



# ReBUILD NC

Version 1.0 | August 23, 2022

## Reasonable Accommodation Policy

State of North Carolina

Revision History

Version	Revision Description	Release Date
1.0	Initial policy creation.	08 / 23 / 2022

## Table of Contents

Revision History .....	2
Overview and Applicability .....	4
Definitions.....	4
Policy Statement .....	5
Applicable Laws and Compliance .....	6
Subrecipients and Contractors.....	7
Submitting a Request.....	7
Request Intake .....	8
Request Review.....	9
Request Evaluation .....	10
Failure to act on a RA/RM Request .....	12
Appendix A: Reasonable Accommodation or Reasonable Modification Request Form .....	13
Appendix B: Verification Letter and Certification for Accommodation Form.....	14

## Overview and Applicability

This Reasonable Accommodation Policy is established by the North Carolina Office of Recovery and Resiliency (NCORR) to provide consistency and guidance to all NCORR staff, subrecipients and contractors on the administration and processing of reasonable accommodation and modification requests they receive from individuals requesting a reasonable accommodation to NCORR's programs or policies. These requests (referred to herein as "RA/RM Request") may be received from any member of the public, applicant to a program, or beneficiary of an NCORR program.

Regardless of who submits or receives a RA/RM Request, it is critical that each is handled consistently, with proper due diligence and in compliance with all applicable federal laws. For the purposes of this Policy, the applicable laws are those which apply to activities receiving Federal, State, or local funds and include: The Americans with Disabilities Act of 1990 as amended (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Fair Housing Act (FHA). Because this Policy is based on federal fair housing laws, this Policy supersedes any existing policy and/or practice applicable to the NCORR programs and its subrecipients and contractors, as well as all North Carolina laws and regulations that are contradictory or in any way conflict or otherwise affect disabled individuals' rightful claims to integrated and accessible housing services, reasonable accommodations and/or modifications.

This Policy applies to all NCORR programs receiving funding from the US Department of Housing and Urban Development. This Policy does not apply to reasonable accommodation requests related to employment. Reasonable accommodation requests in the workplace are addressed directly through the Human Resources department, and the policies determining the process to review a request may apply if developed through the Department of Public Safety or developed by NCORR.

## Definitions

**Disability** (and equivalent term "Handicap"): With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; being regarded as having such an impairment as described at 28 C.F.R. § 35.108(f); or consistent with federal law under the Social Security Act, as amended, 42 U.S.C. § 423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12102(1)-(3), and in accordance with HUD regulations at 24 CFR § 5.403 and 891.505 The definition of disability shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. These terms do not include current, illegal use of, or addiction to a controlled substance. This definition is illustrative and non-exhaustive.<sup>1</sup>

**Person with a disability:** A person who has 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such impairment.

---

<sup>1</sup> Should the review of a request include verifying that a person qualifies as a "disabled person" who is entitled to a RA/RM, reviewers should consult the full definitions of "disability" and "handicap", as well as definitions for related terms, established at 24 C.F.R. § 100.201 and 28 C.F.R. § 35.104. Note that these full definitions, too, are considered illustrative and non-exhaustive.

**Disparate Impact** (and the equivalent term “Discriminatory Effect”): A practice that has a discriminatory effect where it actually or predictably produces different results on a group of persons, or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.<sup>2</sup>

**Fair Housing and Equal Opportunity Officer (FHEO Officer):** NCORR’s designated Section 504 coordinator and Fair Housing Coordinator. The FHEO Officer or an official designee of the Officer oversees, reviews, manages and reports on NCORR’s activities relating to fair housing and equal opportunity, including reasonable accommodation and reasonable modification requests across all NCORR programs.

**Reasonable Accommodation (RA):** A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary to avoid discrimination on the basis of disability and afford a person with disabilities an equal opportunity to use and enjoy a dwelling, public and common use spaces, or to participate in any government-assisted program or activity.<sup>3, 4</sup>

**Reasonable Modification (RM):** A structural change made to an existing residence premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the residence premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.<sup>5</sup>

## Policy Statement

NCORR and its contractors shall not discriminate on the basis of disability, on its face or as applied, while interpreting local laws, regulations, or during the administration of state or federally funded housing programs. Such non-discrimination includes reasonably accommodating policies, practices, and procedures when necessary to afford equal services and opportunities to persons who are disabled or perceived to be disabled. NCORR shall not act in any manner or arrange for any practice which may have the intentional or unintentional effect of subjecting qualified individuals with disabilities to prohibited discrimination.

