**Housing Accommodations Based On**  **SS/PPS No. 07.13**

**Disability-Related Needs Issue No. 1**

 **Effective Date: 08/01/2021**

 **Next Review Date: 08/01/2024 (E3Y)**

 **Sr. Reviewer: Director, Office of Disability Services**

**POLICY STATEMENT**

*Texas State University is committed to providing reasonable housing accommodations to individuals with disabilities who live in university residence halls.*

**01. BACKGROUND INFORMATION**

* 1. This policy establishes procedures for Texas State University students requesting housing accommodations based on disability-related needs.
	2. Texas State recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for students with disabilities to use and enjoy university housing. This policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in university housing. The university reserves the right to amend this policy at any time as circumstances require.

01.03 The university will comply with the [Americans with Disabilities Act of 1990, as amended (ADA)](https://www.ada.gov/pubs/adastatute08.htm), and the [Fair Housing Act (FHA)](https://www.justice.gov/crt/fair-housing-act-2).

**02. DEFINITIONS**

02.01 [Americans with Disabilities Act of 1990, as amended (ADA)](https://www.ada.gov/pubs/adastatute08.htm) – Signed into law on July 26, 1990, the ADA prohibits discrimination on the basis of disability in employment, programs, and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities.

02.02 [Fair Housing Act (FHA)](https://www.justice.gov/crt/fair-housing-act-2) – prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.

02.03 Office of Disability Services (ODS) – assists in providing accommodations and support services to students with disabilities.

02.04 Department of Housing and Residential Life (DHRL) – coordinates housing for students who live on campus.

02.05 Undue Burden – any adjustment that would pose a significant difficulty or expense to the university.

02.06 Fundamental Alteration – a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

02.07 Direct Threat – a significant risk to others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to the university’s policies, practices, or procedures or by the provision of appropriate auxiliary aids or services.

**03. PROCEDURES FOR REQUESTING HOUSING ACCOMMODATIONS**

03.01 ODS is responsible for evaluating whether to grant or deny requests for reasonable accommodation in university housing. In evaluating the request, ODS may consult with DHRL, (and possibly university health care professionals), as necessary, to determine whether the requested accommodation is necessary and reasonable.

03.02 Students with disabilities who reside or intend to reside in university housing who believe they need a reasonable accommodation must register with ODS and request an accommodation. If the individual requires assistance in completing the registration process due to their disability, ODS will provide assistance. Students will need to schedule a meeting with ODS to complete the registration process. The accommodations will not be determined until the student has successfully completed the registration process.

03.03 The university will accept and consider requests for reasonable accommodation in university housing at any time. The individual making the request for accommodation should complete the ODS registration process as soon as practicably possible before moving into university housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into university housing, the university cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester or term of occupancy.

03.04 If the need for the accommodation arises when a student already resides in university housing, they must register with ODS as soon as practicably possible. The university cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

03.05 A student may request a [cancellation or exemption](https://www.reslife.txstate.edu/resources/cancel-exempt.html) from the university housing requirement as an accommodation. DHRL will only grant an exemption or cancellation on the basis of disability-related needs if they are unable to accommodate the student’s needs in one of the on-campus residence halls or apartments, as determined in consultation with ODS (and possibly university health care professionals). If a student is seeking an exemption or cancellation, then they must:

1. complete the registration process with ODS; and
2. submit the exemption or cancellation request to DHRL.

03.06 Absent exceptional circumstances, the university will attempt to provide a written response to a reasonable accommodation request within 10 business days of receiving the information described below.

**04. PROCEDURES FOR REQUESTING INFORMATION PERTINENT TO ACCOMMODATION REQUESTS**

04.01 ODS shall limit its requests for information to only the information necessary to verify whether the individual making the request has a disability or to evaluate if the reasonable accommodation is necessary to provide the individual an equal opportunity to use and enjoy university housing.

04.02 Obvious Disability

 If the student’s disability and the necessity for the accommodation are obvious (e.g., an individual with a physical disability using a wheelchair needs an accessible room), the student need only explain what type of accommodation they are requesting. No verification of disability or necessity is required under these circumstances.

