

Sample Reasonable Accommodation Policy

Policy Purpose & Applicability

The purpose of this Policy is to set forth XXX's minimum procedural prerequisites to commencing a housing court proceeding against a tenant of a congregate housing building. Nothing herein is intended to limit or restrict a program from providing additional assistance to Tenants in an effort to avoid commencement of housing court actions and/or eviction.

General Statement of Policy

XXX's goal is to keep its tenants housed. Eviction is a last resort to be employed only after other reasonable options have been explored and attempted. When a Tenant is failing to comply with program rules or other tenancy obligations, staff must consider whether the problem can be resolved via other strategies, such as offering the Tenant reasonable accommodations for their disabilities, or providing additional services or outside referrals.

Pre-eviction procedures

Where the tenant does not pose an immediate danger to the well-being of others, prior to commencing a housing court action based on violation of program rules or other tenancy obligations, staff will make reasonable efforts to work with the tenant to formulate a service plan to remedy the underlying problem, which may include provision of services, outside referrals, and modification of program rules as a reasonable accommodation. In cases involving nonpayment of rent or program fees, staff will offer the Tenant assistance with applying for financial management and/or applying for rent arrears grants, where feasible.

The caseworker will also consult with supervisors, mental health professionals, and other treatment providers as may be appropriate to explore alternative strategies for resolution. XXX may serve notices to cure during the pre-eviction procedures to provide notice to the Tenant of the lease provisions they are breaching.

If the underlying problem is not resolved, and staff conclude that the Tenant requires a higher level of care, then unless the tenant poses an immediate danger to others, staff will make reasonable efforts to assist the Tenant in applying for a transfer to an appropriate facility, including, where appropriate, preparation of the 2010e form. This step can be taken while staff move forward with termination of the lease as described below.

Where staff, in consultation with appropriate supervisors, conclude that tenant's conduct is serious enough to warrant eviction in order to protect the health, safety and/or welfare of staff and/or other tenants or to address the Tenant's failure or inability to cure their breach of a substantial obligation under the lease or law, prior to commencing a housing court action against a Tenant, the Tenant will be provided with a written notice containing a clear statement of the reason(s) for termination. The notice will advise the Tenant that they may present written or oral objections to a designated person, who will be a person other than the person (or a subordinate of that person) who made or approved the termination decision, and that any such objections must

be made within ten (10) days of receiving the notice. The Tenant will be provided prompt written notice of the final decision. This notice can be incorporated into the notice of termination required under the Rent Stabilization Code (“RSC”) notwithstanding the fact that the RSC may only require 7-days’ notice under the circumstances. The eviction process will move forward subject to review of XXX’s decision on the Tenant’s objections. In the event that XXX finds reason to sustain the Tenant’s objections, XXX will halt, suspend or discontinue the eviction process in accordance with XXX’s determination.

With respect to all notices, XXX will make reasonable efforts to provide assistance or referrals to tenants, including those with low literacy, or vision, hearing, or speech disabilities, as appropriate to communicate effectively and provide adequate notice.

The initial papers filed in a housing court action involving a Tenant will alert the judge that the case involves supportive housing and the Tenant may be in need of a guardian, and will identify any regulations or regulatory agreements applicable to the program. XXX will not seek a default judgment against a Tenant without making the court aware that the Tenant is a disabled person.

Throughout the housing court action, where resolution of the underlying problem is still possible, XXX will continue efforts to offer reasonable accommodations and resolve the underlying problem, and will discontinue the action or enter into a reasonable probationary stipulation as appropriate if the problem is resolved or appears to be resolved.