NCORR will uphold the principle of nondiscrimination on the basis of disability in all of its administrative responsibilities. Accordingly, persons with disabilities will not be: “...denied the opportunity to participate in a program or activity because of their disability; required to accept a different kind or lesser program or service than what is provided to others without disabilities; and/or required to participate in separate programs and services from those available to persons without disabilities, even

---

<sup>2</sup> See 24 C.F.R. § 100.500.

<sup>3</sup> Note that there are differences in how the Fair Housing Act and Section 504 define and require RAs and RMs. Section 504 does not distinguish between RAs and RMs. Instead, both are captured by the term “reasonable accommodations.” This is due to the fact that under Section 504, both accommodations and modifications must be provided and paid for by a housing provider receiving federal funds so far as they are considered reasonable. The Fair Housing Act applies to all individuals and entities involved in the provision of housing and residential lending with certain exceptions, however those providers are required to provide only RAs and incur any costs so long as they are considered reasonable. RMs under the FHA are the burden of the requestor to provide, but providers are required to allow such modifications to occur so long as they are reasonable.

<sup>4</sup> For the purposes of this policy, Reasonable Accommodation and Reasonable Modification may be used interchangeably.

<sup>5</sup> See 42 U.S.C. § 3604(f)(3)(A).

if separate programs and services exist.” NCORR will not provide significant assistance to an agency, organization or person that discriminates on the basis of disability in any aspect of a federally assisted activity. A qualified individual with disabilities shall not be denied the opportunity to participate as a member of planning or advisory boards.

NCORR will make every effort to meet the disability-related needs of requesting individuals to the maximum extent feasible.

NCORR will not impose fees or costs for reasonable accommodation or modification requests or otherwise retaliate against any person for having made, aided, or encouraged another person to make a disability-related request.

NCORR Applicant Service Centers shall be accessible to applicants with impaired mobility. Further, Communication Designees or Powers of Attorney shall be utilized for hearing-impaired applicants or applicants with other communicative deficits.

### *Applicable Laws and Compliance*

Several laws, regulations, and executive orders specifically require that the recipients of federal monies and administrators of federally funded programs comply with all nondiscrimination requirements on the basis of disability. These laws include, but are not limited to, the Fair Housing Act (Title VIII of the Civil Rights Act of 1968), the Americans with Disabilities Act of 1990 (ADA), and the Architectural Barriers Act.

#### *Section 504 of the Rehabilitation Act*

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of disability in any program or activity that receives federal financial assistance. Section 504 states, “No otherwise qualified individual with a disability in the United States. . . shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency.” Therefore, NCORR as the recipient and administrator of federal funds from HUD must comply with laws that prohibit discrimination on the basis of disability.

#### *The Fair Housing Act*

The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas. In addition, the Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. Under the Fair Housing Act a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service.

With respect to the Fair Housing Act, “reasonable accommodation” is broadly defined as “a change, exception, or adjustment to a rule, policy, practice, or service.” Accommodations include (but are not necessarily limited to): furnishing applicants with options for entering into and interacting with the

Program that would otherwise not be able to participate in the Program under standard conditions; making in-home visits for disabled applicants that are not able to travel; and delivering supplemental assistance in completing the application process or other Program functions.

#### *Americans with Disabilities Act (ADA)*

Titles II and III of the ADA require public entities and public accommodations to make reasonable modifications to policies, practices, or procedures to avoid discrimination. This obligation applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity (Title II), or the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (Title III).

In order to integrate these requirements across programs, NCORR will, through the review and/or granting of reasonable accommodation requests, attempt to maximize the inclusion of people with disabilities and other special needs.

#### Subrecipients and Contractors

Subrecipients may follow the NCORR Reasonable Accommodation Policy if the Subrecipient has not yet established or has failed to implement a proper and complete reasonable accommodation policy for their organization. However, Subrecipients must still develop their own organizational procedures for reviewing a request for a reasonable accommodation policy and notify NCORR when the procedures have been implemented. Requests for RA/RM received by NCORR that are related to subrecipient activity will be directed to the subrecipient.

Subrecipients and contractors performing construction activities must confirm that these activities will be performed in a manner compliant with Section 504 and ADA when related to a RA/RM request, or otherwise responding to the needs of a household with disabilities. Both subrecipients and contractors are expected to have either on staff or contracted expertise to ensure that they can respond to the needs of disabled individuals, when necessary, in a compliant manner.

