



June 7, 2022

Marcia L. Fudge
Secretary
451 7th Street, S.W.
Washington, DC 20410

Re: Recommendations from the Consortium of Citizens with Disabilities (CCD) Housing Task Force (HTF) on Office of Inspector General Audit Report Number 2022-BO-0001 Requests for Reasonable Accommodation in Public Housing

Dear Secretary Fudge:

The Consortium for Constituents with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of a society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance. The CCD Housing Task Force (HTF) works to ensure that all people with disabilities have safe, stable, accessible, affordable, integrated housing that enables people to live in communities of their choosing, with full access to home and community-based services and supports.

On February 7, 2022, the U.S. Department of Housing and Urban Development (HUD), Office of Inspector General's (OIG) finally released the results of their review of HUD's assurance of public housing agencies' processing of reasonable accommodation requests. The results determined that "HUD did not have adequate policies and procedures for ensuring that PHAs properly addressed, assessed, and fulfilled requests for reasonable accommodation". The CCD HTF is gravely concerned with the findings and supports immediate action to ensure that the rights of disabled people to reasonable accommodations are adequately met. This is not just a matter of law and procedure, but also a matter of health and wellness for hundreds of thousands of public housing tenants.

Below you will find the IG report recommendations and the CCD HTF response, which confirms are agreement, as well as further requests for action.

1A. Update HUD's compliance monitoring guidance to include a requirement for personnel to review PHA's reasonable accommodations policies and procedures.

- Agree with the recommendation.
- CCD HTF recommends that a policy and procedure review checklist and/or sample policy be developed so all personnel have specific guidance as they conduct their review.
- CCD HTF recommends that staff receive training on reasonable accommodation and how to review the requests received by PHAs and the agency responses.

1B. Update and consolidate requests for reasonable accommodation policies and procedures to ensure that there is centralized guidance available for the field offices and PHAs.

- Agree with the recommendation.
- Reasonable accommodation policy should be consistent across the country.

1C. Conduct additional outreach efforts to educate tenants and PHAs on their rights and responsibilities related to requests for reasonable accommodation, including technical assistance, webinars, and external communications to inform PHAs about their responsibilities and how to evaluate requests for reasonable accommodation and help families understand their rights.

- Agree with the recommendation.
- CCD HTF recommends the right to a reasonable accommodation be included and highlighted in every key document that is provided to tenants at every stage, from outreach to application to occupancy to eviction or termination.
- CCD HTF recommends HUD designate Field Office or Headquarters staff who can support PHAs when they have questions or require support implementing reasonable accommodations. CCD HTF recommends this responsibility be situated with PIH Program staff and not fair housing staff in order to better ensure PHAs will reach out to HUD for support.

1D. Require that PHAs track requests for reasonable accommodation, including the date of the request, the type of request, and the disposition and date of any action taken that should be made available to HUD at its request.

- Agree with the recommendation.
- CCD HTF urges HUD to determine how and when HUD will review and use this information, including but not limited to the occasional monitoring visits.
- CCD HTF recommends that HUD headquarters, perhaps the Quality Assurance Division (QAD), conduct random reviews of the data.
- CCD HTF recommends that PHAs are required to submit to an automatic review after 10 requests for accommodations have been denied.

1E. Review the joint agreement between HUD PIH and FHEO, including the Section 504 checklist, and modify, update, or recommit to it to ensure that the role of PIH and the responsibility for conducting civil rights front-end reviews are clearly defined.

- Agree with the recommendation.
- CCD HTF requests to see the checklist and to provide input

1F. Ensure that personnel receives training on how to conduct the civil rights front-end reviews, including a review of PHA's reasonable accommodation policies and procedures.

- Agree with the recommendation.
- CCD HTF recommends basic reasonable accommodation training be part of onboarding for all HUD personnel working with HUD programs, including but not limited to public housing. Training should occur in all HUD programs across Housing, PIH, and CPD.
- CCD HTF recommends that people with personal disability experience should inform and be included in the training.

Additional recommendations include:

- CCD HTF requests that HUD meet with the HTF regularly to discuss progress on these recommendations.
- CCD HTF recommends that in conducting front-end reviews or program compliance reviews, reasonable accommodation requests related to physical accessibility be reviewed in the context of the number of accessible units in the public housing program and overall S.504 compliance of the program and agency.
- CCD HTF recommends that clear timeframes be set for all HUD reviews of reasonable accommodation requests. Lack of timeliness may impact an individual's access to housing, health, and safety. For example, if a request for HUD approval of rent above 120% of FMR as a reasonable accommodation is not reviewed quickly, it is likely the participant will lose the unit, a unit that was hard to find in the tight markets across the country.

All of the recommendations further affirm the CCD HTF recommendation that HUD must commence a quarterly cross-disability stakeholder listening session with key HUD officials, as well as increase Disabled leadership across HUD.

Specifically, CCD HTF sees the lack of disability policy leadership on the "10th Floor" as a significant gap that will make compliance with the OIG recommendations difficult. HUD must hire a Senior Advisor to the Secretary who has personal disability experience and is provided with leadership responsibilities related to disability policy at HUD.

In conclusion, we urge HUD to adopt these recommendations in order to provide equal opportunities for people with disabilities. The HTF requests a meeting with you, as soon as possible, to discuss these further and how our members can support HUD in this important endeavor.

Sincerely,

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