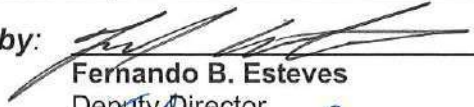
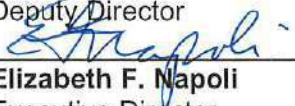

 <p><b>GUAM HOUSING AND URBAN RENEWAL AUTHORITY</b></p> <p><b>Standard Operating Procedures</b></p>	<p><b>No.</b> SOP – 006      <b>Issued:</b> April 19, 2024</p>
	<p><b>Prepared by:</b>   <b>Fernando B. Esteves</b>  Deputy Director</p> <p><b>Approved by:</b>   <b>Elizabeth F. Napoli</b>  Executive Director</p>
<p><b>Title:</b> Reasonable Accommodation SOP</p>	<p><b>Authority:</b> Resolution #FY2024-013</p>
<p><b>Effective Date:</b> 04/19/24</p>	
<ul style="list-style-type: none"> <li>▪ Grantee Legal Name: Guam Housing and Urban Renewal Authority</li> <li>▪ DUNS#: 885031519</li> <li>▪ Address: 117 Bien Venida Avenue, Sinajana, GU 96910</li> <li>▪ Phone #: (671) 477-0502</li> <li>▪ TTY: (671) 472-3701</li> <li>▪ Email address: <a href="mailto:fbesteves@ghura.org">fbesteves@ghura.org</a></li> <li>▪ Authorized Official: Mr. Fernando B. Esteves</li> <li>▪ Official's Title: Section 504 Administrator</li> </ul>	

## PREFACE

Various federal laws require housing authorities to make reasonable accommodations for individuals with disabilities. These governing laws include:

1. The Fair Housing Act (“FHA”)
2. Section 504 of the Rehabilitation Act (“Section 504”)
3. Title II of the Americans with Disabilities Act (“ADA”)

The federal Department of Housing and Urban Development (“HUD”) Fair Housing Act regulations, applicable to all housing and housing-related programs, may be found in the Code of Federal Regulations at 24 C.F.R Part 100. HUD’s Section 504 regulations, applicable to federally-assisted programs or activities, may be found at 24 C.F.R. Part 8. The ADA regulations applicable to the programs, activities, and services of the Government of Guam, may be found at 28 C.F.R Part 35.

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## PURPOSE

The purpose of these Standard Operating Procedures is to promote transparency and consistency as public servants and emphasize two primary objectives when receiving, processing, and evaluating Requests for Reasonable Accommodation (“RRA”):

1. The procedures outlined provide direction for employees of the Guam Housing and Urban Renewal Authority (“GHURA”) charged with compliance and/or enforcement of Section 504, the ADA, and the Fair Housing Act.
2. Application, utilization, process transparency, and grievance procedures for all applicants, residents, tenants, and participants.

## I. TERMS

1. **Reasonable Accommodation (“RA”)**<sup>1</sup> – any change or exception that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity and may consist of the following:
  - a. A change, adaptation or modification to a policy, program, services, or practice which will allow a qualified person with a disability to participate fully in the program, use and enjoy a dwelling, including public and common use spaces, take advantage of a service, or perform a job.
  - b. Any structural change to a facility<sup>2</sup> that may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity.

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<sup>1</sup>The ADA uses the term “reasonable modification” to refer to what the Fair Housing Act and Section 504 have defined as a “reasonable accommodation.” “Reasonable accommodation”, as used in this document, is inclusive of “reasonable modification” as contemplated by the ADA.

<sup>2</sup>As a recipient of federal financial assistance and a Public Housing Authority, Section 504 and the ADA require GHURA to make and pay for structural changes to housing and other facilities, if needed as a reasonable accommodation for an individual with a disability, unless doing so is unreasonable because it poses an undue financial and administrative burden or would constitute a fundamental alteration of the program. If GHURA determines that a structural modification is unreasonable, it is required to process requests for structural modifications under the Fair Housing Act, which requires housing providers to permit individuals with disabilities to make and pay for structural modifications.