04.03 Non-Obvious Disability or Necessity

1. If the disability is obvious but the need for the accommodation is not obvious, the university may require the student provide verification from a reliable third party who can verify the requested accommodation is necessary to provide the student an equal opportunity to use and enjoy university housing. This third party should complete the [Disability Summary Report form](https://gato-docs.its.txstate.edu/jcr%3A8178c10c-16e1-4dd2-b86b-6da533f89a23/ODS%20Disability%20Summary%20Report%20Form.pdf).
2. If the disability and necessity for the accommodation are not obvious, ODS will require the individual to provide verification from a reliable third party who can verify the student has a disability and that the requested accommodation is necessary to provide the student an equal opportunity to use and enjoy university housing. This third party should complete the [Disability Summary Report form](https://gato-docs.its.txstate.edu/jcr%3A8178c10c-16e1-4dd2-b86b-6da533f89a23/ODS%20Disability%20Summary%20Report%20Form.pdf).
3. The verification from the reliable third party should state the recommendations and illustrate how these recommendations are clearly linked to the functional limitations of the student’s condition.
4. A reliable third party is someone who is familiar with the student's disability and the necessity for the requested accommodation. A reliable third-party includes, but is not limited to, a doctor or other medical professional or a non-medical service agency (e.g., Texas Workforce Commission).

04.04 Absent exceptional circumstances, within 10 business days of receiving the completed [Disability Summary Report form](https://gato-docs.its.txstate.edu/jcr%3A8178c10c-16e1-4dd2-b86b-6da533f89a23/ODS%20Disability%20Summary%20Report%20Form.pdf) from the third-party, ODS will determine if the accommodation is necessary because of a disability to provide the individual an equal opportunity to use and enjoy university housing.

04.05 If the third party returns the [Disability Summary Report form](https://gato-docs.its.txstate.edu/jcr%3A8178c10c-16e1-4dd2-b86b-6da533f89a23/ODS%20Disability%20Summary%20Report%20Form.pdf) without sufficient information for ODS to determine whether an accommodation is necessary, ODS will inform the student in writing of the verification’s insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within 10 business days of receiving the verification.

04.06 The individual making the request for accommodation must cooperate with ODS in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

**05. DETERMINATION OF REASONABLENESS**

05.01 ODS shall consult with DHRL (and possibly university health care professionals), to determine if implementing the requested accommodation is reasonable. ODS may deny the requested accommodation if it is unreasonable.

05.02 An accommodation is unreasonable if it:

1. imposes an undue financial or administrative burden;
2. fundamentally alters university housing policies;
3. poses a direct threat to the health or safety of others or would cause substantial property damage to the property of others, including university property; or
4. is otherwise unreasonable to the operation of the university.

**06. APPROVAL OF ACCOMMODATION**

06.01 If ODS determines a requested accommodation is both necessary and reasonable, it will contact the individual, in writing, within 10 business days of its determination to discuss the implementation of the accommodation.

06.02 In the event that multiple accommodation options are available, DHRL will communicate these options to the student and ODS.

**07. DENIAL OF ACCOMMODATION AND APPEALS**

07.01 If ODS determines a requested accommodation is necessary but unreasonable, ODS will contact the individual, in writing, within 10 business days of its determination and engage in an interactive process with the individual to determine if there are alternative accommodations that might effectively meet the individual’s disability-related needs.

07.02 If the individual is unwilling to accept any alternative accommodation offered by ODS or there are no alternative accommodations available, ODS will provide a written notification to the individual of the denial, the reasons for the denial, the right to appeal the decision, and the procedures for that appeals process. The notification shall be in writing and made within 10 business days of the notification from the individual of their unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

07.03 Students with disabilities who wish to dispute an accommodation decision should follow the procedures outlined in the [ODS Dispute Resolution Procedure](https://www.ods.txstate.edu/policies-procedures/dispute-resolution-procedures.html) or in [UPPS No. 04.04.46](http://www.txstate.edu/effective/upps/upps-04-04-46.html), Prohibition of Discrimination. These procedures are subject to periodic review.

**08. PERSONAL CARE ATTENDANT SERVICES**

08.01 Texas State is not responsible for providing an individual with a disability with services of a personal nature, such as assistance in eating, toileting, or dressing. If a student is planning to reside in university housing and requires a personal care attendant, they must provide DHRL with documentation from an appropriate agency or service that confirms the necessary assistance will be in place effective on the date of residency. If a non-Texas State individual serves as a personal care attendant for a student with a disability, they may reside in the same room with the student for whom they are providing attendant services. This individual will be required to adhere to all university policies, procedures, and regulations.

**09. REVIEWERS OF THIS PPS**

09.01 Reviewers of this PPS include the following:

Position Date

Director, Office of Disability Services July 1 E3Y

Director, Department of Housing and July 1 E3Y

Residential Life

ADA Compliance Coordinator, July 1 E3Y

Institutional Compliance and Ethics

**10. CERTIFICATION STATEMENT**

This PPS has been approved by the following individuals in their official capacities and represents Texas State Student Success policy and procedure from the date of this document until superseded.

Director, Office of Disability Services; senior reviewer of this PPS

Vice President for Student Success