

Part 3

Disability Accommodations

16 What if a disability makes it hard for you to meet DHCD rules or use DHCD services?

The federal Americans with Disabilities Act (ADA) requires DHCD to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132.

Under the ADA you are a person with a disability if you have a physical or mental disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. You can be disabled under the ADA even if you are not receiving any benefits on the basis of disability. A temporary health problem like a broken leg may not be a disability under the ADA.

If a disability makes it hard for you to meet DHCD rules or use DHCD services, you can ask DHCD to grant exceptions to the rules or modify the services. These are called “reasonable modifications” or “reasonable accommodations” under the ADA.

Example 1: Because of your disability, you need extra time or help getting information to DHCD. DHCD should give you the extra time or help.

Example 2: You have trouble reading because of a learning disability. DHCD should regularly explain its rules and notices to you and, if they did not explain a notice on a timely basis, give you more time to take action in response to it.

Example 3: You use a wheelchair and you need emergency shelter. DHCD should place you in a shelter where you can use your wheelchair

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and the shelter provider should not make you do activities that you cannot do because of your disability.

Example 4: Your child has an anxiety disorder that makes it hard for him to be around other people. DHCD should place you in a shelter where he does not have to be with many other people, such as a motel or a scattered site.

Example 5: You have a disability that stops you from getting or keeping a job and, as a result, you have no money to save after paying for medicine, clothes and other basic needs. DHCD should not terminate your shelter benefits if you cannot save 30% of your net income.

If you need special help or an exception because of a disability, you should tell your DHCD worker or the worker's supervisor. DHCD should then fill out a form called a "Request for an ADA Accommodation." DHCD may ask for a copy of medical records or other evidence of the disability or permission to contact a doctor or other professional who can verify your disability. You may also need for the doctor or other professional to document the connection between the disability and the special help or exception you are requesting.

Advocacy Tips:

- √ If you need special help or an exception to rules because of a disability, be sure you or your DHCD worker fills out a "Request for an ADA Accommodation" form or write a letter to DHCD asking for the help you need.
- √ Shelter providers under contract with DHCD are also required to make accommodations for your disability. Ask your shelter provider for reasonable accommodations or modifications as needed. Tell your DHCD worker if you think the provider is wrongly denying your request or consult an advocate.

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What are your rights if DHCD denies your reasonable accommodation request?

The DHCD local office should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If the local office denies your request in whole or in part, you can ask for reconsideration from the DHCD Central Office Accommodation Appeal Committee by filling out the back of the form and giving it to your worker. **Ask your worker to give you a copy of the completed form.**

If the DHCD Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision in 10 days from your request for a decision, you can request a fair hearing by faxing or mailing a copy of an appeal request to the Division of Hearings. See **Question 18**.

Advocacy Tips:

- √ If you did not get a denial from the Central Office Accommodation Appeal Committee, you may need to ask your DHCD worker for a copy of an appeal form.
- √ Try to get a legal advocate to help you with your request for reconsideration and your appeal. See **Appendix C** for a list of legal services offices.