

# **GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **EFFECTIVE COMMUNICATION POLICY**

*(REVISED 6.22)*

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### **I. INTRODUCTION**

The Georgia Department of Community Affairs (DCA) is committed to providing all persons with equal access to its services, programs, activities, education, and employment regardless of race, color, national origin, religion, age, sex, familial status, or disability. It is the policy of DCA to comply fully with all federal, state, and local nondiscrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. Specifically, DCA shall not on account of race, color, national origin, religion, age, sex, familial status, or disability deny any family or individual the opportunity to apply for or receive assistance under any of DCA's Programs. DCA acknowledges that HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market and to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business.

Except as otherwise provided in 24 CFR §8.21(c)(1), §8.24(a), §8.25, and §8.31, no qualified individual with disabilities shall, because any DCA facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives federal or state financial assistance.

### **II. EFFECTIVE COMMUNICATION POLICY**

DCA in administering all programs is committed to ensuring that applicants and participants with disabilities have an effective means to communicate and that DCA effectively communicates with participants with disabilities regarding DCA policies and procedures. All notifications, including approvals or denials of requests for effective communication referenced in this Policy, will be provided in an alternate format, upon request.

DCA will post a copy of this Effective Communication Policy on its website at [www.dca.ga.gov](http://www.dca.ga.gov).

### **III. AUXILIARY AIDS AND SERVICES**

When requested, DCA's employees shall furnish appropriate auxiliary aids and services to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the programs, services, and activities conducted by DCA.

“Auxiliary aids and services” may include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, or other effective methods of making orally delivered

materials available to individuals with hearing impairments; and, (2) qualified readers, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

DCA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that DCA will honor the choice, unless the individual's preferred choice places an undue administrative burden on the agency and/or the chosen means would result in a fundamental alteration in the nature of its services, program or activity. In these instances, DCA will discuss with the requestor whether another equally effective means of communication is available.

All requests for auxiliary aids and services must be made and received by DCA at least two weeks prior to the date the service is needed. DCA recognizes that emergency situations may occur where a two-week notice may not be possible. DCA will take reasonable steps to secure the auxiliary aid or service when such situations exist.

#### Requesting an Auxiliary Aid or Service

Note: Applicants/Participants must provide forty-eight (48) hours prior notice to DCA of any need to reschedule a meeting to allow for the accommodation of an auxiliary aid or service.

The individual with a disability may submit his/her request for auxiliary aids or services to DCA by:

*Via mail*

Georgia Department of Community Affairs

*Attn: DCA 504/ADA Coordinator*

60 Executive Park South NE

Atlanta, GA 30329

*Via Email to [fairhousing@dca.gov](mailto:fairhousing@dca.gov)*

*Via Phone to any DCA program point of contact.*

DCA staff will forward any such requests to Effective Communication Division Coordinator(s) or their designees (hereinafter "Division Coordinator") for processing

#### **Review and Processing Requests for Auxiliary Aid(s) or Service(s)**

Upon receipt of the request, the Division Coordinator or their designee will consult with the individual with a disability to determine the preferred type of auxiliary aid or service being requested.

*Accommodating the preferred type of Auxiliary Aid or Service*

Within five (5) business days of the receipt of the request, the Division Coordinator will forward the request and the determination of the aid or service required to the appropriate Program Manager who will provide the requesting individual with confirmation that the proposed auxiliary aid or service will be provided and when the aid or service can be expected. Responses should occur as

soon as possible, but approved requests should be implemented no later than five (5) business days after the requesting individual is provided notification of approval.

Upon disposition of the request, copies of the final decision shall be forwarded to the Agency 504/ADA Coordinator who will maintain copies of all requests for effective communication and DCA's response, including final disposition.

*If the individual's preferred type of auxiliary aid or service is not available or cannot be accommodated, then the DCA representative will respond to the request via the method the request was received outlining the unavailability of the preferred auxiliary aid or serve and any known available services/auxiliary aids. The Division Coordinator or their designee will discuss with the individual requesting the auxiliary aid or service whether an alternative means of communication will ensure effective communication based on the individual's disability-related needs.*

#### **IV. ALTERNATE FORMATS**

DCA recognizes that accessing written communications may be difficult for people who are blind or have low vision and individuals with other disabilities. In instances where DCA provides information in written form, DCA will ensure effective communication for people who cannot read the text by providing an alternate format considering the context, the importance of the information, and the length and complexity of the materials.

#### **V. DCA TAG LINE POLICY**

##### ***ILLUSTRATIONS OF LOGOTYPE, STATEMENT, AND SLOGAN***

All Applications, Manuals, Instructions, Brochures, Notices, Meeting invitations, Solicitations, Public Communications, Employment materials and Marketing materials, produced or used by DCA should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the home seeking public that the property is available to all persons regardless of race, color, religion, sex, handicap, familial status, age or national origin. (See Fair Housing Advertising guidelines for additional information.)