2. **Request for Reasonable Accommodation** – an oral or written request made for reasonable accommodation as defined, by the individual with a disability or by a third-party acting on behalf of the individual, such as a parent, guardian, or friend who has the permission of the individual with a disability to make a reasonable accommodation request on their behalf.
3. **Disability** – a physical or mental impairment that substantially limits one or more major life activities. The term physical or mental impairment may include, but is not limited to, conditions such as visual or hearing impairment, HIV infection, developmental disabilities, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcohol, or mental illness. In general, the definition of “person with disabilities” does not include current users of illegal controlled substances. However, individuals would be protected under Section 504 (as well as ADA) if a purpose of the specific program or activity is to provide health or rehabilitation services to such individuals. The terms “disabled” and “handicap” shall be considered interchangeable as received. However, GHURA employees shall use the statutory term “disabled” in correspondence and transmittals.
4. **Major Life Activity** – may include, but not limited to, seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, or working.
5. **Service Animal** – under the ADA, any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical sensory, psychiatric, intellectual, or other mental disability.
6. **Assistance Animal**<sup>3</sup> – broad term inclusive of:
  - a. Service animals.
  - b. Other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities. Sometimes referred to as comfort animals or ESAs.
7. **Direct Threat** – a significant risk to the health or safety of other individuals or result in substantial physical damage to the property of others.
8. **Third Party Verifier** – means any services provided by a healthcare professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability.
9. **Section 504 Administrator** – reviews requests for reasonable accommodation, conducts training, monitors agency-wide compliance on Section 504 and ADA statutes, regulations, policies and procedures.

<sup>3</sup>Although a miniature horse is not a service animal, the U.S. Department of Justice has determined that the same type of analysis is applied to determine whether a miniature horse should be provided access, although additional considerations apply. See 28 C.F.R. §35.146(i); 36.302(c)(9).

10. **Fair Housing Coordinator** – provides information, receives complaints, forwards complaints, monitors compliance on all Fair Housing matters for the jurisdiction.

**II. REASONABLE ACCOMMODATION**

Any change or exception that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity and may consist of the following: (1) A change, adaptation or modification to a policy, program, services, or practice which will allow a qualified person with a disability to participate fully in the program, use and enjoy a dwelling, including public and common use spaces, take advantage of a service, or perform a job. (2) Any structural change to a facility that may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity.

Requests for reasonable accommodation shall be considers on a case-by-case basis. A reasonable accommodation shall be granted to a person so long the criteria is met, as outlined below:

- 1. there is a nexus between the accommodation and the disability; and
- 2. the accommodation does not create an undue financial and administrative burden for GHURA; and
- 3. the accommodation does not fundamentally alter the nature of GHURA’s programs or operations; and
- 4. the accommodation would not pose a direct threat to the health and safety of others or cause substantial damage to the property of others.

**III. KEY ELEMENTS**

There are three core mechanics when assessing requests for reasonable accommodation:

- 1. Request**
  - a. Notification to applicants, tenants, and residents of their Rights under Section 504, the ADA, and the Fair Housing Act
  - b. Clear and accessible process to make requests
- 2. Verification**
  - a. Verification of disability

- b. Verification of nexus
- c. Verification of reasonableness

### **3. Interactive Process**

- a. Active and interactive communication
- b. Negotiation of reasonable alternatives
- c. Appeals for Denial – Administrative Review
- d. Grievance Procedures – Due Process

## **IV. NOTIFICATION**

Notification regarding Reasonable Accommodation requests and information about GHURA's reasonable accommodation procedures will be posted in the GHURA business offices and on its website and will be provided at application, intake, notice of rejection, notice of lease violation, and notice of lease termination. The applicant or resident may make a request for reasonable accommodation in any manner, which is convenient to the individual. Several forms have been developed to conveniently assist an applicant or resident in accessing the opportunity to request a reasonable accommodation. (These forms are listed in the appendix). If an applicant/resident cannot or chooses not to use a form or make a request in writing, GHURA will still respond to the request for a reasonable accommodation and assist in acquiring the information needed to make a decision on their request.

Although the process for requesting a reasonable accommodation is standardized, each request will be evaluated on a case-by-case basis. The results will be unique to the individual and the property and/or circumstances involved. Reasonable accommodation decisions will be made in a timely manner (within 15 working days) and both denials and agreements to make accommodations will be documented in writing. If applicable, forms and notifications will be provided in a format accessible to the resident, applicant, or participant. Any meetings required by this policy will be held in an accessible location.

