

POLICY ON REASONABLE ACCOMMODATION

KIRKLAND ANNEX, LLC

INTRODUCTION

Kirkland Annex, LLC complies with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act. Kirkland Annex, LLC will further comply with any subsequently enacted legislation and implementing rules and regulation protecting the residents, applicants and/or staff.

Section 504 stipulates that “no otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”. The Fair Housing Amendments Act regulations state “It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and private areas.”

The definition of a person with disabilities for the purposes of nondiscrimination is a person who:

- A. Has a physical or mental impairment that substantially limits one or more major life activities;
- B. Has a record of such impairment; or
- C. Is regarded (by Kirkland Annex, LLC) as having such an impairment.

Physical or mental impairments include practically any condition, disease, illness, disfigurement, or disorder if the impairment substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself (performing activities of daily living including bathing, eating, dressing, medications management, hygiene, and grooming), performing manual tasks, walking, seeing, hearing, breathing, learning, and working.

The requirement to provide reasonable accommodation is intended to provide persons with disabilities equal opportunity to participate in housing programs through modification of policies, procedures, or structures. The policy is not intended to provide greater program benefits to persons with disabilities than to non-disabled persons. However, it may at times mean that persons with disabilities will be treated differently in order to ensure equal access to the programs and services.

Kirkland Annex, LLC is committed to providing reasonable accommodations to qualified persons with disabilities so that the choice of living arrangements is, as a whole, available and comparable to other persons eligible for assistance under the same program. The policies and procedures outlined here apply to all properties owned by Kirkland Annex, LLC.

Kirkland Annex, LLC will work with applicants and residents to make a reasonable accommodation, giving priority to those methods that offer programs and activities to otherwise qualified individuals with disabilities in the most appropriate integrated setting. Accommodations, administrative and structural, are intended to afford disabled individuals equal opportunity to use and enjoy the dwelling units, including public and common areas, and services that are afforded to others, provided that accommodation is reasonable. Reasonable accommodation does/will not cause undue burden(s) or cause fundamental alterations in the nature of the housing program.

Information regarding the availability of reasonable accommodations will be made available to applicants and residents during the admission and occupancy cycle: specifically, a.) at the time of application, or b.) with any notice of an initial determination of ineligibility. This information may also be provided at other times deemed appropriate by Kirkland Annex, LLC. Further, reminders and educational opportunities will be promoted for residents and staff. Forms have been developed for applicants and residents that are, as much as reasonably possible, written in plain, intelligible language. Kirkland Annex, LLC will present documents in alternative formats, provide auxiliary aids, or communicate with a third party designated by the applicant or resident.

Reasonable accommodations are made in response to individual requests from a qualified person with disabilities. The request may be in any manner which is convenient for the person with disabilities and is acknowledged as such a request by management. Accommodations will be unique to each request – individuals with the same disability may not desire or require the same level accommodation.

Kirkland Annex, LLC cannot provide support services that fall outside of the scope of services offered other residents and/or outside of the parameters of the programs. Further, Kirkland Annex, LLC will make reasonable modifications in order to enable an otherwise qualified person, but is not required to make accommodation or offer housing that is fundamentally different in nature. The test is whether, with appropriate modifications, the applicant/resident can live in the housing that Kirkland Annex, LLC

offers; not whether the applicant/resident could benefit from programs/housing that Kirkland Annex, LLC does not offer.

AUXILIARY AIDS AND SERVICES

To facilitate communication with persons with disabilities, Kirkland Annex, LLC shall furnish reasonable and appropriate auxiliary aids. Auxiliary aids means services or devices which enable persons with impaired sensory, manual or speaking skills the ability to communicate. However, Kirkland Annex, LLC is not required to provide individually prescribed devices, such as readers for personal use or study, or other devices for personal use or of a personal nature. Kirkland Annex, LLC will attempt to give primary consideration to the individual requests without providing services or amenities not otherwise available to non-disabled individuals.

Types of aids and related reasonable accommodations that Kirkland Annex, LLC will supply to applicants and residents include:

- A. Providing additional information of program rules and requirements.
- B. Offering information in accessible formats and in plain language.
- C. Permitting applications and rent payments by mail.
- D. Sending mail or making phone calls to a person designated by the resident/applicant as a contact person.
- E. Allowing service animals.
- F. Reinstating applications of persons with disabilities if the reason they did not respond to request in the required time was a reason related to their disability and they can otherwise qualify (or requalify) for acceptance.

Aids, benefits, and services are not required to produce identical results for individuals with disabilities to be effective, but are to afford individuals with disabilities equal opportunity to obtain the same results, benefits, or programmatic goals.

