

**VERNON HOUSING COMMISSION
DISABILITY PRIORITY PROCEDURES
Adopted April 26, 2017
Revised March 9, 2022**

Pursuant to Vernon Municipal Code Section 2.40.060.B and the Vernon Rental Housing Policy (VRHP), the Vernon Housing Commission (VHC) hereby adopts the following procedures to establish and to implement a priority on the City housing waiting list for individuals who have a disability, as defined herein.

Recitals

- A. The VHC is committed to managing its housing stock according to “best practices” for private, residential housing. The VRHP requires that all procedures be “neutral, fair and reasonable.”
- B. Under the existing policies and procedures governing the subject housing stock, certain housing stock either has been or will be designed to comply with the Americans with Disabilities Act (ADA) and related laws as it relates to limited/restricted physical mobility and physical access.
- C. To maximize the value and benefit of the housing stock designed to comply with the ADA, the VHC desires to adopt procedures providing for a priority for individuals with qualifying disabilities, as defined herein, to occupy the ADA-compliant housing.
- D. The VHC recognizes that there must be a balance between the public policy which supports a disability priority status for ADA-compliant housing and the VHC’s commitment to and obligation to all other lessees and prospective lessees. The VHC expressly finds that with respect to ADA-compliant housing as it relates to limited/restricted physical mobility, creating a priority for disabled individuals, as defined herein, is in and furthers the public interest.

Procedures

- 1. “Disability” Defined.

“Disability” for purposes of this procedure shall mean any individual who has an actual permanent physical disability affecting mobility and/or requiring access accommodation, as understood under and/or defined by the ADA. For guidance in interpreting a qualifying disability, reference is made to the following provisions of the ADA: 42 U.S.C. Section 12102(1)(A) (regarding physical disability); 42 U.S.C. Section 12102(2)(A) (defining “walking” as a “major life activity”); 42 U.S.C. Section 12102(4) (regarding rules of construction).

2. Certification of Permanent Disability Status.

Initial Certification. Before any prospective lessee is given a disability priority status on the City's housing waiting list, the City must verify that the prospective lessee has a disability, as defined herein. At least the following steps shall be undertaken to verify the status of a prospective lessee:

1. Any prospective lessee desiring to benefit from a disability priority shall promptly provide the City with all information reasonably requested by the City to verify his/her status.
2. Thereafter, the City shall use all reasonable efforts to verify such status accurately and promptly. If the City is unable to verify the status to the City's reasonable satisfaction, the City shall notify the prospective lessee in writing of this fact, and if appropriate, request additional information to assist the City in verifying the status.
3. If additional information is requested, the prospective lessee shall provide it promptly and the City shall evaluate it. This interactive process shall continue until either the City can verify the disability status, the prospective lessee fails to provide additional information, or the City concludes that the prospective lessee does not qualify for disability status.
4. At the end of this process, the City shall notify the prospective lessee in writing of its conclusion.
5. The ultimate burden of producing sufficient documentation and information to support a finding of disability status shall remain with the prospective lessee.
6. Any communication required to be in writing may be communicated via email to the last known email address of the prospective lessee.

3. A Disabled Lessee's Use of the Housing Unit.

- a. If a lessee obtains a housing unit via a disability priority, it is the expectation that the lessee will, in fact, reside in the housing unit and designate the housing unit as his or her primary residence. It shall not be permissible for a lessee to obtain a housing unit via a disability priority and then not use the housing unit personally (only authorized occupants actually residing in the housing unit). If a question arises as to whether a lessee is meeting this requirement, the City shall give written notice to the lessee, who then shall provide reasonable documentation and information to the City to demonstrate compliance with this requirement. If a lessee fails to demonstrate that he/she is complying with this

requirement, the City may terminate the lessee's lease, and the lessee and all authorized occupants will be required to vacate the subject housing unit.

- b. If a lessee who uses a disability priority vacates a housing unit for any reason (other than death), the lessee's lease shall terminate effective on the last day of the month in which the lessee vacates the housing unit. All authorized occupants shall vacate the housing unit by no later than the end of month in which the lessee vacates the housing unit.
 - c. If a lessee who benefits from a disability priority dies, any authorized occupants may remain in the housing unit until the end of the then current term of the subject lease, or for up to 12 months following the death of the lessee, whichever is longer. Thereafter, all authorized occupants must vacate the housing unit.
 - d. Subject to Section 3(c) above, upon receipt of notice of the death of a lessee who benefitted from a disability priority by the City, the remaining authorized occupants shall be automatically placed on the unit-to-unit transfer list and shall be eligible for a unit-to-unit transfer so long as at least one of the remaining authorized occupants qualifies as a named lessee on a lease, including sufficient creditworthiness. Any transfer fee that would otherwise apply to a unit-to-unit transfer shall be waived for the authorized occupants. The rights under this Section 3(d) shall expire if the deadline to vacate the housing unit established in Section 3(c) above occurs prior to an actual unit-to-unit transfer.
4. Change in Disability Status. If, during the term of a lease, a lessee ceases to have a disability, as defined herein, the lessee may remain in the housing unit until the end of the lease term, if they have a lease for a fixed period, or for up to six months following the loss of disability status, whichever is longer. The lessee shall notify the City promptly following the loss of disability status. The lessee will not be entitled to renew his/her lease for an additional period beyond that allowed herein. At the end of this grace period, the lessee and all authorized occupants must vacate the housing unit.
 5. The Interest Form shall include an area in which an individual may indicate whether the individual has a disability, as defined herein.
 6. The priority created herein shall apply only to housing units that are ADA-compliant at least with respect to limited/restricted physical mobility and so designated by the City. No priority created herein shall apply to any other housing unit.
 7. If, at the time an ADA-compliant housing unit is available for lease, there are no individuals on the applicable waiting list who have a qualifying disability, then the ADA-compliant housing unit may be leased to whomever is next on the waiting list who is otherwise eligible to lease the housing unit.