## **V. REQUESTS FOR REASONABLE ACCOMMODATION**

Applicants, residents, tenants, or participants in any GHURA program, may make a request for Reasonable Accommodation at any time during the application process or tenancy, and at any time during the eviction process, including at trial, and up until such time that the tenant vacates the property. A request for Reasonable Accommodation at any time during the application

process or participation in the program, and at any time during the termination process, and up until such time that the participant has exhausted all of their appeal rights. Request forms or requests in writing are not required, but requestors are encouraged to use them in order to clearly identify the request and aide GHURA in processing requests expeditiously. A requestor does not have to explicitly use the words reasonable accommodation as part of their request. A reasonable accommodation request may be made orally. A person is considered to have asked for a reasonable accommodation if they indicate that a change or exception to a policy, practice, or procedure, or a modification would assist him or her in making more effective use of their housing or a public facility. When requests are made verbally, GHURA staff shall transcribe the request on the "GHURA 504.1 and GHURA 504.2" accordingly and shall confirm with the requestor for accuracy.

1. Applicants, tenants, residents, or participants shall be provided forms "GHURA 504.1" and "GHURA 504.2" to be included as part of their intake and recertification packets.
2. Applicants, tenants, residents, or participants shall be reissued form "GHURA 504.1", to accompany any notices of unfavorable actions.
3. Applicants, tenants, residents, or participants shall be provided, upon request, any form outlined in these Standard Operating Procedures.
4. All responses to Requests for Reasonable Accommodation will be in writing and, if appropriate, in an alternative format intelligible to the person making the request.
5. All decisions to grant or to deny reasonable accommodations will be communicated in writing within fifteen (15) working days of the receipt of the request, provided that all required information has been provided.
6. If a request for Reasonable Accommodations is being submitted in writing other than on form "GHURA-504.2", the requestor should submit the following information:
  - a. name of the requesting person with a disability. When requests are made on behalf of a person with a disability, written consent or a power of attorney must accompany; and
  - b. the accommodation being sought, specificity to the policy, procedure, rule, practice, or modification is highly encouraged; or
  - c. when a disability is not apparent or known, verification from a reliable third party that supports the following:
    - the presence of a physical or mental impairment that

- substantially limits one or more major life activities; and
- the accommodation being requested is connected to the disability claimed.

NOTE: Specific diagnosis or severity of a disability is not required or requested by GHURA

7. If a request for Reasonable Accommodations is being made orally, GHURA staff shall transcribe the request onto "GHURA-504.2" within 24 hours and seek confirmation from the requestor on accuracy.

## VI. VERIFICATION OF DISABILITY AND NEED

Determining Whether to Make the Accommodation. All requests for Reasonable Accommodation shall be evaluated and analyzed on a case-by-case basis.

1. Is the request for an individual who meets the definition of an Individual with Disabilities? This can be determined through submission of verification by a reliable third party, the standard Certification of Disability for Eligibility Purposes form, Disability-Based Medicaid, registration/verification with DSID, or other acceptable means. GHURA will look in the requestor's file to determine whether documentation of disability is on file. This can also be determined through reasonable observation such that the disability is readily apparent (i.e. the individual uses a walker, uses an oxygen tank, or clearly has difficulty walking).
  - a. If "yes," proceed to the next question.
  - b. If "no," GHURA is not obligated to make a reasonable accommodation
2. Is the requested accommodation related to the disability? (Would the accommodation provide the person with a disability with an equal opportunity to enjoy GHURA housing, programs, or activities, or that their disability restricts them from performing this task necessary to meet tenancy objectives?). This can be determined through the submission of verification by a reliable third-party, documentation already on file with GHURA, or may be readily apparent (i.e. it is readily apparent why a person using a walker would request a downstairs unit).
  - a. If "yes," GHURA shall continue analyzing the request using guidance provided in Sections VII – X and provide a written determination within fifteen (15) business days.



- b. If “no”, GHURA is not obligated to make a reasonable accommodation. Proceed to #3 if there is insufficient information to make this determination.
3. If GHURA does not have sufficient information to make a determination as to whether the individual has a disability or the requested accommodation is related to the disability, GHURA shall request for more information, the request shall be in writing. A meeting or discussion may be held with the requestor to obtain additional information. If third-party verification is necessary, GHURA shall ask the individual, in writing, to submit third-party verification of the individual's disability and or/need. In the event that submitted third-party verification does not contain sufficient information, GHURA will inform the requestor, in writing, of any additional information required. The requestor will be granted a reasonable opportunity of ten (10) business days to provide the information requested. GHURA is granted additional days to process requests, respectively, and in proportional to business days granted during the period of reasonable opportunity.

