

# Williamstown Housing Authority Reasonable Accommodation/Modification Policy and Procedures

## Contents

### INTRODUCTION

#### PART A: POLICY

SECTION 1. DEFINITIONS

SECTION 2. POLICY OF STATEMENT

SECTION 3. PURPOSE

SECTION 4. AUTHORITY

SECTION 5. MONITORING AND ENFORCEMENT

SECTION 6. GENERAL PRINCIPLES FOR PROVIDING REASONABLE  
ACCOMMODATIONS/MODIFICATIONS

SECTION 7. AMENDMENTS

SECTION 8. STAFF TRAINING

#### PART B: PROCEDURES

PROCEDURE 1 -COMMUNICATION WITH APPLICANTS AND RESIDENTS

PROCEDURE 2- SEQUENCE FOR MAKING DECISIONS

PROCEDURE 3-GUIDELINES FOR DETERMINING REASONABLENESS

### ATTACHMENTS

Request for Reasonable Accommodations/Modifications

You can give us more information by [providing the attached Verification of Disability by Physician or Other Professional for Reasonable Accommodation/Modification Request form or by other information demonstrating the disability-related need for your request]

Verification of Disability by Physician or Other Professional

For Reasonable Accommodation/Modification Request

### INTRODUCTION

This Reasonable Accommodation/Modification Policy and Procedures, comprised of Part A and Part B, sets for the policy and procedures of the Williamstown Housing Authority (the "WHA") regarding making reasonable accommodations and reasonable modifications for qualified applicant or residents with disabilities for participation in the WHA programs and activities. A copy of this Reasonable Accommodations/Modification Policy and Procedures is posted in the WHA common areas and on the WHA website, located at [williamstownha.com](http://williamstownha.com). Additionally, a copy of this Policy may be obtained upon request by contacting the office at 413-458-8282 or [wmstnha@outlook.com](mailto:wmstnha@outlook.com).

### PART A: POLICY

#### SECTION 1. DEFINITIONS

1.1. The term "ADA" shall mean the Americans with Disabilities Act, as amended

- 1.2. The term "FHA" shall mean the Fair Housing Act of 1968, as amended
- 1.3. The term "individual with a disability", shall mean:
- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (ii) A record of such an impairment; or
  - (iii) Being in regarded as having such an impairment

This definition shall be interpreted as further detailed in 28 CFR 35.108 (Title II ADA regulations).

- 1.4. The term "Policy" shall mean Part A of this Reasonable Accommodation/Modification Policy and Procedures, as adopted by the WHA Board, and as may be amended from time to time.
- 1.5. The term "Procedures" shall mean Part B of this Reasonable Accommodation/Modification Policy & Procedures, and as may be amended from time to time by the WHA board.
- 1.6. The term "reasonable accommodation" as used herein means a change in the WHA's rules, policies, practices, or services, that may be necessary to provide persons with disabilities and equal opportunity to participate in the WHA programs, activities, and services, and/or enjoy the WHA's dwellings or facilities.
- 1.7. The term "reasonable modification" as used herein means a physical change, such as to a dwelling unit, building, common or public area, etc., necessary to afford persons with disabilities an equal opportunity to use and enjoy the premises and/or to access programs, activities, and services.

## SECTION 2. POLICY STATEMENT

The WHA is committed to ensuring that its policies and practices do not deny individuals with disabilities the equal opportunity to access, participate in, or benefit from, the WHA's housing services, programs, and facilities, nor otherwise discriminate against individuals with disabilities in connection with the operation of the WHA's housing services or programs. Therefore, if an individual with a disability requires a reasonable accommodation, i.e., a change to its rules, policies, practices, or services, or a reasonable modification, i.e., a physical alteration to a housing unit or public or common use area, the WHA will provide such a reasonable accommodation/modification, unless doing so would result in a fundamental alteration to the nature of the program or an undue financial and administrative burden. In such a case, the WHA will engage in an interactive process with the individual or person acting on the individual's behalf to make another accommodation/modification that would not result in a fundamental alteration or financial and administrative burden.

