



Yolo County Housing

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DATE: December 3, 2009
TO: YCH Board of Commissioners
FROM: Lisa A. Baker, Executive Director
PREPARED BY: Janis Holt, Resource Administrator
SUBJECT: **Review, Approve, and Adopt the YCH 504 Compliance and Transition Plan**

Agenda Item No. 3.02

RECOMMENDED ACTION

The Board of Commissioners Review, Approve, and Adopt the YCH 504 Compliance and Transition Plan (504 Plan) and authorize the Executive Director to implement.

BACKGROUND / DISCUSSION

The 504 Plan is designed to assist staff with eliminating discrimination on the basis of disability in programs and activities associated with receiving YCH services. Based on the Program and Property Accessibility Review conducted by NFC, Inc., staff developed this Plan to serve as a guideline for the delivery of services to disabled persons while adhering to the American with Disabilities Act, the Rehabilitation Act and the California Fair Employment and Housing Act. The 504 Plan incorporates the recommendations from the Program and Property Accessibility Review and includes Attachments A through D.

YCH staff in the implementation of this Plan will focus on programs for existing facilities. All new construction must be fully accessible and designed in accordance with recognized accessibility standards.

YCH staff have already developed and implemented the following elements of the Plan:

- Updated the Reasonable Accommodation Policy and Procedures including the forms utilized to request a reasonable accommodation for both the HCV and LIPH programs. This update is provided in Attachment A.
- Updated YCH forms, publications, and other written communication to include non-discriminatory statements and contact information for the 504 Coordinator.
- Updates website to include forms with the non-discriminatory statements and provide the 504 Coordinator contact information.
- Provided printed materials in 12-point Arial font (or other ADA accessible format).

- Developed a Reasonable Accommodation Grievance Procedure with a step-by-step grievance process for the denial of a requested reasonable accommodation. Grievance Procedure provided as Attachment C.
- Incorporated appropriate ADA language in YCH employment manuals, job descriptions, applications, etc.

YCH staff will continue with the implementation of the following elements of the Plan; some of these recommendations are dependent on funding availability:

- Recommendations for unit conversions for achievement of full compliance including two full unit conversions at AMP 3. Modification recommendations for all LIPH units is provided in Attachment B.
- Modification recommendations for unit conversions in the Agricultural Housing units is provided in Attachment D.
- Update remaining YCH forms, publications, and other written communication to include non-discriminatory statements and contact information for the 504 Coordinator.
- Implement a tracking system for reasonable accommodations and/or accessible units for the LIPH and HCV programs. Include a listing of available units that are known to be accessible.
- Develop an audio-visual presentation that outlines the requirements and responsibilities of the HCV and LIPH program; include the translation of this program into other languages for Limited English Proficient persons.
- Design an evacuation plan for units with local emergency responders for disabled/senior residents.

The 504 Plan designates the YCH Resource Administrator as the 504 Coordinator with responsibility for reasonable accommodations. YCH staff will work in coordination with partners, vendors, and contractors to meet the elements of the 504 Compliance and Transition Plan.

Staff has sent a copy of the draft 504 Plan to Legal Services of Northern California for their input. Their comments could require staff to review the Plan for possible changes. In the case where the Plan requires modification, such recommendations would be brought back to the Board for its consideration and approval.

The adoption of the 504 Compliance and Transition Plan will give staff additional guidelines to assure that applicants, residents, participants, and employees have access to reasonable accommodation based on their disability needs.

FISCAL IMPACT

There will be additional costs associated with reasonable accommodation requests and each request will be considered on a case-by-case basis. The costs are unknown at this time. These costs are necessary to meet the legal requirements outlined in the 504 Plan.

However, YCH staff will work to ensure that costs are reasonable and can be borne by the appropriate cost centers.

CONCLUSION

Staff recommends that the Board approve the Adoption of the 504 Compliance and Transition Plan

Attachments: 504 Compliance and Transition Plan

Reasonable Accommodations Policy and Procedures, Attachment A

Recommended Modifications to LIPH Units, Attachment B

Reasonable Accommodation Grievance Procedure, Attachment C

Recommended Modifications to Agricultural Housing Units, Attachment D



Yolo County Housing

504 COMPLIANCE AND TRANSITION PLAN

Introduction

In conformance with the requirements under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, Yolo County has undertaken specific actions to comply with federal requirements. Yolo County Housing completed a Program and Property Accessibility Review on November 14, 2008 and has developed a Transitional Plan to remove existing barriers and adopted policies designed to provide equal access to its housing programs.