If the requestor does not provide the information request within ten (10) business day, the request will be denied. The requestor may renew their request at any time by submitting the requested information without any penalties or prejudice.

See Section XI for process denials.

## **VII. DETERMINATION OF REASONABLENESS**

Section 504 Coordinators and the Administrator are responsible for the analysis and evaluation for requests for Reasonable Accommodation.

As stated above, if GHURA does not have enough information to approve or deny a request accommodation, GHURA will request additional information. In most instances, the judgment of the requestor, that the requested accommodation is the most appropriate for them, will be accepted. GHURA may suggest an alternative accommodation, however, the applicant, tenant, or participant may reject it if they feel it does not meet their needs. GHURA shall grant the requested reasonable accommodation unless it constitutes a direct threat, an undue financial and administrative burden, or a fundamental alteration of the program. In some cases where a structural modification has been requested, GHURA may also deny the request if it can accommodate the individual's needs through other means (i.e. moving a tenant to a unit with a roll-in shower instead of paying for the construction of a roll-in shower in the tenant's current unit)<sup>4</sup>. GHURA and the requestor should engage in an interactive process to determine the best approach to meeting the requestor's disability-related need. Requests for Reasonable Accommodation shall be analyzed on a case-by-case basis.

## VIII. DIRECT THREAT DETERMINATION

It is not reasonable to grant an accommodation that would constitute a direct threat. Reasonable accommodation requests generally do not require an analysis of whether the individual or the request poses a direct threat. However, there may be situations when an applicant, tenant, or participant requests that GHURA make a reasonable accommodation to a policy such that GHURA may be required to conduct this analysis. This typically arises in one of two situations:

1. an applicant asks that GHURA set aside or overlook behavior indicating that they pose a risk to the health or safety of others or of substantial damage to another's property; or
2. there is evidence that an individual's assistance animal poses a direct threat to the health or safety of others or of substantial damage to another's property<sup>4</sup>.

A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (e.g., current conduct or a recent history of overt acts). The assessment must consider:

1. the nature, duration, and severity of the risk of injury; and
2. the probability that injury will actually occur; and
3. whether there are any reasonable accommodations that will eliminate the direct threat.

In evaluating a recent history of overt acts, GHURA shall take into account whether the individual has received intervening treatment that has eliminated or reduce the direct threat to an acceptable level. In such a situation, GHURA may request that the individual document how the circumstances have changed so that they no longer pose a direct threat. GHURA must have reliable, objective evidence that a person with a disability poses a direct threat before excluding on that basis or damage an animal may cause and not on evidence about harm or damage that other animals have caused. Before denying a request for a specific assistance animal or requiring a tenant to remove their assistance animal from the property due to direct threat, GHURA must consider whether the direct threat can be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the animal in an enclosure, using a muzzle, training).

<sup>4</sup>See Question 31 in the Joint Statement of HUD-DOJ on *Reasonable Modifications Under the Fair Housing Act*.

A determination that an assistance animal poses a direct threat to others or would cause substantial damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct — not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused. Before denying a request for a specific assistance animal or requiring a tenant to remove their assistance animal from the property due to direct threat, GHURA must consider whether the direct threat can be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the animal in an enclosure, using a muzzle, training).

## **IX. UNDUE BURDEN**

When determining whether an accommodation is unreasonable by creating an undue financial and administrative burden, staff must analyze the following:

1. the nature and cost of the accommodation requested; and
2. the overall current financial resources of the Divisions involved in the provisions of the reasonable accommodation (i.e., cash position, reserves, budget, capital outlay); and
3. the number of personnel employees affected, the effect on expenses and resources, or the projected impact of operations as a result of granting the accommodation; and
4. any other factors that affect whether granting the accommodation would pose an undue financial and administrative burden.

## **X. FUNDAMENTAL ALTERATION**

GHURA must analyze and determine whether an accommodation creates a fundamental alteration to the respective housing program and/or operations. A fundamental alteration is when a reasonable accommodation would alter the essential nature of a program and/or operations. Types of actions considered to be a fundamental alteration to the program include, but are not limited to the following examples:

1. Accommodations that require substantial modifications to, or elimination of, essential lease provisions or program eligibility or screening requirements (i.e., admission of an unqualified family); or
2. Accommodations that require GHURA to add supportive services that fall outside the scope of existing services offered by GHURA to applicants and residents (i.e., counseling, medical, transportation, or social services); or

3. Accommodations that require GHURA to offer housing or benefits of a fundamentally different nature from that type of housing or benefits that GHURA does offer; or
4. Accommodations that substantially impair GHURA's ability to meet its essential obligations as a landlord, as defined in the Lease Agreement. GHURA obligations under the Lease Agreement include management, administration, maintenance, and other services required for the operation of the program or upkeep of the property; or
5. Accommodations that create health or safety hazards or interfere with the rights of others; or
6. Accommodations that would require GHURA to violate or permit the participant or tenant to violate local or Federal statutes or regulations.