*The standard Equal Housing Opportunity logotype is as follows:*



*The following statement is the approved DCA tag line:*

The Georgia Department of Community Affairs is committed to providing all persons with equal access to its services, programs, activities, education and employment regardless of race, color, national origin, religion, sex, familial status, disability or age.

For a reasonable accommodation please contact (Effective Communication Division Coordinator) at: (Number) or email [fairhousing@dca.ga.gov](mailto:fairhousing@dca.ga.gov).

DCA staff should consider the type of medium in determining whether an additional contact for alternate format should be utilized. The additional contact should read as follows:

If you need an alternative format or language, please contact: (Effective Communication Division Coordinator) at: (Number) or email [fairhousing@dca.ga.gov](mailto:fairhousing@dca.ga.gov).

## **VI. LANGUAGE ACCESS PLAN (LAP)**

DCA is in compliance with HUD's published Guidance in the federal register published January 22, 2007 regarding the Title VI prohibition against national origin discrimination affecting Limited English Proficiency (LEP) persons. Upon completion of the four factor analysis, DCA developed a Language Access Plan (LAP) which is hereby incorporated by reference. DCA's LAP includes but is not limited to the access services described below.

- Utilize HUD forms printed in languages other than English.
- Use of the Language Line Solutions for telephonic interpreter services, when necessary.
- DCA also contracts with local services for sign language interpretive services.
- DCA also utilizes local community services such as law enforcement agencies, organizations, churches and /or schools that offer translation and interpretation services.

DCA will monitor, maintain and update LEP requirements as required by HUD at least every five years.

## **VII. REASONABLE ACCOMMODATIONS**

DCA is subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations. See Section 504 of the Rehabilitation Act of 1973 (Section 504); Title II of the Americans with Disabilities Act of 1990 (ADA); the Fair Housing Act of 1968, as amended (Fair Housing Act); the Architectural Barriers Act of 1968, and the respective implementing regulations for each Act.

DCA is committed to ensuring that its policies and procedures do not discriminate against individuals living with disabilities nor deny individuals with disabilities the opportunity to participate in, or benefit from, or otherwise have access to any of DCA's programs, services or

activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a DCA policy, DCA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program or cause an undue financial and administrative burden. In such a case, DCA will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration, or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program or activity.

A person with a disability may request a reasonable accommodation at any time during the application process, or at any time during participation in any programs of DCA. Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, DCA staff will document all requests in writing.

Federal nondiscrimination laws define a person with a disability to include any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment. In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

Some impairments are readily observable, while others may be invisible. Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.

The term "major life activities" includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

Under regulations implementing the ADA Amendments Act of 2008 some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Such impairments are "predictably assessed" as disabilities by the very nature of the impairment as substantially limiting a major life activity or major bodily function. Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-

traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities.

In general, the definition of “person with a disability” does not include current users of illegal controlled substances, but does provide protections for individuals with drug or alcohol addiction. Individuals would also be protected under Section 504 and the ADA if a purpose of the specific program or activity is to provide health or rehabilitation services to such individuals.

DCA may request documentation of the need for a Reasonable Accommodation or Modification where the disability is not apparent. In addition, DCA may request that the individual provide suggested reasonable accommodations based on his/her individual needs.

DCA may verify a person’s disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation or modification have a disability-based need for the requested accommodation or modification.

### ***Requests for Reasonable Accommodations Under the Housing Choice Voucher Program (HCV)***

Requests for reasonable accommodations will be made on a case-by-case basis. The DCA HCV program will approve requests for reasonable accommodations if the following three conditions are met:

- The request was made by or on behalf of a person with a disability
- There is a disability-related need for the accommodation
- The Requested Accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the agency or fundamentally alter the nature of the HCV program’s operations (including obligations to comply with HUD requirements and regulations.)

The HCV program will provide all reasonable accommodation/modification review processes in its Administrative Plan. The HCV program will issue responses to requests for reasonable accommodation within ten (10) business days and final determinations within ten (10) business days of the most recent discussions/communications with the applicant/participant regarding their request.

### **VIII. UNDUE FINANCIAL AND ADMINISTRATIVE BURDEN**

If after reviewing the request, DCA identifies that the requested accommodation or modification creates an undue administrative and financial burden, DCA will discuss alternate accommodations with the requestor to meet his/her needs. If no disability-related accommodation is requested or no alternate accommodation can be provided for a requested accommodation or modification that creates an undue administrative and/or financial burden, DCA deny the request.

