



**Department of Housing  
Municipality of San Juan**

**Policy for Fair Housing and  
Reasonable Accommodations**



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Created December 2021**



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## I. Introduction

The Department of Housing of the Municipality of San Juan (the “Department”) affirmatively implements fair housing standards in its programs by ensuring they comply with all federal, state, and local nondiscrimination laws. All programs are administered in accordance with the applicable fair housing and equal opportunity rules and regulations. The Department makes it a priority to promote all available housing programs to eligible individuals and families. In particular, it seeks to reach those identified as members of a Protected Class, as defined in the Fair Housing Act (“**Protected Class**”) who are deemed “*least likely to apply*” and, thus, potentially could reap the most benefits from the available housing programs.

It is the policy of the Department not to discriminate against any applicant, participant, or landlord because of race, color, national or ethnic origin or ancestry, religion, sex, age, disability, source of income, marital status or presence of children in a household; nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be imputed to a particular group or category of person. The Department will not deny any family the opportunity to apply for housing or deny any eligible applicant the opportunity to lease or acquire a housing unit that meets their needs and the applicable housing program requirements.

## II. Applicable Federal Laws and Regulations

The housing programs administered by the Department are obliged to treat all participants equally, providing the same quality of service, regardless of family characteristics, or background. All Department officials must abide by all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunities for housing. These include:

1. Title VI of the Civil Rights Act of 1964
2. Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
3. Executive Order No. 11063 of 1962 (27 FR 11527)
4. Section 504 of the Rehabilitation Act of 1973
5. The Age Discrimination Act of 1975





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6. Title II of the Americans with Disabilities Act (**ADA**) of 1990 (to the extent that it applies, otherwise Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act of 1988 govern)
7. The Violence Against Women Reauthorization Act of 2005
8. The “*Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity*” regulations (24 CFR 5.105(a) 2)

In addition, all municipal housing programs will comply with any applicable state laws, local ordinances, and any legislation that may subsequently be enacted protecting the individual rights of tenants, applicants, or participants.

### **III. Equitable Treatment**

The Department will provide equitable treatment and will not take any action to:

1. Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in a Municipal Housing program.
2. Provide housing that is different from that provided to others, except in the case of persons with disabilities requiring special services, to achieve equal access to the Housing Department programs.
3. Subject anyone to segregation or disparate treatment.
4. Restrict anyone’s access to any benefit enjoyed by others in connection with a Housing Department program.
5. Treat a person differently when determining their eligibility, or when evaluating other requirements for admission.
6. Steer an applicant or participant towards, or away from, any particular residential area, based on unallowed discriminatory considerations.
7. Deny a person access to the same level of services as any other person in similar circumstances.
8. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of a Municipal Housing program.
9. Discriminate in the provision of residential real estate transactions.
10. Discriminate against someone because they are related to or associated with a member of a Protected Class.



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11. Publish or cause the publishing of an advertisement or notice indicating the availability of housing that favors or excludes members of a Protected Class.

#### **IV. Providing Information to Participants and Landlords**

The Department will ensure that participants and landlords are fully aware of all applicable civil rights laws. As part of the initial briefing process, the Department will provide information to applicants about civil rights requirements and the housing opportunities available in a broad range of residential areas.

The Department will also display equal opportunities and fair housing information in bulletin boards located throughout City Hall at the offices of the Department of Housing of the Municipality. Any such information will be available in both English and Spanish.

#### **V. Discrimination Complaints**

If an applicant or participant believes that they, or any family member, has been discriminated against by the Department or by a landlord in relation to a Municipal Housing program, they should notify it immediately to the Section 504 / ADA Coordinator designated below. Complaints can be made in person, by fax or by email by the applicant or participant, or their designated representative. All complaints should be presented as soon as possible, but no later than one hundred and eighty (180) calendar days after the alleged incident.

The Section 504 / ADA Coordinator can be reached using the following contact information:

Mr. Harry Rodríguez Cuevas

Municipal Department of Housing

**Tel.:** (787) 480-5500

**Fax:** (787) 721-4526

**Physical Address:** Avenida de Diego #130

Urbanización La Riviera  
San Juan, Puerto Rico 00921

**Mailing Address:** PO Box 362138

San Juan, PR 00936-2138

**E-mail:** [hrodriguez01@sanjuan.pr](mailto:hrodriguez01@sanjuan.pr)

The Department is required to make every reasonable attempt to determine whether the assertions in a complaint have merit and warrant any corrective actions. All such





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Complaints will be managed in accordance with the Department's Section 504 / ADA Grievance Procedures.