Staff must also consider if the reasonable accommodation remedies violations of essential obligations as a tenant, as defined in the Lease Agreement, so long as it does not create an undue burden or a fundamental alteration.

#### **XI. DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION**

If a request for reasonable accommodation is denied, GHURA will inform the applicant/resident in writing (or other appropriate accessible form of communication) of the denial and reason for the denial. If the request is denied because it is unreasonable, the notice of denial shall include an invitation for the individual to contact GHURA and discuss whether there is an alternative accommodation that would effectively address the requester's disability-related needs. If alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the GHURA shall grant it. The notice will also advise the applicant/resident of his/her right to appeal the decision to deny the accommodation. Reasons for the denial may include:

1. The individual requesting the accommodation did not provide necessary information after such information was requested in writing.
2. The individual requesting the accommodation does not meet the definition of an Individual with Disabilities.
3. There was no correlation between the requested accommodation and the individual's disability (e.g., a wheelchair ramp requested by an individual who has a mental disability, with no physical impairment).
4. The requested accommodation is not reasonable. The reason for the decision will be clearly stated.

- a. The requested accommodation will create an undue financial and administrative burden
  - b. The requested accommodation will fundamentally alter the nature of a program or operation
  - c. The requested accommodation would violate a Federal statute or regulation.
5. The procedures to be used regarding an appeal of a denial of a reasonable accommodation will be those outlined in Section XIII.

## **XII. ADMINISTRATIVE REVIEWS**

All denials of reasonable accommodation by Section 504 Coordinators will be forwarded to Section 504 Administrator for further review if a denial letter has been transmitted. These administrative reviews are conducted to ensure policy compliance and assure due diligence.

An applicant/participant denied a reasonable accommodation may request an expedited review of their case. If merited, the Section 504 Administrator may overturn a determination made by the Section 504 Coordinator.

An applicant/participant can request an administrative review through any Section 504 Coordinator and can expect a written response within five (5) business days of the request.

The administrative review does not replace or remove an applicant/participant's rights to grievance procedures. Applicants/participants who have been denied a reasonable accommodation are encouraged to follow the grievance procedures outlined in Section XIII.

## **XIII. GRIEVANCE PROCEDURES**

1. **Public Housing** - Applicants and participants of Public Housing owned and managed by GHURA, who have been denied a request for reasonable accommodations are entitled to the grievance procedures found within Chapter 14 of the Admissions and Continued Occupancy Policy ("ACOP").

[https://www.ghura.org/sites/default/files/acop\\_nov.2023\\_-\\_final\\_0.pdf](https://www.ghura.org/sites/default/files/acop_nov.2023_-_final_0.pdf)

2. **Section 8** - Applicants and participants of the Section 8 program, who have been denied reasonable accommodations are entitled to the grievance procedures found within Part III of the Section 8 Administrative Plan.

[https://www.ghura.org/sites/default/files/s8\\_admin\\_plan\\_-2019.pdf](https://www.ghura.org/sites/default/files/s8_admin_plan_-2019.pdf)

**Community Planning and Development** - Participants/patrons of any program, activity, public service, or public facility funded by HUD, who have been denied a request for reasonable accommodations may file a complaint with GHURA's Fair Housing Coordinator. GHURA maintains oversight and conducts compliance monitoring on non-dwelling HUD funded/assisted programs, activities, public services, and public facilities. Any HUD funded/assisted program, activity, public service, or public facility determined to be non-compliant with requirements under Section 504 may be subject to negative and punitive actions.

#### **XIV. ASSISTANCE ANIMALS**

Pet policies and procedures do not apply assistance animals. The following questions shall be used to assist in evaluating if an animal is a service animal under the ADA and considerations in granting a reasonable accommodation for support animals. Service animals do not require analysis or verification of disability or disability-related need beyond the questions below.