Additionally, subrecipients and contractors should have a responsible individual(s) for ensuring the appropriate handling and evaluation of RA/RM requests received by any staff working for or on behalf of their entity, and this individual(s) should be made known to all staff in roles that may receive requests from program participants, particularly the 504 Coordinator.

#### Submitting a Request

Any disabled adult household member, head of household, or individual authorized by a disabled person (all referred to herein as “requestor”) seeking access to NCORR programs or is an applicant of NCORR programs may request a reasonable accommodation or modification in a number of ways. NCORR employees and any person working on behalf of an NCORR program will accept and handle RA/RM requests in accordance with this Policy. It is advisable for requestors to submit a request in writing to ensure the request is accurately received and responded to; however, oral requests may also be accepted.



To assist in collecting RA/RM request information, NCORR has created a Reasonable Accommodation & Modification Request Form, which will be available on its website or can be requested in person from NCORR staff as well as other individuals working on behalf of NCORR and its programs. Some programs, including the Homeowner Recovery Program (HRP) may have a Program-specific form which will be provided to individuals who either indicate in their program application that they have a disability, or request the form from NCORR or program-supporting staff. Any RA/RM form may be used to submit a RA/RM request.

A reasonable accommodation request may be submitted to NCORR in a number of ways, including:

Email:	fairhousing@rebuild.nc.gov
Mailing Address:	N.C. Office of Recovery and Resiliency Attn: FHEO Officer P.O. Box 110465 Durham, NC 27709
Customer Service / Call Center Phone Numbers:	833-ASK-RBNC (833-275-7262)

Regardless of how the request is conveyed to NCORR, the requestor should make clear that their request is for a RA/RM that relates to the disability-related needs of themselves, someone in their household, or someone on behalf of whom they are making the request. NCORR cannot and will not request a medical diagnosis.

However, if the connection between the disability and the requested accommodation/modification is not clear, the FHEO Officer or the Officer’s designee may request a verification from a medical professional (physician, mental or behavioral health professional, etc.). The medical professional does not need to be a physician or provide a medical diagnosis, but that individual does need to be qualified to assess the disability, and familiar with the person requesting the accommodation. The form should:

1. Verify that the individual has a disability as defined by the Fair Housing Act. The actual diagnosis or the severity of the disability does not need to be disclosed.
2. Demonstrate a relationship between the person’s disability and the need the requested accommodation.

The Verification Letter and Certification for Accommodation Form is found in Appendix B.

### Request Intake

All NCORR employees and contractors are responsible for properly directing any RA/RM requests they receive in accordance with this Policy. All RA/RM requests must be directed to the FHEO Officer or the Officer’s designee. With regards to ReBuild NC Programs, the requirements of this Policy extend to all case managers, housing counselors, program staff, program managers, construction managers, and anyone else interacting on behalf of NCORR and its programs.



While it is permissible to establish a method (i.e. a form) for program applicants and other individuals to submit a request, all recipients of a request are required to honor any oral or written request regardless of how it is conveyed. The best practice is to put any oral requests into writing as soon as possible to have written, agreed-upon record of what was requested.

A requestor need not use the phrases “accommodation” or “modification” in their request in order to be valid, nor explicitly state that they have a disability, however the requestor should communicate their request in a manner in which a person could reasonably understand it to be a request for a change or modification a rule, policy, practice, structure, or other activity that meets the needs of a disabled person.

Once a request is received, one of the first and most crucial steps of the intake process is to ensure that the Fair Housing and Equal Opportunity Officer or the Officer’s designee is notified with the proper information to accurately review the request. All requests need to be monitored and tracked by the FHEO Officer or the official designee regardless of the action taken.

#### Request Review

The FHEO Officer or a designee of the Officer will log and evaluate how NCORR will respond to the request. These responses include, but are not limited to:

- Confirming receipt of request
- Providing the accommodations or modifications as requested
- Offering a change or alternative to the requested accommodations or modifications
- Requesting additional information from the requestor
- Denying the request

Should the initial response to the RA/RM request be anything other than providing the RA/RM as requested, then NCORR will ensure that the requestor is engaged in a process of open dialogue to:

- Request additional information to understand the nature of the person’s disability or the relationship between the person’s disability and the requested RA/RM; and/or
- Determine changes or alternatives to the requested RA/RM that both meet the disabled person’s needs and are reasonable to be provided by NCORR or the related program.