Purpose, Application and Coverage

The Section 504 regulations are designed to eliminate discrimination on the basis of disability in programs and activities receiving federal financial assistance. This financial assistance is defined as any grant, loan, contract, or any other arrangement where an agency provides or makes available: funds, federal personnel services; or real or personal property of interest in or use of such property including transfers or leases of property for reduced consideration and proceeds from a subsequent transfer or lease of such property if the federal share of its fair market value is not returned to the federal government.

The language of Section 504 prohibits discrimination in a program or activity that receives federal assistance.

Section 504 protects people with disabilities against discrimination based on their disability. A person is "disabled" within the meaning of Section 504 if s/he:

- a) has a mental or physical impairment that substantially limits one of more of such person's major life activities;
- b) has a record of such impairment; or
- c) is regarded as having such an impairment.

"Physical or mental impairments" that fall within discrimination prohibitions include: 1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; immunological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or 2) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or 3) such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, , cancer, heart disease, diabetes, HIV, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

"Major life activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, lifting, reaching, thinking, concentrating, reading, interacting with others, learning and working.

Determining whether or not a person is "substantially limited" depends on the nature and severity of that person's disabling condition. A temporary disability is not considered a substantially limiting impairment. If a condition does not substantially limit

a major life activity, the individual does not have a covered disability. Only qualified individuals with disabilities are protected from discrimination by Section 504.

YCH adheres to the California Fair Employment and Housing Act (FEHA) when verifying the need for Reasonable Accommodations for staff and participants. To have a disability under FEHA, a person need only have a mental or physical impairment that limits one or more of such person's major life activities; the word "substantially" is removed from the definition.

The Section 504/ADA Coordinator and Responsible Official

The responsible official for implementation of Section 504 and the administration of the Reasonable Accommodation Policy and Procedures is the YCH Resource Administrator.

Inter-Agency Cooperation

To best meet the needs of YCH; the development and implementation of the 504 Compliance and Transition Plan is an inter-agency collaboration. This includes utilizing outside agency expertise for review, feedback, and evaluation of YCH programs.

The 504 Compliance and Transition Plan was developed with the assistance of NFC, Inc., a professional firm providing consulting services in the areas of planning, operations, facilities, grants, and energy to affordable housing providers. NFC, Inc. provided YCH with a program and property accessibility review which is incorporated into this Plan along with a 504 self-evaluation.

YCH continues to work with a variety of service agencies, including the Social Security Administration, Department of Social Services, Department of Vocational Rehabilitation, Area 4 Agency on Aging, Californians for Disability Rights, Inc., Alta California Regional

Center, and Legal Services of Northern California to assure interagency cooperation in assisting its disabled applicants, participants and residents.

YCH obtains input from participants and residents during the review of the YCH Annual Plan, HCV Administration Plan, and the Admissions & Continued Occupancy Plan with regard to policies and operations that impact persons with disabilities.

Program Accessibility

The focus of Section 504 for existing facilities is on programs, not buildings. If it is possible to ensure accessibility through alternative means, e.g. providing auxiliary aids, relocating programs or making home visits, structural modifications and/or changes may not be required. New construction must be fully accessible and designed in accordance with recognized accessibility standards.

I. Access

All YCH programs are accessible through existing facilities. If special accommodations for an individual with a disability are required, YCH makes every effort to assure that those special accommodations are met.

II. Transition Plan

Based on the YCH Self-Evaluation and the results of the Program and Property Accessibility Review; YCH has prepared a Transition Plan describing needs, identified obstacles limiting accessibility and detailed the methods to be used to make reasonable accommodation for disabled individuals and to make units and common areas accessible.

The Transition Plan includes recommendations to update the Reasonable Accommodation Policy and Procedures including the forms utilized to request and verify

a reasonable accommodation in the public housing and HCV programs. The updated Reasonable Accommodation Policy and Procedures is incorporated into this Transition Plan. (Attachment A)

Through the Property Accessibility Review, a full inspection of all accessible units was performed and work items were identified to help YCH achieve substantial compliance with HUD regulations. To achieve full compliance, two additional full unit conversions will be required at Las Casitas (AMP 3). The recommendations for modifications to physical units are provided. (Attachment B). The modifications to existing units will be completed as soon as practical, depending on available funding. The conversion of additional units has been programmed into the Capital Fund Program and will be executed accordingly.

During the program review several recommendations were made for changes to the Admissions and Continued Occupancy Policy (ACOP) and the Housing Choice Voucher Program Administrative Plan. The ACOP is currently under revision and will incorporate the recommended changes. The Administrative Plan has been approved by the Board of Commissioners with the recommended changes.