FUNDAMENTAL ALTERATIONS TO THE PROGRAM OR UNDUE FINANCIAL OR ADMINISTRATIVE BURDEN

Kirkland Annex, LLC will deny reasonable accommodation requests which would require a fundamental alteration in the nature of the program or which represent an undue financial and/or administrative burden. Determining a requested accommodation to be a fundamental alteration does not eliminate Kirkland Annex, LLC's compliance responsibilities. Kirkland Annex, LLC may take action that would not result in a fundamental alteration but would allow persons with disabilities an equal opportunity to receive the program benefits and services. Kirkland Annex, LLC's determinations with respect to fundamental alterations will be made on a case-by-case basis.

ESSENTIAL OBLIGATIONS OF TENANCY

To help identify fundamental operations in the programs, five essential obligations of tenancy are listed below:

1. To pay rent and other charges under the lease in a timely manner.
2. To care for and avoid damage to the unit, other units, common areas and facility property; to use the facilities and equipment in a reasonable way; to create no health or safety hazards and to report maintenance needs.
3. Not to interfere with the rights and enjoyment of others and not to damage the property of others.
4. Not to engage in criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents, the staff, and/or the visiting public; not to engage in drug-related criminal activity on or near the premises.
5. To comply with HUD and/or Kirkland Annex, LLC reasonable rules and program requirements and to comply with health and safety codes and standards.

TYPES OF ACTIONS CONSIDERED TO BE A FUNDAMENTAL ALTERATION

Types of activities that would be considered to be a fundamental alteration to the program include by are not limited to:

1. Action that require modification to, or elimination of, essential lease provisions or program eligibility or screening requirements based on obligations of tenancy (e.g. admission of an unqualified family);
2. Actions that require Kirkland Annex, LLC to add support services that fall outside the scope of existing services offered Kirkland Annex, LLC to applicants/residents in the program (e.g. counseling, medical, or social services);
3. Actions that require Kirkland Annex, LLC to offer housing or benefits of a fundamentally different nature from the type of housing or benefits Kirkland Annex, LLC does offer;
4. Actions that substantially impair Kirkland Annex, LLC's ability to meet its essential obligations as landlord as defined in the Kirkland Annex, LLC Lease Agreement including management, administration, maintenance, and other services required to operate the program and upkeep the property.

REASONABLE ACCOMMODATION PROCESS

NOTIFICATION TO APPLICANTS/RESIDENTS REGARDING REASONABLE ACCOMMODATION REQUESTS

Information on the availability of Kirkland Annex, LLC's reasonable accommodation procedure will be posted in the Kirkland Annex, LLC business offices and will be provided at application, intake, and offer of unit. The applicant/resident may make a request for reasonable accommodation in any manner which is convenient as long as management acknowledges

it as a reasonable accommodation request at the time it is offered. If no acknowledgement of receipt of reasonable accommodation request is received in writing by the applicant or resident within fourteen (14) days, applicant/ resident should recommunicate their request.

Several forms and letters have been developed to conveniently allow an applicant or resident the opportunity to request reasonable accommodations (these forms are listed in the appendix). If an applicant/resident cannot use a form, Kirkland Annex, LLC will still respond to a request for reasonable accommodation and assist in acquiring needed information to make a decision based upon the request.

Although the process for request is standardized, each will be treated uniquely. The results will be made in a timely manner (within 14 days) whenever possible and both denial and approvals will be issued in writing or in a format acceptable and accessible to the resident/applicant.

Any all meetings required will held at an accessible location.

MAKING A REQUEST FOR A REASONABLE ACCOMMODATION

Applicants or residents may make a request for a reasonable accommodation at any time. A form is provided for this purpose, but if the applicant/resident is unable to use the form, the request will still be considered. If accommodation is deemed reasonable, Kirkland Annex, LLC will approve the request. The general procedures are:

1. All applicants will be asked: a.) if they need special features in a rental unit; b.) if they want to designate a contact person; or c.) if they need help filling out an application. The Request for Reasonable Accommodation form is provided upon request
2. All residents will be notified of their right to request a reasonable accommodation. The Request for Reasonable Accommodation form is provided upon request
3. All responses to requests for reasonable accommodation will be in writing and in an alternative format as requested and required by the applicant/resident.
4. Whenever possible, all decision to grant or deny reasonable accommodation will be communicated in writing or in an alternative format as requested and required by the applicant/resident within 14 days of receipt of the request.