## SECTION 3. PURPOSE

- 3.1 This Policy is intended to:
- (a) communicate the WHA's position regarding reasonable accommodations/modifications for persons with disabilities in connection with the WHA's housing programs services, & policies;
  - (b) establish a procedural guide for implementing such Policy; and
  - (c) comply with applicable federal, state and local laws to ensure accessibility for persons with Disabilities to housing programs, benefits and services administered by the WHA.

## SECTION 4. AUTHORITY

4.1 The requirements of this Policy are based upon the following statutes and regulations:

- (a) Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"), and implementing regulations at 24 CFR part 8, which prohibit discrimination on the basis of disability status by recipients of federal financial assistance;
- (b) The Fair Housing Act ("FHA"), as amended, which prohibits discrimination in the sale, rental and financing of dwellings on the basis of disability and other protected classes. Reasonable accommodation requirements are further clarified under The Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations under the Fair Housing Act.
- (c) Title II of the Americans With Disabilities Act ("ADA"), as amended, and implementing regulations at 28 CFR part 35, prohibit discrimination on the basis of disability status by public entities. Except as provided in 35.102(b) of 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments and agencies and instrumentalities thereof);
- (d) Massachusetts General Laws chapter 151 B, which prohibits discrimination against persons with disabilities and other protected classes in the renting, leasing, or sale of housing accommodations.

## SECTION 5. MONITORING AND ENFORCEMENT

The WHA Executive Director is responsible for monitoring the WHA's compliance with this policy and enforcing the requirements under this policy. Questions regarding this policy, its interpretation or implementation should be made by contacting the WHA office at [wmstnha@outlook.com](mailto:wmstnha@outlook.com) or in person by appointment at 35 Adams Road, Williamstown or by calling 413-458-8282.

## SECTION 6. GENERAL PRINCIPLES FOR PROVIDING REASONABLE ACCOMMODATIONS/MODIFICATIONS

6.1 Listed below are the general principles which provide a foundation for the Policy and which WHA staff should apply when responding to requests for reasonable accommodations/modifications within all WHA housing programs:

- (a) It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods for providing, reasonable accommodations/modifications needed when making a request. However, the WHA may offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation/modification.
- (b) The procedure for evaluation and responding to requests for a reasonable accommodation/modification relies on a cooperative relationship between the WHA and the applicant/resident, or person acting on their behalf. The process is not adversarial. Instead, it is an interactive process, including for the purposes of addressing any needed clarifications as to what is being requested or information that was submitted, any further information that may be needed, and/or in some cases, to discuss alternative accommodations/modifications that may meet the individual's needs.

(c) The WHA shall inform all applicants and residents of alternative forms of communication. The Request for Reasonable Accommodations/Modifications form ("Request Form") (a copy of which is attached to this Policy and Procedures as Attachment 2) is designed to assist the WHA and our applicants/residents. If an applicant/resident does not, or cannot use the Request Form, the WHA will still respond to the request for an accommodation/modification. The Applicant/resident may also request assistance with the Request Form, or may request that the request Form be provided in an equally effective format or means of communication through auxiliary aids and services.

- (i) Some examples of auxiliary aids and services include the following: qualified interpreters, printed materials, telecommunications products and systems including text telephones (TTY), assistive listening devices, or other effective methods of making aurally delivered materials available to persons who are deaf or hard of hearing; qualified readers, taped texts, audio recordings, materials written in Braille, large print materials, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

(d) If accommodation/modification is reasonable (see Procedure 3 below), the WHA will grant it.

(e) In accordance with Procedure 3 below, the WHA will grant the request for a reasonable accommodation/modification only to the extent that an undue financial and administrative burden or fundamental alteration to the nature of the program is not created thereby. A "fundamental alteration" is a modification that alters the essential nature of a provider's operations (e.g., a request for a service such as a transportation service the WHA does not provide under its program). The WHA will make a determination of undue financial and administrative burden on a case-by-case basis, involving various factors, such as the cost of the reasonable accommodation/modification, the financial resources of the WHA, the benefits the accommodation/modification would provide to the requester, and the availability of alternative accommodations/modifications that would adequately meet the requester's disability-related needs.

