



September 19, 2023

***Submitted via email***

The Honorable Marcia Fudge  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, D.C. 20410

**RE: GAO Report, “Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements”**

Dear Secretary Fudge:

We are writing on behalf of the Consortium for Constituents with Disabilities (CCD) Housing Task Force about the July 2023 Government Accountability Office (GAO) report, “[Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements.](#)” CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQI+ based discrimination and religious intolerance. The CCD Housing Task Force works to ensure that all people with disabilities have safe, stable, accessible, affordable, integrated housing that enables people to live with full access to home and community-based services and supports.

In many ways, the GAO report echoes the findings of last year’s audit from HUD’s Office of the Inspector General (OIG) on HUD’s assurance of public housing agencies (PHAs)’ processing of reasonable accommodation requests. Together, these reports highlight the need for more oversight of HUD-assisted housing providers to ensure they are complying with federal civil rights laws and providing reasonable accommodations for people with disabilities.<sup>1</sup>

As the OIG audit noted, the number of fair housing complaints based on alleged failures to provide reasonable accommodations increased from 2009 to 2019 by 46.1% even as the total number of housing discrimination complaints decreased.<sup>2</sup> More recent data show that reasonable accommodation cases continue to comprise a high percentage of complaints filed – 46.1% in FY 2020 and 44.6% in FY

---

<sup>1</sup> For brevity, we use the phrase “reasonable accommodations” to refer to both reasonable accommodations and modifications.

<sup>2</sup> HUD OIG, “HUD Did Not Have Adequate Policies and Procedures for Ensuring That Public Housing Agencies Properly Processed Requests for Reasonable Accommodation” (February 2022), available at <https://www.hudoig.gov/reports-publications/report/hud-did-not-have-adequate-policies-and-procedures-ensurin-g-public>.

2021.<sup>3</sup> We appreciate HUD's commitment to investigating and resolving these complaints, and we understand that enforcement activities are crucial to remedying unlawful practices. However, we support OIG's and GAO's recommendations for HUD to engage in more proactive oversight and monitoring on reasonable accommodation issues to prevent civil rights violations and complaints. This may include, as the GAO report pointed out, collecting and analyzing more data on reasonable accommodation requests to inform targeted compliance reviews.

In addition to supporting these recommendations, we outlined in our comments on HUD's recent Section 504 Advance Notice of Proposed Rulemaking how HUD could promote housing providers' compliance with laws and regulations on reasonable accommodations.<sup>4</sup> For example, we urged HUD to revise its Section 504 regulations to include provisions similar to those proposed by the Department of Health and Human Services for its Section 1557 rule on nondiscrimination in health programs. The proposed Section 1557 rule includes several provisions designed to prevent the need for future enforcement actions against federally-assisted health providers, and these provisions are as equally relevant for HUD-assisted housing providers. Among other suggestions, we recommend that HUD:

Require and clarify the role of Section 504 Coordinators: HUD should clarify the role of Section 504 coordinators by listing their responsibilities in the Section 504 regulations. It is also important for HUD to support Section 504 coordinators with training so that they understand Section 504 and their duty to facilitate compliance. Moreover, we recommend that HUD require all recipients of federal financial assistance to designate a Section 504 coordinator, regardless of how many people the recipient employs. All covered housing providers should have a staff member who is knowledgeable about Section 504 and promotes compliance with civil rights requirements.

Require written policies and procedures on reasonable accommodations: HUD should require recipients to have written policies and procedures around reasonable accommodations, including how to track requests. Developing written policies and procedures will help recipients avoid the risk of discriminatory practices and improve compliance with Section 504. The lack of written policies and procedures increases the risk that recipients will commit Section 504 violations, and it leaves people with disabilities at increased risk of discrimination.

Require training on reasonable accommodation policies/procedures: We urge HUD to mandate training on Section 504 and relevant policies and procedures for all of a recipient's relevant employees, which may include staff such as the Section 504 coordinator, people who interact with the public and tenants, and employees with decision-making authority who shape policies and procedures. Training on reasonable accommodations is especially important because many housing providers do not understand reasonable accommodations. The concept of reasonable accommodations is often confusing for many housing providers because it involves a modification of policies, whereas many housing providers believe that nondiscrimination requires them to always apply the same policies to each applicant or tenant. We are aware of cases in which housing providers refused to provide reasonable accommodations to

---

<sup>3</sup> HUD, "State of Fair Housing Annual Report to Congress FY 2020," available at <https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO-Annual-Report-FY2020.pdf> and "Annual Report to Congress FY 2021," available at <https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO%20Annual%20Report%20FY%202021.pdf>.

<sup>4</sup> See CCD's comments on Docket No. FR-6257-A-01; Nondiscrimination on the Basis of Disability: Updates to HUD's Section 504 Regulations (July 2023), available at <https://www.c-c-d.org/fichiers/CCD-comments-on-ANPRM-Updates-toHUD-Section-504-Regulations-FINAL.pdf>. See also Justice in Aging's comments, available at <https://justiceinaging.org/wp-content/uploads/2023/07/JIA-HUD-Section-504-ANPRM-Comments-FINAL.pdf>.

disabled persons under the claim that doing so would violate the alleged requirement to “treat everyone the same” under civil rights laws. Many people with disabilities are unable to secure reasonable accommodations without legal assistance or other help from an advocate.

We believe measures such as the ones described above will complement and support the recommendations from OIG and GAO. Requiring written policies and procedures on reasonable accommodations, for example, will facilitate front-end civil rights or discretionary compliance reviews because HUD will have more documentation about how a recipient handles reasonable accommodation requests. Further, requirements for housing providers to develop written reasonable accommodation policies and undertake training are common terms in Fair Housing Act and Section 504 conciliation/voluntary compliance agreements because HUD recognizes these actions deter future discriminatory conduct. HUD should therefore mandate these activities under its revised Section 504 regulations as part of its efforts to ensure housing providers’ compliance with civil rights laws.

Finally, as we wrote in our response to last year’s OIG report, we request that HUD meet quarterly with cross-disability advocates to ensure that the lived experiences of disabled people are accounted for throughout HUD’s policies.<sup>5</sup> The GAO and OIG reports underscore the prevalence of housing discrimination against people with disabilities, who also often face additional barriers to housing, such as a lack of accessible units. We believe it is critical for HUD to receive ongoing feedback from the disability community as the agency works on these issues, and we urge HUD to consider engaging disability stakeholders on a more consistent basis.

Thank you for your consideration. We hope the CCD Housing Task Force can work with HUD to improve its programs to provide more integrated, accessible, and affordable housing for people with disabilities. If you have any questions about this letter, please contact Jennifer Kye at [jkye@justiceinaging.org](mailto:jkye@justiceinaging.org).

Sincerely,

Allie Cannington  
The Kelsey  
[allie@thekelsey.org](mailto:allie@thekelsey.org)  
Co-Chair, CCD Housing Task Force

Jennifer Kye  
Justice in Aging  
[jkye@justiceinaging.org](mailto:jkye@justiceinaging.org)  
Co-Chair, CCD Housing Task Force

Greg Robinson  
Autistic Self Advocacy Network  
[grobinson@autisticadvocacy.org](mailto:grobinson@autisticadvocacy.org)  
Co-Chair, CCD Housing Task Force

---

<sup>5</sup> See Recommendations from the CCD Housing Task Force on OIG Audit Report Number 2022-BO-0001 (June 2022), available at <https://www.c-c-d.org/fichiers/CCD-Housing-TaskForce-Recommendations-Office-of-Inspector-General-Audit-Report.pdf>.