The person who filed a complaint shall be informed, in writing, of their right to present a discrimination complaint to the US Department of Housing and Urban Development (HUD), separately or concurrently to the municipal complaint, by calling 787-766-5400 or through the following webpages:

- [https://portalapps.hud.gov/AdaptivePages/HUD\\_Spanish/Espanol/complaint/complaint-details.htm](https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm)
- <https://portalapps.hud.gov/FHEO903/Form903Start.action>

## VI. Reasonable Accommodations for Persons with Disabilities

The Department shall provide reasonable accommodations for persons with disabilities. The measures that can be implemented include, but are not limited to, the following:

1. Making alterations to municipal offices or administrative facilities to make them fully accessible for persons who use a wheelchair.
2. Permitting required applications and reexaminations to be completed and/or submitted in person or by mail, email or fax.
3. Enabling remote proceedings, when possible, instead of requiring that applicants or participants visit municipal offices.
4. Using higher payment standards under the Housing Choice Voucher (HCV) Program, either for an amount within the acceptable range, or, as an exception, for an amount up to 120% of the payment standard.
5. Making exceptions to HUD's published Fair Market Rent (FMR) schedule whenever disabled voucher holders have trouble finding accessible housing to lease, to allow for higher payments, ranging from 110% to 120% of FMR. In such instances, the Municipal Housing Department shall request approval from HUD to adopt, as an exception, a payment standard above 120% of the published FMR whenever exigent circumstances show remarkably limited accessible housing options for voucher holder participants with disabilities.
6. Providing, as needed, time extensions for disabled voucher holder participants to locate a housing unit, either because there is a lack of accessible units or because they face special challenges when seeking a unit.



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7. Permitting an authorized designee or advocate to participate in the application and/or certification process and attend meetings with Department staff. Any person may request the aforementioned accommodation on behalf of a disabled voucher holder applicant or participant.
8. Displaying posters and other materials with housing information in locations throughout the Department's offices in such a manner as to be easily readable from a wheelchair.
9. Allowing a participant to move from a housing unit that cannot be made accessible, to another housing unit that is, or can be made, accessible, even when moving is usually not permitted. Any corresponding Municipal Housing program lease shall provide any disabled voucher holder participant with reasonable accommodation needs that require moving to an accessible housing unit.
10. Widening doors in the Department's offices or facilities, such as public restrooms, so that a person in a wheelchair can access and use them.
11. Intervening with a Municipal Housing program landlord so that they allow a participant with a disability to make necessary accessibility modifications to the housing unit, in accordance with the Fair Housing Act. In such cases, exceptions for higher payments can apply (ranging from 110% to 120% of the published HUD FMR) if the landlord, instead of the participant, makes the necessary accessibility modifications.
12. Making sure that the Department's Housing program policies and procedures are understandable to applicants and participants with sensory or cognitive impairments, or with developmental disabilities.

An applicant or participant with a disability may request additional information or an accommodation by contacting the aforementioned 504 / ADA Coordinator.

## **VII. Tenancy Obligations for Persons with Disabilities**

When an applicant or participant has disabilities, the essential obligations of tenancy required by the Municipal Housing programs must still be met. These include:

1. Paying rent and other bills, such as utility bills, in a timely manner, as required by the corresponding lease. If a participant has disabilities and they cannot complete a payment on the scheduled date, they will be provided with a reasonable extension of time without any penalties.
2. Caring for and not damaging the housing unit and common areas, when applicable.





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3. Using the facilities and the appliances in a reasonable manner.
4. Not creating any health or safety hazards, and promptly reporting all maintenance needs.
5. Not interfering with the rights and the peaceful enjoyment of others, as well as not damaging the property of others.
6. Not engaging in prohibited criminal activity that threatens the health, safety or rights of others, including any drug-related criminal activity.
7. Complying with all applicable federal and local Municipal Housing program requirements and rules.

There is no express condition requiring that any participant with disabilities meet the aforementioned obligations without assistance.

#### **VIII. Denial or Termination of Assistance**

The Department's determination to deny or terminate housing assistance for an applicant or participant with disabilities is subject to reasonable accommodations. When an applicant with disabilities is denied housing assistance, the corresponding notice of denial must inform them of the applicable appeal process and their right to request a hearing. In addition, the notice of denial must inform them of their right to request reasonable accommodations to participate in the hearing.

When the assistance of a participant with disabilities is terminated, the notice of termination must inform them of the applicable appeal process and their right to request a hearing. In addition, the notice of termination must inform them of their right to request reasonable accommodations to participate in the hearing.

Once a response is received from the applicant or participant with disabilities, the Department must consider whether there are any verifiable mitigating circumstances that explain or resolve the issues that led to the Department's decision to deny or terminate housing assistance. When such circumstances are found to be present, the Department will proceed to take the necessary remedial actions.

#### **IX. Privacy Rights of Participants**

Participants will be required to sign the Federal Privacy Act Statement, which states the conditions under which information of Municipal Housing program participants and/or landlords will be released.

The Department's policy regarding the release of information of Municipal Housing program participants and/or landlords is as follows:





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1. Pertinent participant information shall only be released in accordance with the terms of a signed “*blanket*” release.
2. Information on the amounts owed to the Department for claims paid and not reimbursed by an applicant shall be subject to release.
3. Information on the amounts owed to the Department for prior overpayment of housing assistance shall be subject to release.
4. Prospective landlords can receive the following information:
  - a. A participant’s current address, as it appears in Department records.
  - b. The name and address of the landlord at the participant’s current or prior addresses as it appears in Department records.
  - c. Department records regarding a participant’s tenancy history.