
NEW BEDFORD HOUSING AUTHORITY

OPERATIONS MANUAL

DATE: December 3, 2015
Revised 08/19/2019

Release No. 36

TO: All Employees

SUBJECT: Reasonable Accommodations

NEW BEDFORD HOUSING AUTHORITY
ANTI-DISCRIMINATION POLICIES CONCERNING TENANTS AND
PROSPECTIVE TENANTS WITH DISABILITIES

It is unlawful, and a violation of our policy, for New Bedford Housing Authority (“NBHA”) or any of its employees or agent to discriminate against an individual on the basis of a disability.

An individual has a disability if the person (1) has a physical or mental impairment that substantially limits a major life activity, (2) has a record of such impairment, or (3) is perceived as having such impairment. A disability can be apparent, as in the case of someone who needs to use a wheelchair for mobility purposes, or not apparent, as in the case of someone with a cognitive disability or mental illness. For the purposes of this policy current illegal drug use is not a disability.

1. NBHA will make reasonable accommodations for individuals with disabilities: NBHA, its agents, and its employees will ensure that tenants and prospective tenants with disabilities have full and equal access to its services.
2. NBHA cannot discriminate against individuals because of their association with a disabled person: NBHA, its agents, and its employees cannot exclude or deny services to an individual because of the disability of a person with whom that individual is associated. However, if such associate’s behavior were to result in the breach of your lease, were to cause a nuisance interfering with the quiet enjoyment of other tenants, or were to create an issue of public safety, none of which could be mitigated through the provision of a reasonable accommodation, NBHA would have the right to enforce the terms of its lease and/or other applicable laws.
3. Requests for Reasonable Accommodations must be provided to the Coordinator: Sam Ackah is NBHA’s Compliance Coordinator. All requests for reasonable accommodations and paper work regarding Reasonable Accommodation will be sent to **128 Union Street, 4th Floor,** New Bedford, MA 02740. He will have a reasonable amount of time from the date of the request to determine whether the request can be accommodated, provided the Compliance Coordinator has received sufficient

information. He will keep the resident informed as to any difficulties in getting information required to determine if the request is a reasonable accommodation. All approvals and denials shall be documented in writing to the resident.

4. NBHA cannot discriminate against individuals with disabilities because of appearance or behavior resulting from a disability: NBHA, its agents, and its employees shall not refuse to provide a service to a person with a disability because that person's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees, agents, or other persons. However, if such behavior were to result in the breach of your lease, were to cause a nuisance interfering with the quiet enjoyment of other Tenants, or become an issue of public safety, none of which could be mitigated through the provision of a reasonable accommodation, NBHA would have the right to enforce the terms of its lease and/or other applicable laws.
5. NBHA cannot impose additional charges for providing accommodations to individuals with disabilities: NBHA, its agents, and its employees may not impose special charges for providing services necessary to accommodate individuals with disabilities.
6. NBHA cannot retaliate in any way due to a request for a reasonable accommodation: It is the right of tenants to make requests for reasonable accommodations. NBHA, its employees, and its agents cannot take any adverse action against a tenant or prospective tenant because a request is made.
7. Violations of this Policy will result in immediate disciplinary action: Any employee or agent found to have violated this Policy or to have discriminated against a tenants or prospective tenant in any way will be subject to immediate disciplinary action.
8. Service and Emotion Support Animals: Service animals are not pets. Although the most commonly recognized service animals are "seeing-eye dogs," they may be any type of animal and assist a person in any number of ways. A service animal is any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability. These tasks may include guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing rescue work, pulling a wheelchair, or fetching dropped items. Service animals are protected by state and federal laws.

Under state and federal laws, emotional support animals can include *any* animal that a disabled person needs because of a disability, whether or not that animal has been specifically trained to help the person and may be a reasonable accommodation if the presence of the animal mitigates the disability.

- a. Service and emotional support animals are welcome on NBHA properties and buildings regardless of our pet policies: NBHA, its agents, and its employees shall not seek to separate a person with a disability from a service animal. A service animal may accompany an individual with a disability to all areas open to the public and will be permitted to enter the

buildings and facilities. NBHA will not charge a pet fee for any animal required due to a disability.

- b. NBHA may request proof and/or licensing of a service animal: NBHA, its agents, and its employees may request written proof that an animal is a service animal, so long as an individual's disability is not readily apparent or already known. If an employee or agent is not certain that an animal is a service animal, he/she may ask the person who has the animal if it is a service animal required because of a disability, and may require further proof, if an individual's disability is not readily apparent or already known. NBHA can also request proof that the service animal has been licensed and vaccinated.
 - c. NBHA may exclude a service animal only if it poses a significant risk to the health or safety of others: NBHA, its agents, and its employees shall not make assumptions about how a particular animal is likely to behave and must consider each situation individually, based upon the actual circumstances rather than on beliefs based upon speculation, stereotypes, or generalizations. Failure to prevent the animal from becoming a nuisance to other tenants, disturbing their quiet enjoyment, or posing a risk to the health or safety of others may result in the right of NBHA to exclude the service animal from the property. However, a service animal cannot be excluded from the property, unless a person could be excluded for the same or comparable behavior.
9. Privacy: Any information given to NBHA, its employees, and its agents in regards to request for accommodation will be kept confidential. NBHA will not discuss the information with other employees, except to the extent needed to facilitate granting a reasonable accommodation. NBHA will not share with other tenants that a reasonable accommodation was granted to an individual or any information about a tenant's disability.

Steven A. Beauregard
Executive Director