The WHA will also grant reasonable modifications in accordance applicable laws, including G.L. c. 151 € 4(7A) with respect to reasonable modifications that are at the expense of owners in publicly assisted housing. The WHA will also set-aside and consult resources for its state-aided public housing in accordance with the PHN 2011-13.

(f) All written documents required by or as a result of this Policy must contain plain language and be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation/modification.

(g) Any in-person meetings with a person with mobility impairments will be held in an accessible location. Reasonable accommodations will also be made to meet the person's disability-related needs, including through telephonic or remote meetings, as well as through requested auxiliary aids or services, to ensure the person has an equally effective opportunity to attend and participate.

## SECTION 7. AMENDMENTS

7.1 The Policy may be amended only by resolution of the Board of the WHA.

7.2 The Procedures may be amended within the scope of the Policy by the Board of the WHA.

7.3 Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

## SECTION 8. STAFF TRAINING

The Executive Director will ensure that WHA staff are familiar with this Policy and Procedures and all applicable federal, state and local requirements regarding reasonable accommodations/modifications. The Executive Director will avail herself of training opportunities related to anti-discrimination efforts and reasonable accommodations/modifications.

## Part B: PROCEDURES

### PROCEDURE 1 – COMMUNICATION WITH APPLICANTS AND RESIDENTS

1. At the time of application, all applicants will be provided with the opportunity to request a reasonable accommodation/modification on the Common Housing Application for Massachusetts Public-Housing (CHAMP) or by paper application, or upon the applicant's request, in another equally effective format. The Notice to All Applicants and Residents: Reasonable Accommodations and Modifications are available for Applicants and Residents with Mental and/or Physical Disabilities ("Notice") is attached to this Policy and Procedures as Attachment 1.
2. WHA Residents seeking accommodations/modifications may contact the management office located within their housing development or call the WHA office at 413-458-8282.
3. The WHA is responsible for informing all residents that a request may be submitted for reasonable accommodations/modifications for an individual with a disability. All residents will be provided the Notice and the Request Form when requesting a reasonable accommodation/modification. However, the Request Form cannot be required. A resident may otherwise submit the request in writing, orally, and at any time. Upon receiving the request, the Executive Director will respond to the request in ten (10) business days. If additional information is or documentation is required, a written request should be issued to the resident by using the Request for Information or Verification Form ("Request for Information").
4. The WHA will approve or deny the request as soon as possible, but no later than thirty (30) days after receiving all needed information and documentation from the resident. All decisions to grant or deny reasonable accommodations/modifications will be communicated in writing or if required, in an alternative format to communicate the decision to the applicant/resident. Exceptions to the thirty (30) day period for notification of the WHA's decision on the request should be provided to the resident in writing setting forth the reasons for the delay.
5. The WHA will maintain in its offices written materials which summarize this Policy and highlights the Procedure for making a request for reasonable accommodation/modification.

### PROCEDURE 2 – SEQUENCE FOR MAKING DECISIONS

STEP 1. Is the applicant/resident qualified "individual with a disability"?

- (a) If NO, the WHA is not obligated to make a reasonable accommodation/modification: therefore, the WHA may deny the request.
- (b) If YES, proceed to Step 2.
- (c) If more information is needed, the WHA will seek additional information as appropriate through the standard Request for Information letter, the standard Request for Meeting letter, and/or other equally effective method of communication.

STEP 2. Is the requested accommodation/modification related to a disability?

- (a) If NO, the WHA is not obligated to make the accommodation/modification; therefore, the WHA may deny the request.
- (b) If YES, proceed to Step 3.
- (c) If more information is needed, the WHA will seek additional information as appropriate through the standard Request for Information letter, the standard Request for Meeting letter, and/or other equally effective method of communication.

STEP 3. Is the requested accommodation reasonable? This determination will be made by the following PROCEDURE 3 – GUIDELINES FOR DETERMINING REASONABLENESS, below.

- (a) If YES, the WHA will approve the request for reasonable accommodation/modification. A written description of the accommodation/modification will be prepared and included in the Letter Approving Request for Reasonable Accommodation/Modification.
- (b) If NO, the WHA may deny the request. Submit the denial using the Letter Denying Request for Reasonable Accommodation/Modification.
- (c) If more information is needed, the WHA will seek additional information as appropriate through the standard Request for Information letter, the standard Request for Meeting letter, and/or other equally effective method of communication.