YCH continually makes a good faith effort to maintain a barrier-free program and has a practice of making reasonable accommodation for applicants and residents who are mobility or sensory impaired.

III. Provision of Auxiliary Aids

YCH currently provides the following auxiliary aids for the hearing impaired:

- Board of Commissioners meetings are held in a fully accessible location with translation (American Sign Language) services available upon request for hearing impaired individuals.

- YCH uses a TDD system for sending and receiving calls for hearing impaired applicants, residents and participants. Staff has been trained in the use of the TDD system. In addition, the staff receives calls via California's Relay System.
- YCH provides program overviews, requirements, and responsibilities both aurally and in writing whenever possible. Information on programs, services, and policies are accessible on the YCH website.
- On request, YCH provides smoke detectors for the hearing impaired as well as other auxiliary aids/assistive devices.

IV. Translation/Interpretation

Where necessary and if requested within seventy-two (72) hours of the event, YCH will provide translators/interpreters to assist hearing or sight impaired disabled persons in meetings, hearings, etc.

V. Reasonable Accommodation in Programs

YCH has developed a separate Reasonable Accommodation Policy to address accessibility issues in all programs. (Attachment A)

RECOMMENDATIONS FOR IMPROVEMENT FOR PROGRAM ACCESSIBILITY

- YCH forms, publications, and all other written communication should include a non-discriminatory statement that includes the name and contact number for the 504 Coordinator.
- Updates to the YCH website for accessibility to forms and the non-discriminatory statement including the 504 Coordinator contact information.
- Implement a tracking system for reasonable accommodations and/or accessible units in the LIPH program for those individuals on the waiting list.
- In the Housing Choice Voucher program, maintain a listing of available units that are known to be accessible.

- Review all applications for all programs, and the annual/interim recertification forms to assure questions are asked appropriately for the need for a reasonable accommodation.
- Wherever possible, provide printed material in 12-point Arial or other *san serif* typefaces, including this document, in order to provide alternate format for sight impaired individuals.
- The development of an audio-visual presentation regarding requirements and responsibilities under the YCH Housing Choice Voucher program and the YCH Public Housing program which will assist those with hearing impairment. This presentation could also be translated into the languages of Yolo County Limited English Proficiency families as part of the Language Assistance Plan.
- Design an evacuation plan for its units with local fire and police departments for evacuating its senior/disabled residents.

GENERAL ARCHITECTURAL ACCESSIBILITY

While Section 504 requires new construction and alterations to comply with applicable accessibility standards, existing facilities that are not being altered must meet only the program accessibility standard. This standard requires that the program be “readily accessible to and useable” by qualified individuals with disabilities when the program is looked at as a whole. Structural modifications to facilities are not necessarily required by Section 504, unless they are the only way of obtaining accessibility.

YCH had a 504 Program and Property Accessibility Review completed in 2008; the results of review are available from the 504 Coordinator. The recommended modifications to existing units in public housing are provided in Attachment B. The conversion of these units will be programmed into the Capitol Fund Program and executed as soon as practical.

In addition, YCH included the three Migrant Centers in the Program and Property Accessibility Review. YCH will consult with the California Housing and Community

Development - Office of Migrant Services and the United State Department of Agriculture Field Office regarding the need and funding for the conversion of additional units at the migrant centers. The recommended physical modifications for the Migrant Center units are provided in Attachment D.

NEW CONSTRUCTION

In conformance with Section 504, all new construction and building alterations will conform to current accessibility requirements and standards.

Grievance Procedures and Informal Hearings

YCH has developed a Reasonable Accommodation Grievance Procedure in conjunction with the Reasonable Accommodation Policy and Procedure. These procedures provide a step-by-step grievance process for those individuals with issues related to the 504 Coordinator's granting or denial of a reasonable accommodation. (Attachment C)

Section 504 Employment Practices

YCH personnel administration is conducted through the Resource Administrator in collaboration with the management team and the Executive Director. The Executive Director is the designated authority of YCH.

It is recommended that YCH:

- Rewrite their Personnel Manual eliminating the reference to reporting issues to the Deputy Executive Director. The language should be changed to "Executive Director or his/her designee" throughout the policy.
- Incorporate a specific procedure for requesting a reasonable accommodation as well as specifically define when a reasonable accommodation cannot be made in the YCH Personnel Manual and expand on the physical requirements for particular jobs in the section "Employment Applications/Requirements".

- Incorporate the physical requirements in each YCH position description. Also, include requirements for employees to be able to access units or areas that are not accessible for the mobility impaired (i.e., maintenance and inspection staff).
- Add a general statement to all position descriptions regarding reasonable accommodation.