1. Is the animal a dog?
  - a. If "yes," proceed to the next question.
  - b. If "no," the animal is not a service animal, but may be another type of assistance animal for which a reasonable accommodation is needed. Proceed to Question 4.
2. Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?
  - a. If "yes," further inquiries are unnecessary and the animal is considered a service animal and will be permitted to accompany the individual into all properties and facilities owner, operated, or funded by GHURA.
  - b. If "no," proceed to the next question.
3. Limit further inquiries to the following two questions:
  - 3a. Is the animal required because of a disability?
  - 3b. What work or task has the animal been trained to perform?

If the answer to is "yes", and the individual states the work or a task that the animal is trained to perform to help with the disability in response to 3b, further inquiries are unnecessary and the animal is considered a service animal and GHURA will grant the requested accommodation, if otherwise reasonable, because the animal qualifies as a service animal.

If the answer to either question is “no” or “none,” the animal does not qualify as a service animal under federal law. If the answer to 31 is “yes”, the animal may be a support animal. Proceed to the next questions.

Note: An individual indicating a need for emotional support, comfort, well-being, and companionship is not considered work or a task for the purposes of analysis under the ADA. However, psychiatric service animals are covered by the ADA. An animal may be trained to perform a specific task related to an individual’s mental health disability. For example, a dog can be trained to lick its owner’s face or provide pressure therapy during a panic. It is important to distinguish between general emotion support and trained tasks.

4. Has the individual requested a reasonable accommodation? Note: An individual indicating that the animal is related to a disability, is considered a request for reasonable accommodation.
  - a. If “yes,” proceed to the next question.
  - b. If “no,” the individual should be advised on the right to request a reasonable accommodation and provided necessary and accessible information. Proceed no further.
5. Does the individual have an observable disability or does GHURA already have information giving them reason to believe the person has a disability?
  - a. If “yes,” proceed to Question 7.
  - b. If “no,” proceed to the next question.
6. Has the requestor provided information that reasonably supports that the person seeking the accommodation has a disability?
  - a. If “yes,” proceed to the next question.
  - b. If “no,” a request shall not be denied until the requestor has been given a reasonable opportunity to provide necessary information.
7. Has the requestor provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotion support with respect to the individual’s disability?
  - a. If “yes,” proceed to the next question.
  - b. If “no,” a request shall not be denied until the requestor has been given a reasonable opportunity to provide necessary information. Direct the requestor to the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing.
8. Is the animal commonly kept in households?

- a. If “yes,” the reasonable accommodation should be provided. Refer FHEO-2020-1 Notice for more information on common household animals.
- b. If “no,” the request should be forwarded to the 504 Administrator for consideration pursuant to guidance described in FHEO Notice FHEO-2020-01 or subsequent revisions.

**XV. APPLICABLE LAWS, REGULATIONS, AND PUBLICATIONS**

1. Title II Americans with Disabilities Act (“ADA”)
2. Rehabilitation Act of 1973 Section 504 (“Section 504”)
3. FHEO-2020-01
4. Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act. [05/2004]
5. Joint Statement of Departments of HUD and Justice: Reasonable Modifications under the Fair Housing Act.
6. 24 C.F.R. § 8.4
7. 24 C.F.R. § 8.6
8. 24 C.F.R. § 8.21
9. 24 C.F.R. § 8.24
10. 24 C.F.R. § 8.33
11. 24 C.F.R. § 8.100
12. 28 C.F.R. Part 35
13. 24 CFR 966.7
14. 24 CFR 960.208(a)
15. 42 U.S.C. §§ 3601 – 3619

**XVI. HOTLINE CONTACT INFORMATION**

**HOTLINE CONTACT INFORMATION**

Contact any of the following entities to share concerns or report improper activities:

1. GHURA Hotline ..... **(671) 477-9851 – Select Option “5”**
2. HUD FHEO ..... **(800) 669-9777**  
  
<https://www.hud.gov/fairhousing/fileacomplaint>
3. Section 504 Administrator ..... **(671) 477-0502**  
  
[fbesteves@ghura.org](mailto:fbesteves@ghura.org)
4. Guam Fair Housing Coordinator ..... **(671) 475-1322**



**XVII. SEVERABILITY**

If any part of this publication is determined to be inconsistent with Federal Laws or Regulations those parts are severable and the applicable Federal Law or Regulation shall govern. GHURA retains its authority to alter, amend, and update any part of these procedures as necessary to maintain compliance with Federal Laws or Regulations.