#### PROCEDURE 3 – GUIDELINES FOR DETERMINING REASONABLENESS

1. In accordance with Section 6.1 of the Policy, the WHA will consider the requested method for providing reasonable accommodations/modifications for an individual with a disability. However, unless the disability-related need for an accommodation/modification is obvious or otherwise known to the WHA, the WHA may require the individual with a disability to provide further information to demonstrate the need for the requested accommodation to enable an equal opportunity to access, use, or enjoy the housing program or WHA services and activities. Additionally, the WHA may offer equally effective alternatives to the requested accommodation/modification, and/or alternative methods for providing the requested accommodation through the interactive process.
2. Requests for reasonable accommodation/modification will be considered on a case by case basis. Decisions regarding reasonable accommodations/modifications will be made in compliance with all applicable laws, regulations, and requirements. Additionally, in those circumstances where the WHA deems that a proposed reasonable accommodation/modification would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, the WHA has the burden of proving such results.
3. The responsibility for the decision that a proposed reasonable accommodation/modification would result in such alteration or burdens shall rest with the Executive Director or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by written statement of the reasons



for reaching that conclusion. If an action would result in such an alteration or such burdens, the WHA shall propose any other action that will not result in or require a fundamental alteration or financial administrative burden as part of the interactive process.

4. Direct Threat. Generally, an accommodation is not required if it would pose a "direct threat" to the health and safety of other individuals or would result in substantial physical damage to the property of others. The WHA's assessment of "direct threat" will be individualized and based on reliable objective evidence (e.g., current conduct. Or a recent history of overt acts). The WHA's assessment will consider: (1) the nature, duration, and severity of the risk of injury' (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate the direct threat. In evaluating a recent history of overt acts, the WHA will take into account circumstances, such as intervening treatment or medication, that have eliminated the direct threat (e.g., a significant risk of substantial harm).
5. Verification. The WHA may generally verify a person has a disability only to the extent necessary to determine that the person: is qualified for the housing for which they are applying; is entitled to any disability-related preference or benefit they may claim; or has a disability-related need for a requested accommodation/modification in order to have an equal opportunity to enjoy the housing and/or participate in or benefit from the WHA's activities, programs, or services.

In response to reasonable accommodation/modification requests, the WHA may not require verification of disability if the disability is obvious or otherwise known. The WHA also may not ask what the disability is or require specific details as to the disability. The WHA may require documentation of the disability-related need (i.e.; information showing that there is a relationship or nexus between the requested accommodation/modification and the individual's disability or effects of the disability), unless such need is obvious or otherwise known. The WHA may not otherwise inquire into the nature or severity of the disability, require access to confidential records, or require specific types of evidence of disability or disability-related need.

6. Confidentiality. Information provided to the WHA in relation to a reasonable accommodation/modification request will be kept confidential and will not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation/modification request or unless disclosure is required by law.
7. Additional Procedures. Applicant Appeals and Tenant Grievances  
[For programs subject to 760 CMR 5.08(2) and/or 760 CMR 6.03 & 6.08] When the WHA determines that an applicant may be disqualified for housing because of a lease violation at a prior tenancy or other disqualifying conduct, if the applicant shows that the lease violation or disqualifying conduct was due to a disability, then these facts shall be considered by the WHA as mitigating circumstances pursuant to 760 CMR 5.08(2). Disability-related circumstances relating to a lease violation may also be presented by or on behalf of a resident with a disability as part of the grievance process pursuant to 760 CMR 6.03 & 6.08. For example, a tenant may demonstrate that a lease violation arose from a disability and that some circumstance has changed, and/or some reasonable accommodation could be provided, making the conduct unlikely to recur. Such circumstances may also be presented separately through a reasonable accommodation request (e.g., a request to forego eviction) independent of the grievance process. Tenants may also grieve WHA responses or inaction with respect to a reasonable accommodation/modification request through the grievance process pursuant to 760 CMR 6.03 & 6.08.