DETERMINING WHETHER TO MAKE THE ACCOMMODATION

1. Does the applicant/resident meet the definition of a person with disabilities.
 - a. If NO: Kirkland Annex, LLC is not obligated to make a reasonable accommodation and the request will be denied.
 - b. If YES: go to Step 2.
2. If more information is needed, it will be requested and the applicant/resident will be notified in writing or in an alternative format as requested and required by the

applicant/resident or a meeting or discussion will be arranged and held to obtain the information. Is the requested accommodation related to the disability.

- a. If NO: Kirkland Annex, LLC is not obligated to make a reasonable accommodation and the request will be denied.
 - b. If YES: go to Step 3.
 - c. If more information is needed, it will be requested and the applicant/resident will be notified in writing or in an alternative format as requested and required by the applicant/resident or a meeting or discussion will be arranged and held to obtain the information.
3. Is the requested accommodation reasonable under the GUIDELINES FOR DETERMINING REASONABLENESS listed below.
- a. If YES: Kirkland Annex, LLC will approve the request for reasonable accommodation and a description of the accommodation will be issued in writing.
 - b. If NO: Kirkland Annex, LLC will deny the request or suggest an alternative accommodation. The applicant/resident will be notified in writing or in an alternative format as requested and required by the applicant/resident or a meeting or discussion will be arranged and held to obtain the information.
 - c. If more information is needed, it will be requested and the applicant/resident will be notified in writing or in an alternative format as requested and required by the applicant/resident or a meeting or discussion will be arranged and held to obtain the information.

GUIDELINES FOR DETERMINING REASONABLENESS

1. If Kirkland Annex, LLC does not have enough information to approve or deny the requested reasonable accommodation, Kirkland Annex, LLC will request the person with disabilities verify the need for an accommodation to enable him to access and use the housing program. Using the Reasonable Accommodation Form, the applicant/resident will be asked to have a qualified individual verify that the requested accommodation: a.) is related to the applicant/resident's disability; and b.) would provide the applicant/resident with an equal opportunity to enjoy our housing programs or that the applicant/resident's disability restricts them from performing this task.
2. In most instances, the judgement of the person with disabilities that requested the accommodation as the most appropriate will be accepted. However, Kirkland Annex, LLC retains the right to investigate alternatives to the request and or alternative methods of providing the requested accommodation.
3. If a number of potential accommodations will satisfy the need of the person with disabilities, Kirkland Annex, LLC retains the right to select the accommodation that is most convenient and cost-effective.
4. Does the requested accommodation constitute a fundamental alteration to the program. If so, the request will be denied.
5. Does the requested accommodation create undue financial and/or administrative burden(s). If so, the request will be denied or accommodated only to the extent that it can be met without creating undue burden(s).

DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION

If a request for reasonable accommodation is denied, Kirkland Annex, LLC will inform the applicant/resident in writing or in an alternative format as requested and required by the applicant/resident of the denial and the reason for the denial. The notice will also advise the applicant/resident of his/her right to appeal the decision and the process to do so. The appeal must be made within 14 days of the denial.

Reasons for the denial may include:

1. The individual requesting the accommodation does not meet the definition of an Individual with disabilities.
2. The requested accommodation is not reasonable.
3. There is no correlation between the requested accommodation and the individual's disability.
4. The requested accommodation will create undue financial and/or administrative burden for Kirkland Annex, LLC.
5. The requested accommodation will change the fundamental nature of the program.
6. The requested accommodation would violate a State or Federal statute or regulation, would violate codes or requirements, and/or would fundamentally alter the program.

Any individual denied a reasonable accommodation may appeal by communicating his/her wish to appeal to:

Greg Franks, President
Manor Management Services, Inc.
12901 SE 97th Ave, Suite 220
Clackamas, OR 97015-7904
503-231-4922
TTY 711

The appeal should be in writing or in an alternative format as requested and required by the applicant/resident and should state the reason(s) the denied appeal should be reviewed and reversed. If possible, a review and decision on the appeal will be completed within fourteen (14) days.

DISCONTINUATION OF REASONABLE ACCOMMODATION

Kirkland Annex, LLC will not unilaterally alter or discontinue a particular method of providing a reasonable accommodation without giving notice. The applicant/resident may appeal the alteration or discontinuation using the same method described above.

KIRKLAND ANNEX, LLC REASONABLE ACCOMMODATION NOTIFICATION

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If you feel you need a reasonable accommodation, please inquire at the Summer Run office for a copy of the policy. If you need assistance/accommodation in reviewing the policy, staff will be happy to assist you at that time.

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