

Part 3

Disability Accommodations

18 **What if a disability makes it hard for you to meet EOHLC rules or use EOHLC services?**

The federal Americans with Disabilities Act (ADA) requires EOHLC 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 do not have to be receiving any disability benefits to be qualified as disabled under the ADA. 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 EOHLC rules or use EOHLC services, you can ask EOHLC and/or your shelter 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 EOHLC. EOHLC should give you the extra time or help.

Example 2: You have trouble reading because of a learning disability. EOHLC and its providers should regularly explain the 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. EOHLC should place you in a shelter where you can use your wheelchair, and the shelter 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 them to be around other people. EOHLC should place you in a shelter where they do not have to be with many other people, such as a motel or a scattered site.

Example 5: You have a disability that prevents 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. EOHLC should not terminate your shelter benefits if you cannot save 30% of your net income.

If you need special help or an exception to a rule because of a disability, you should tell your EOHLC worker or their supervisors. The worker should then fill out a form called a “Request for an ADA Accommodation.” EOHLC 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 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 a rule because of a disability, be sure you or your EOHLC worker fills out a “Request for an ADA Accommodation” form, or write a letter to EOHLC asking for the help you need. You can find a copy of the ADA Request form at www.masslegalservices.org/content/ada-accommodation-form-ea-dhcd. ADA requests can be sent directly to ADA Coordinators by emailing dhcdeaada@mass.gov, or by faxing it to 617-573-1578.
- ✓ Shelter providers are also required to make accommodations for your disability. Ask your shelter provider for reasonable accommodations or modifications as needed. Tell your EOHLC worker if you think the provider is wrongly denying your request and consult an advocate.

19 What are your rights if EOHLC denies your reasonable accommodation request?

The EOHLC local office or EOHLC ADA Coordinators should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If you do not receive any response to your request within 30 days you can email the ADA Coordinators at dhcdeaada@mass.gov. If the local office denies your request in whole or in part, you can ask for reconsideration from the EOHLC 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 EOHLC Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision within 10 days of 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 21.*

Advocacy Tips:

- ✓ If you did not get an ADA denial from the Central Office Accommodation Appeal Committee, you may need to ask your EOHLC 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.