If sufficient information cannot be provided by the requestor, or a reasonable alternative cannot be agreed upon, then NCORR may deny the request through written notification.

An accommodation or modification request may be denied if providing it would cause an undue financial or administrative burden, or it would constitute a fundamental change of a program. However, every effort should still be made to accommodate the request to the extent that it would not result in such a burden or change. Such determinations will be made on a case-by-case basis and at the direction of the FHEO Officer or the Officer’s designee, and NCORR.

This notification will also include information for how to appeal this decision should the requestor choose to do so. More information can be found about the appeals process under the Grievance section of this Policy.

### Request Evaluation

Once a request has been received and logged, it will be routed to the FHEO Officer or the Officer's designee and reviewed to evaluate the request to determine if the disability-related needs of requesting individuals can be met. Generally, every effort should be made to provide the accommodations or modifications as requested. The evaluation of the request considers the following four questions:

1. Is more information needed to understand the nature of the person's disability, or the relationship between the person's disability and the requested RA/RM?
2. Would providing the RA/RM as requested cause an undue financial and/or administrative burden?
3. Would providing the RA/RM as requested result in a fundamental alteration of a program or operations?
4. Could the disabled person's needs be met by a change or alternative to the requested RA/RM?

The following guidance should be considered when evaluating the answers to the above questions:

- It should not be a standard practice to request information to confirm a disability or need for every requested RA/RM. Information should be requested only when it is necessary to verify that the person meets the definition of "disability" established by this Policy and cited regulations, or when it is necessary to evaluate the relationship of the accommodation/modification to the known limitation or disability.
- Any information must be kept confidential and must not be shared with other persons, unless they need the information to make or assess a decision to grant or deny a reasonable modification request.
- An accommodation or modification request may be denied if providing it would cause an undue financial or administrative burden, or it would constitute a fundamental change of a program. However, every effort will be made to accommodate the request to the extent that it would not result in such a burden or change. Such determinations will be made on a case-by-case basis.
  - The determination of undue financial and/or administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.
  - A "fundamental alteration" is a modification that alters the essential nature of a provider's operations. While such a request could be denied, a provider or program should discuss with the requestor whether there is any alternative accommodation that would effectively meet the requester's disability-related needs without fundamentally altering the nature of its operations or program activities.

## Grievance Procedure

Any person that believes they have been subjected to discrimination on the basis of a disability may file a grievance under the following Grievance Procedure. Applicants issued a determination relating to their reasonable accommodation request may also request an appeal of that determination under this Grievance Procedure.

1. Grievances and appeals relating to discrimination based on a disability or a RA/RM determination must be written and submitted to the FHEO Officer or the Officer's designee at [fairhousing@rebuild.nc.gov](mailto:fairhousing@rebuild.nc.gov) or to the following address within 30 days from the date on the RA/RM determination letter or 60 days from the date of the alleged incident of discrimination:  
North Carolina Office of Recovery and Resiliency  
ATTN: FHEO Officer  
PO Box 110465  
Durham, North Carolina 27709
2. The grievance or appeal must be in writing, containing the name and address of the person filing the complaint or appeal, and the Application ID number (APP-ID) if applicable. A statement regarding the matter to be appealed or problem or action alleged to be discrimination must be included, as well as the relief or remedy sought. All documentation, statements and evidence to be considered should be included with the request.
3. The FHEO officer or designee will determine whether to route the matter and proceed as follows:
  - (i) **Appeals of a RA/RM determination**: If the matter is an appeal of a determination made to an applicant's RA/RM request, that appeal will be routed to the Chief Recovery Officer, or his/her designee, for review and decision relating to the appeal. The Chief Recovery Officer, or his/her designee, will review the request for an appeal of the determination, and may, at his/her discretion, request additional documentation or evidence from all interested parties. A written decision in response to the appeal shall be made within 30 days of the filing of the RA/RM appeal. ***This decision is final.***
  - (ii) **Allegations of Discrimination (Complaints)**: If the matter is a complaint related to an incident of alleged discrimination, the FHEO officer or designee shall investigate of the complaint. The FHEO Officer or designee will first acknowledge receipt of the complaint within 15 days, then must complete the investigation and issue a decision within 30 days of the acknowledgment. The investigation may be informal, but shall be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The FHEO Officer's decision, or the decision of the Officer's designee, may further be appealed following the process outlined above (*Grievance Procedure, Section 3(i)*).