*Adopted by the board on 2/16/2022*

## Attachment 1: Notice of Availability of Reasonable Accommodations/Modifications

Notice to All Applicants and Residents: Reasonable Accommodations and Modifications are available for Applicants and Residents with Mental and/or Physical Disabilities

Williamstown Housing Authority (WHA) does not discriminate against applicants or residents on the basis of mental (including psychiatric) or physical disabilities. In addition, the WHA has an obligation to provide "reasonable accommodations" and "reasonable modifications" on account of a disability if an applicant or resident or a household member is limited by the disability and for this reason needs such an accommodation or modification. A reasonable accommodation is a change that the WHA can make to its rules, policies, practices, or services, and a reasonable modification is a change the WHA can make to its facilities (including physical alterations to the housing unit or public or common use areas) that will assist an otherwise eligible person with a disability to have equal opportunity to use and enjoy the housing or common or public use areas or to participate fully in the WHA's programs, activities, or services. Such changes may not be reasonable if they are not financially and programmatically feasible for the housing authority.

An applicant or resident household which has a member with mental and/or physical disability must still be able to meet essential obligations of tenancy (for example, the household must be able to pay rent, to care for apartment, to report required information to the WHA, and to avoid disturbing neighbors), but an accommodation or modification may be the basis by which the household is able to meet those obligations of tenancy.

The WHA has an Accommodation Coordinator. If you need an accommodation or modification because of a disability, please complete the attached form and return it to the WHA. Upon reasonable request by the WHA, you must submit documentation verifying the existence of a disability and the disability-related need for the accommodation or modification. Within thirty (30) calendar days of receipt of your request and documentation, the Accommodation Coordinator will contact you to discuss what the WHA can reasonably do to provide you an accommodation or modification on account of your disability.

If you or a member of your household has a mental and/or physical disability, and as a result needs an accommodation or modification, you, the household member, or authorized representative, may request it at any time. However, you are not obliged to make such a request, and if you prefer not to do so that is your right.



Attachment 2: Request for Reasonable Accommodations/Modifications Form  
Request for Reasonable Accommodations/Modifications

To: Executive Director, Accommodation Coordinator

Williamstown Housing Authority  
35 Adams Road  
Williamstown, MA 01267

From: \_\_\_\_\_  
Applicant or Resident Name ( please print) Control Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town/City State, Zip

(\_\_\_\_)\_\_\_\_\_  
Area Code/Telephone Number

1. On account of my disability, I request the following be done in order to permit me to have equal opportunity to use and enjoy the housing or public or common use areas or to participate fully in the Housing Authority's programs, activities, or services"  
(Describe)

2. This request for a reasonable accommodation/modification is necessary so that I can:

3. Documentation needed to verify the existence of my disability and my disability-related need for the accommodation/modification is attached.

I attest that the foregoing information is true and correct.

\_\_\_\_\_  
Signature of Applicant or Resident

\_\_\_\_\_  
Date

Attachment 3 -Request for Information or Verification

Williamstown Housing Authority  
35 Adams Road  
Williamstown, MA 01267  
413-458-8282

Date:

To:

Dear Applicant or Resident:

We have received your request for a reasonable accommodation/modification.

We need to know more about your request before we can decide whether to approve your request.

You can give us more information by providing the attached Verification of Disability by Physician or Other Professional for Reasonable Accommodation/Modification Request form or by other information demonstrating the disability related need for your request.

If this is a problem for you, please reach out to our office and so that alternative methods of providing information may be made available to you.

We will not make a decision on your request for reasonable accommodation/modification until we have this new information.

If you think that you have given us this information, or if you think that we should not ask for this information, please call us at 413-458-8282, or email us at [wmstnha@outlook.com](mailto:wmstnha@outlook.com).

Thank you.