# APPENDIX



## GUAM HOUSING AND URBAN RENEWAL AUTHORITY

*Aturidat Ginima' Yan Rinueban Siudad Guahan*  
117 Bien Venida Avenue • Sinajana, Guam 96910



# NOTICE

## RIGHT TO REASONABLE ACCOMMODATION FOR APPLICANTS/PARTICIPANTS

In accordance with Federal Fair Housing laws and the Department of Housing and Urban Development (“HUD”) regulations, the Guam Housing and Urban Renewal Authority (“GHURA”) does not discriminate against any person due to disability. Upon request, GHURA provides Reasonable Accommodations that allow people with disabilities an equal opportunity to participate in and benefit from GHURA programs and activities.

**A Reasonable Accommodation is any change or exception that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity and may consist of the following:**

- A change, adaptation or modification to a policy, program, services, or practice which will allow a qualified person with a disability to participate fully in the program, use and enjoy a dwelling, including public and common use spaces, take advantage of a service, or perform a job.
- Any structural change to a facility that may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity.

Owners are legally obligated to consider and if determined to be reasonable, permit reasonable accommodations. If you or any member of your family has a disability, you may request a reasonable accommodation at any time during the application process or after admission to the program. Requests for reasonable accommodations may be made for any program, activity operated or overseen by GHURA. If you do request an accommodation, you are not required to disclose the exact nature of your disability to GHURA.

**Examples of accommodations you may request from GHURA include, but are not limited to:**

- Arranging home visits for disabled persons unable to come to the GHURA offices for appointments.
- Issuing assistance for an additional bedroom to accommodate special needs such as a live-in aide or for bulky medical equipment.
- Extending a voucher term if the participant has difficulty locating a unit due to a disability.
- Allowing a reasonable extension of time so that a person with disabilities can complete program requirements.
- Making an exception to Fair Market Rents or Voucher Payment Standards as allowed under HUD regulations.
- Making an exception to the “Renting to Relatives” rule (except where Federal Law prohibits).
- Changing a rent due date to correspond to the date on which you receive disability payments.
- Allow an outside agency to assist a disabled client to meet the owner’s lease agreement.
- Allowing a qualified disabled family member to have an Assistance Animals where a “no pet” policy exists.

Participants in GHURA public housing or other housing owned or operated by GHURA or that is funded by HUD can request that GHURA or the property owner make and pay for modifications to the property, provided the modifications do not create an undue financial and administrative burden.

**Examples of physical modifications that GHURA may pay for:**

- Installation of grab bars, handrails, or level handles instead of “doorknobs”.
- Modifying a unit to be wheelchair accessible. The client may also be moved to a unit with existing built-in disability accessible features.

An applicant or participant family with a disabled member must be able to meet the essential obligations of the respective program and the lease agreement with the owner/landlord. An applicant or participant may meet their obligations independently or with assistance from another person or agency.

If you have a Section 8 Voucher, the owner/landlord is also required to provide you with reasonable accommodations. The owner/landlord is also required to permit you to physically modify your rental unit at your own expense. The owner/landlord may ask for verification that the requested accommodation and/or physical modification are necessary for a disabled family member to live in the unit. The Owner may also require the renter to restore the premises to its original condition (reasonable wear and tear exempted) when the participant moves out and may collect a deposit to ensure that the restoration can be made.



# GUAM HOUSING AND URBAN RENEWAL AUTHORITY

*Aturidat Ginima' Yan Rinueban Siudad Guahan*  
117 Bien Venida Avenue • Sinajana, Guam 9691



## REQUEST FOR REASONABLE ACCOMMODATION

**Purpose:** This document serves to provide GHURA the information necessary in evaluating a request for reasonable accommodation. It is meant to help an individual with a disability and the third-party verifier to understand what information may be needed to support an accommodation request when the disability or disability-need for an accommodation is not readily observable or known by the housing provider. Individual requestors and third-party verifiers are encouraged, but are **not** required to use this form. The lack of the minimum required information may result in the request being denied after a reasonable opportunity is given to providing supporting documentation. GHURA relies on third-party verifiers, if applicable, to provide accurate information, to the best of their personal knowledge.

The information requested on this form, is the minimum information required that the requestor is entitled to the requested reasonable accommodation. Specific information regarding the disability and severity are not required nor requested.