1. An undue administrative burden is one that requires a fundamental increase in the essential functions of DCA.
2. A requested accommodation or modification that creates an undue financial burden is one that when considering the available resources of the agency as a whole, would pose a severe

financial hardship for DCA.

If DCA determines the requested accommodation/modification provides an undue administrative burden and/or an undue financial burden, DCA will detail the basis for the determination in writing. If no alternative accommodations are acceptable or available to the requestor, DCA will provide the basis for the denial and inclusive determination of undue administrative burden and/or undue financial burden in its denial letter to the requestor.

## **IX. ASSISTANCE ANIMAL POLICY**

DCA recognizes the benefits of assistance/support animals for individuals with disabilities. When requested, DCA will determine, on an individual basis, and in accordance with applicable state and federal Fair Housing laws and regulations, whether an applicant's or participant's need to have such an animal is a reasonable accommodation. Where it is not readily apparent that an animal qualifies as an assistance/support animal under the Fair Housing Act, DCA may require reliable third-party information and documentation that corroborate the disability-related need for the accommodation. DCA's evaluation of third-party information includes whether the participant has a disability for which the animal is needed; and the connection between the participant's disability and the assistance that the animal provides. Reliable third-party information may come from a physician, medical professional, peer support group, non-medical service agency, or a reliable third party knowledgeable about the participant's disability. A participant's medical records or detailed information about the nature of a participant's disability is not necessary for this evaluation.

- *FEDERAL HOUSING CHOICE VOUCHER PROGRAM ONLY*

In cases where an owner refuses to allow an assistance/support animal in the rental property, DCA will allow the participant to terminate the rental agreement and will issue a new housing choice voucher. DCA will also refer participants to HUD's Office of Fair Housing and Equal Opportunity (FHEO) and provide information on how they may file a Fair Housing complaint. As with all requests for reasonable accommodations or modifications, DCA will consider additional accommodations on a case-by- case basis.

## **X. MONITORING AND ENFORCEMENT**

DCA's Agency 504/ADA Coordinator is responsible for monitoring DCA's compliance with this Policy. Individuals or their designee or representative who have questions regarding this Policy, its interpretation or implementation should contact either designated Division Coordinators or the DCA's Agency 504/ADA Coordinator.

## **XI. RIGHT TO APPEAL/GRIEVANCE PROCESS**

Any HUD Program participant or any individual with a disability that is not satisfied with DCA's response to his/her request for an auxiliary aid or service may file a complaint in accordance with DCA's Grievance Procedure following a formal determination by DCA's Section 504/ADA Coordinator. Individuals may file a complaint in accordance with DCA's Grievance Procedure by emailing the DCA Section 504 Coordinator at [fairhousing@dca.ga.gov](mailto:fairhousing@dca.ga.gov) or calling 404.679.5291.

### ***Disability-Related Grievances by Housing Choice Voucher Program Participants/Applicants***

Any HCV program Participants/Applicants may submit a disability-related grievance about accessibility, Reasonable Accommodations, and effective communication directly to the Disability Rights Coordinator via email to [jacqueline.sanders@dca.ga.gov](mailto:jacqueline.sanders@dca.ga.gov) or to any HCV program staff who will promptly forward the grievance to the Disability Rights Coordinator.

The Disability Rights Coordinator will:

- a. Within five (5) days after a disability-related grievance is received, commence an investigation, including contacting the individual who filed a grievance, if necessary, to find out the allegations of the grievance and shall investigate the grievance with the appropriate staff where the grievance originated; and
- b. Within ten (10) days after a disability-related grievance is received, complete the investigation and respond to the individual who filed a grievance. Completion of the investigation includes discussing with the individual who filed a grievance, where appropriate, possible resolutions, including Reasonable Accommodations, training of staff, and providing relief for the individual who filed a grievance.

The Disability Rights Coordinator will maintain written records of all disability-related grievances by HCV participants or prospective HCV applicants, its investigations, and its responses to the individual who filed a grievance.

## **XII. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of DCA to recruit applicants for employment on the basis of individual merit and ability. Applicants are recruited and hired without discrimination on the basis of race, religion, color, national origin, sex, age, disability, or familial status. Personnel procedures and practices with regard to training, promotion, transfer, compensation, demotion, or termination are administered with due consideration of job performance, experience, and qualifications.

DCA is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of DCA to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue financial and administrative hardship. In accordance with the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all employees and employees seeking promotional opportunities and job applicants.

For purposes of determining eligibility for a reasonable accommodation, a person with a disability includes: (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.

The term “major life activities” includes those activities that are important to daily life. Major life activities include, but are not limited to, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials, making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Employees or applicants who are dissatisfied with the outcome of their accommodation request may file an appeal pursuant to DCA’s internal appeal process.