Sincerely,

Tammy Andrews  
Executive Director

Attachment 4-Verification for Reasonable Accommodation/Modification Request Form

Verification of Disability by Physician or Other Professional for Reasonable Accommodation/Modification Request

Name of Physician or other professional: \_\_\_\_\_

Profession: \_\_\_\_\_

Address

\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Applicant/Resident Name \_\_\_\_\_

Applicant/Resident Address \_\_\_\_\_

I hereby authorize release of the following information \_\_\_\_\_

Signature

The Williamstown Housing Authority (WHA) may request verification that an applicant/resident has a disability to determine whether the applicant/resident needs a reasonable accommodation in the WHA's rules, policies, practices or services. Or needs a reasonable modification of the leased premises or public or common use areas, in order to have equal opportunity to use and enjoy the leased premises or the public or common use areas, or to participate fully in the WHA's programs, activities or services. The above-named applicant/resident has authorized your release of the requested information. We would appreciate your prompt response to the questions on the next page. If you have any questions, please contact our office. Thank you for your anticipated cooperation.

Sincerely,

Tammy Andrews  
Executive Director

The following proposed reasonable accommodations/reasonable modifications to provide the applicant/resident equal opportunity to use and enjoy the WHA's housing, programs, etc. are under consideration by the WHA:

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THE FOLLOWING TO BE COMPLETED BY PHYSICIAN (OR OTHER PROFESSIONAL):

1. Based upon your knowledge, does the above-named applicant/resident have a physical or mental impairment which substantially limits one or more major life activities, \* or, do you have a record(s) of such an impairment for the above-named applicant/resident? Yes/ No

\*Note: Determination of whether a physical or mental impairment substantially limits a major life activity is to be made without regard to the ameliorative effects of mitigating measures (e.g., assess substantial limitation of a major life activity, including the operation of a major bodily function, without considering the benefit of medication, assistive devices, etc., to the individual). Furthermore, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

2. Does the applicant/resident have a disability-related need for the above mentioned reasonable accommodation/reasonable modification based on the physical or mental impairment? Please explain\* your response.

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\*Note: please only provide information that demonstrates there is a relationship between a disability verified by a "yes" response to question 1 above and the need for the proposed reasonable accommodation/modification. Please do not otherwise provide information as to the nature or severity of the disability.

3. Other comments (please do not provide information that is not directly relevant to the reasonable accommodation/modification:

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CERTIFICATION: I certify that the information provided above represents my professional judgment and is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Physician or Professional

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Attachment 5- Letter Denying Request for Reasonable Accommodation/Modification

Williamstown Housing Authority  
35 Adams Road  
Williamstown, MA 01267  
413-458-8282

Date:

To:

Dear Applicant or Resident:

We have denied your request for a reasonable accommodation/modification for the following reasons:

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If you have any questions or disagree with this decision and believe you can provide the WHA with additional information as to why the requested accommodation/modification should be approved, please contact us at 413-458-8282 or [wmstnha@outlook.com](mailto:wmstnha@outlook.com).

Sincerely,

Tammy Andrews  
Executive Director

Attachment 6- Letter Approving Request for Reasonable Accommodation/Modification

Williamstown Housing Authority  
35 Adams Road  
Williamstown, MA 01267  
413-458-8282

Date:

To:

Dear Applicant or Resident:

We have approved your request for the following change or reasonable accommodation/modification:

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We can provide you with this accommodation/modification by: \_\_\_\_\_.

If you think this change or reasonable accommodation/modification is not what you requested, if it is not acceptable, if you object to the amount of time it will take to provide it, or otherwise have questions, please contact the Housing Authority at 413-458-8282 or [wmstnha@outlook.com](mailto:wmstnha@outlook.com).

Sincerely,

Tammy Andrews  
Executive Director



Attachment 7 -Request for Meeting

Williamstown Housing Authority  
35 Adams Road  
Williamstown, MA 01267  
413-458-8282

Date:

To:

Dear Applicant or Resident:

We have received your request for a reasonable accommodation dated \_\_\_\_\_. It would help us make a decision if you could meet with you. You are entitled to bring someone to assist you at the meeting.

We would like to meet on \_\_\_\_\_. If you cannot come at that time, please call us at 413-458-8282 and we can find a mutually agreeable date and time.

We will talk about your request for a reasonable accommodation at this meeting.

Please come ready to talk to us about the changes you want. Please bring copies of any information that you would like to provide us.

We look forward to meeting with you.

Sincerely,

Tammy Andrews  
Executive Director