services, where necessary, to afford individuals with disabilities, including individuals with hearing or visual disabilities, an equal opportunity to participate in, and enjoy the benefits of, the programs, services and activities conducted by the PRPHA.

"Auxiliary aids and services" include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, taped texts, audio recordings,



Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

1. PHA and its property managers will communicate with all persons with disabilities in a manner that is understandable to them.

2. Simply mailing out written material is insufficient.

3. People who have sensory or cognitive impairments are entitled to the form of communication that they request and that will be intelligible to them.

4. In some cases this will require different forms of communication (large print, Braille, taped materials, sign language interpretation); and in other cases, it will require communicating with someone other than or in addition to the applicant or resident (a family member, friend, advocate, case worker, etc.), as requested by the applicant or resident.

5. When PHA or a management agent staff has first contact with all applicants, they ask whether the applicant needs some form of communication other than plain language paperwork. Alternative forms of communication might include:

- sign language interpretation;
- having materials explained orally by staff, either in person or by phone;
- large type materials; information on tape;
- having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials;
- permitting applicants to file applications by mail; and
- permitting alternative sites for application taking.

6. If an applicant requests alternate forms of communication, the applicant's file is noted and all future communications (notices, letters, etc.) are provided in the appropriate format. The note explaining the alternate method of communication must stay on top of the left side of the folder at all times.



7. PHA or management agent staff present examples to help persons with cognitive impairments understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance.

8. PHA staff and management agents explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.

9. Intake and management staff read and explains anything that they would normally hand to an applicant and residents who cannot read (or read English or Spanish).

10. PHA provides written material in English and Spanish.

11. Applicants and residents who read or understand little English or Spanish may furnish an interpreter who can explain what is going on.

12. PHA prepares the following information for applicants and residents in plain-language accessible formats:

- Information about the application process
- General statement about reasonable accommodation
- How rents and utility allowances are determined
- The application form and required certifications
- Information about opening, updating or closing the waiting list
- All form letters and notices to applicants and residents.
- Information about hearings for rejected applicants
- Orientation materials for new residents
- The lease and housing rules, if any
- Guidance or instructions about care of the housing unit
- All information related to applicant's rights (to informal hearings, Grievance Procedure etc.)

13. Some applicants and residents with disabilities will be unable, because of their disabilities, to come to PHA facilities for meetings, interviews, etc. In this case, PHA staff or property management staff will go to the location where they are to conduct meetings, interviews, etc.



14. PHA bears the cost for providing alternate methods of communication, plain language paperwork and going to the homes or other locations for residents with disabilities.

#### **H. Policy for Updating Resident Information on Needs of Persons with Disabilities**

1. Each year, as part of the annual reexamination, property managers ask every resident whether they need any special features in their units or other PHA-owned facilities, or any changes in procedures because they or someone in their family may have a disability.

2. People who formerly had no disability-related needs may become disabled after becoming PHA residents.