The availability and use of the grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Housing and Urban Development (HUD). Complaints within one hundred eighty days (180) days of the act of discrimination may be filed with the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD), Washington, DC 20410, or any Regional or Field Office of the Department. A complaint mailed to HUD shall be deemed filed on the date it is postmarked. Any other complaint shall be deemed filed on the date it is received by HUD.

NCORR shall make appropriate arrangements and provide accommodations, if needed, to ensure persons with disabilities may participate in the grievance process. The FHEO Officer or a designee will be responsible for such arrangements.

An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and they believe that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or they require an additional or different reasonable accommodation).

#### Failure to act on a RA/RM Request

If NCORR delays responding to a request for an accommodation, after a reasonable amount of time that delay may be construed as a failure to provide a reasonable accommodation. The person requesting the accommodation or modification may choose to seek legal assistance or file a complaint with HUD.

## Appendix A: Reasonable Accommodation or Reasonable Modification Request Form

### NCORR

#### Reasonable Accommodation or Reasonable Modification Request Form

*Purpose: This form may be used by applicants or participants of programs administered by the NC Office of Recovery and Resiliency ("NCORR"), including any ReBuild NC Program (Housing Recovery Program, Strategic Buyout Program, Affordable Housing). Programs administered by any of NCORR's partners or subrecipients shall be directed to that organization. Please submit this Form to [fairhousing@rebuild.nc.gov](mailto:fairhousing@rebuild.nc.gov), to a ReBuild NC Case Manager at 1-833-ASK-RBNC (833-275-7262), or to the following address: N.C. Office of Recovery and Resiliency, Attn: FHEO Officer, P.O. Box 110465, Durham, NC 27709. All medical information will be confidential and maintained separately.*

<b>Section A: Information about the requestor (to be completed by applicant or participant, or a representative on behalf the person requesting the accommodation)</b>	
1. Name	2. APP-ID:
3. Name of Communication Designee/POA (if applicable):  <i>*Please note a completed and signed Communication Designee or Power of Attorney (POA) must be on file authorizing discussion of a disability before discussing this request with the above person.</i>	
4. Mailing Address:	5. Phone Number
6. Email Address:	7. NCORR Program: ___ Affordable Housing Program ___ Homeowner Recovery Program ___ Strategic Buyout Program ___ Other: _____
<b>Section B: Information about the Reasonable Accommodation Request</b>	
1. I am requesting the following reasonable accommodations or modifications to a policy, program, or service:	
2. It is necessary for me to have this accommodation for the following reasons:	
<b>Section C: Signature and Acknowledgment</b>	
Please submit information you may believe to be relevant to your request. A <i>NCORR Verification Form</i> completed by a medical provider may be requested depending on the nature of the request. NCORR may not request a diagnosis of a medical condition. Please be aware that a project may be placed on hold during the completion of the Reasonable Accommodation review and determination. Requestor may review NCORR's Reasonable Accommodation policy, located at <a href="http://www.rebuild.nc.gov">www.rebuild.nc.gov</a> .	
Signature _____	
Date _____	

Appendix B: Verification Letter and Certification for Accommodation Form

**REBUILD NC  
VERIFICATION LETTER AND CERTIFICATION FOR ACCOMMODATION**

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

Accommodation requested by Applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have requested the accommodation above and ask that you fill out the following certification. I authorize for this certification in its entirety to be released to ReBuild NC and the North Carolina Office of Recovery and Resiliency (“NCORR”) for the purposes of evaluating my request for the above stated accommodation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*

***Certification***

(to be completed by medical provider or professional)

The individual who has signed above has requested the above stated reasonable accommodation. This individual is further requesting that you provide the following verification:

Please indicate:

1. Do you believe that this individual has a physical or mental impairment that limits a major life activity?  
Yes No
2. Do you believe the above stated accommodation is necessary and will achieve its stated purpose?  
Yes No Cannot Verify
3. Have you treated or assisted the individual for the disability before this request was made?  
Yes No Prefer not to answer
4. Is there additional information that would be helpful in making the right accommodation for this person? (Please do not provide a diagnosis. Please provide information that relates the disability to the requested accommodation above.)

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Title of Medical Provider or Professional

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone