June 22, 2011

Donna Long Brightbill

Attorney at Law

315 S. Eighth Street

Lebanon, PA. 17042

Re: Dalia C.

Request for a Reasonable Accommodation

Dear Donna:

As I indicated in my June 7, 2011 letter to you regarding my client, Dalia C., of 2 Main Street, Lebanon, I am writing to provide more specific information regarding our request that the Lebanon County Housing Authority make a reasonable accommodation to their rules, policies or practices to accommodate Ms. C’s disability. As you know, Ms. C is involved in two proceedings currently in which the LCHA is seeking her eviction. The first involves a lease termination notice dated March 4, 2010 which is currently before the Court of Common Pleas awaiting trial on the issue of drugs found in Ms. C’s shed. The second involves a lease termination notice dated March 15, 2011, which is currently scheduled for a grievance hearing on June 27, 2011, on the issue of poor housekeeping. This request applies to both pending actions and we request a written decision agreeing to or denying this request within a reasonable time.

First, as you are aware from the Joint Statement of the Department of Housing and Urban Development and the Department of Justice entitled Reasonable Accommodations under the Fair Housing Act which I forwarded to you previously,

“Depending on the individual’s circumstances, information verifying that

the person meets the Act’s definition of disability can usually be provided

by the individual himself or herself (e.g. proof that an individual under the

age of 65 receives Supplemental Security Income (SSI) or Social Security

Disability Insurance benefits or a credible statement by the individual). A

doctor or other medical professional, a peer support group, a non-medical

service agency, or a reliable third party who is in a position to know about the

individual’s disability may also provide verification of a disability. In most cases,

an individual’s medical records or detailed information about the nature of a

person’s disability is not necessary for this inquiry.” (Answer to Question 18)

With regard to Ms. C, my review of her LCHA file indicates that the Housing Authority is already aware that Ms. C receives SSI disability benefits. I also provided information to you and to Mr. Hoffman previously indicating that the basis for her receiving SSI disability benefits is due to mental retardation. Ms. C attended special education classes when she was a child and never graduated from high school. She is effectively illiterate and is unable to read, write and retain information as a result of her disability. Her sister, Marilyn C, will be attending the grievance hearing on June 27th and can provide more details if needed to verify her disability. As she does not have a regular family doctor, Ms. C will not be able to obtain written verification from a professional third party competent to make an assessment that she needs the specific accommodation that we are requesting, due to her disability. Such a requirement, which is contained in the LCHA Admissions and Occupancy Policy for Public Housing (page 1-3), is contrary to the Act, HUD / DOJ Joint Statement and applicable case law.

With regard to our request for a reasonable accommodation, after reviewing the LCHA records, it is apparent that there have been ongoing issues related to housekeeping. We believe that Ms. C’s inability to read, comprehend and remember significant events (upcoming inspections, the need to prepare for regularly scheduled or specially set exterminations, the need to remove trash bags or other items temporarily stored on her back porch while awaiting trash pick-up, etc.) and her lack of focus and follow through on routine tasks (routine housekeeping, removing dead roaches which result from extermination treatments, etc.) are directly related to her mental retardation and are significant contributing factors related to the lease violations for which she has been cited. As a reasonable accommodation to her disability, we are requesting that the Housing Authority do the following:

1. Grant a 90 day hold on proceeding with the eviction efforts in both cases.
2. Agree to communicate with Ms. C’s sister, Marilyn (209 Green Street, Lebanon, PA. 17042 –Home # 272-5678 after 11AM or cell # 274-3210) with regard to any potential problem with housekeeping or any other potential lease violation. Such communications with Marilyn can be in writing by copying her on any letter or written notice sent to Dalia or by phone or voicemail message.
3. Agree to give Marilyn a reasonable period of time (3 days from the date she receives the written or oral communication from the Housing Authority – if it was mailed- 5 days from the mailing date), for her to discuss the problem or potential lease violation with Ms. C and help her resolve the problem and report back to the Housing Authority on how the matter was resolved.
4. In the event that Marilyn is unavailable, an alternate person with whom the Housing Authority may have verbal contact by phone would be Angela Smith (270-1234) who will also report back to the Housing Authority within 3 days from the date she receives the phone call or voicemail message concerning a housekeeping problem or other potential lease violation.
5. If after 90 days there have been no further issues with housekeeping or other lease violations, including violations of the One Strike Policy, the Housing Authority agrees to withdraw the March 15, 2011 notice of lease termination and notice to quit and agrees to voluntarily discontinue the pending eviction action in the Court of Common Pleas.

Thank you for discussing this request with the appropriate person(s) at the Housing Authority. I expect to present this request to the Grievance Hearing Officer on June 27th. If the Housing Authority is prepared to grant the request, I would suggest that there would not be a need to proceed with the grievance hearing. Let me know if you wish to discuss this before Monday afternoon.

Very truly yours,

Howard Miskey

Attorney at Law