### SECTION 1 - Identifying the requestor/request

1. Name of Person needing a reasonable accommodation: \_\_\_\_\_
2. Name of the Requestor (if not the person in need): \_\_\_\_\_
3. Date of Request: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Does the person listed above have a physical or mental impairment that substantially limits at least one major life activity or major bodily function? **YES or NO**
6. Is the impairment(s) Permanent/Chronic or Temporary? **PERM or TEMP**

### SECTION 2 – Establishing a nexus

1. What is the accommodation being requested? \_\_\_\_\_  
\_\_\_\_\_
2. Describe the relationship between the accommodation requested and the impairment. Do not disclose any diagnosis or provide medical records.  
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GHURA personnel shall utilize guidance found in GHURA No. SOP – 006 (Reasonable Accommodation Standard Operating Procedures) when conducting the verification. Requests for Reasonable Accommodation shall be processed within ten (10) days from the request. GHURA shall use form GHURA 504.2 to process all Reasonable Accommodation requests regardless of method or mode of transmission.

### SECTION 3 – VERIFICATION

1. Is the requested accommodation needed for the person listed above to have an equal opportunity to use and enjoy housing, including public and common use spaces? **YES or NO**
2. Is there nexus between the requested accommodation and the impairment? **YES or NO**
3. Does the requested accommodation create an undue burden? **YES or NO**
4. Does the requested accommodation create a fundamental alteration? **YES or NO**
5. Is more information necessary to inform a decision to approve or disapprove the request for Reasonable Accommodation? **YES or NO**
6. Based on the information provided, the request for Reasonable Accommodation is:

**APPROVED      DENIED**

7. If the requested accommodation creates an undue burden or fundamental alteration, has an alternative accommodation been considered, offered, and accepted? **YES or NO**

\_\_\_\_\_  
Name of Verifier

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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## NEED FOR SUPPORT ANIMAL

**Purpose:** This document serves to provide GHURA the information necessary in evaluating a request for reasonable accommodation for a Support Animal. It is meant to help an individual with a disability and their third-party verifier understand what information may be needed to support an accommodation request when the disability or disability-related need for an accommodation is not readily observable or known by the housing provider. Third-parties are encouraged, but are not required to use this form. The lack of the minimum required information may result in the request being denied after a reasonable opportunity is given to provide supporting documentation. The Guam Housing and Urban Renewal Authority relies on Third-parties to provide accurate information, to the best of their personal knowledge.

The information requested on this, is the minimum information required to establish that the requestor is entitled to a support animal. Specific information regarding the disability and severity are not required or requested.

**Support Animals** – Assistance animals other than Service Animals, trained or untrained, that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities.

### SECTION 1 - Identifying the requestor/request

1. Name of Person needing support animal(s): \_\_\_\_\_
2. Name of the Requestor (if not the person in need): \_\_\_\_\_
3. Date of Request: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Does the person listed above have a physical or mental impairment that substantially limits at least one major life activity or major bodily function? **YES or NO**
6. Is the impairment(s) Permanent/Chronic or Temporary? **PERM or TEMP**

### SECTION 2 – Establishing a nexus

1. What type and quantity of animal(s) is being sought for support as a reasonable accommodation? (i.e., dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal or other specified unique animal).

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2. Describe the relationship between the accommodation requested and the impairment. Do not disclose any diagnosis or provide medical records.

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GHURA personnel shall utilize guidance found in GHURA No. SOP – 006 (Reasonable Accommodation Standard Operating Procedures) when conducting the verification. Requests for Reasonable Accommodation shall be processed within ten (10) days from the request. GHURA shall use form GHURA 504.3 to process all requests for Support Animals regardless of method or mode of transmission.

### SECTION 3 – VERIFICATION

1. Is the requested accommodation needed for the person listed above to have an equal opportunity to use and enjoy housing, including public and common use spaces? **YES or NO**
2. Does the person listed above need the animal(s) because it does work, provides assistance, or performs at least one task that benefits the individual because of their disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability, and not merely as a pet? **YES or NO**
3. Is there a nexus between the requested accommodation and the impairment? **YES or NO**
4. Does the requested accommodation create an undue burden? **YES or NO**
5. Does the requested accommodation create a fundamental alteration? **YES or NO**
6. Is more information necessary to inform a decision to approve or disapprove the request for Reasonable Accommodation? **YES or NO**
7. Based on the information provided, the request for Reasonable Accommodation is:

**APPROVED      DENIED**

8. If the requested accommodation creates an undue burden or fundamental alteration, has an alternative accommodation been considered, offered, and accepted? **YES or NO**

\_\_\_\_\_  
Name of Verifier

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date