



July 2023

# HUD RENTAL ASSISTANCE

Enhanced Data and  
Strategy Could  
Improve Oversight of  
Accessibility  
Requirements

# GAO Highlights

Highlights of [GAO-23-105083](#), a report to congressional requesters

## Why GAO Did This Study

HUD is responsible for enforcing federal civil rights laws that require housing providers to make reasonable accommodations for households with disabilities. HUD serves many of these households through its rental assistance programs.

GAO was asked to review HUD's rental assistance to low-income households with disabilities. This report examines (1) what data are available on reasonable accommodations provided to HUD-assisted households with disabilities and (2) how HUD oversees compliance with requirements for reasonable accommodations in its rental assistance programs.

GAO analyzed HUD documentation, including reporting requirements; reviewed relevant laws and regulations; surveyed a generalizable sample of 756 PHAs operating in urban areas or entire states that administer HUD programs; and interviewed officials at HUD headquarters and all 10 regional offices.

## What GAO Recommends

GAO recommends that HUD systemically collect household data and develop a strategy for its oversight of compliance with reasonable accommodation requirements. HUD neither agreed nor disagreed with GAO's recommendations, but noted challenges to addressing the recommendations, including resource constraints. GAO maintains the recommendations are warranted and notes HUD has flexibility in determining how to collect and analyze data, including leveraging existing systems.

View [GAO-23-105083](#). For more information, contact Alicia Puente Cackley at (202) 512-8678 or [cackleya@gao.gov](mailto:cackleya@gao.gov).

July 2023

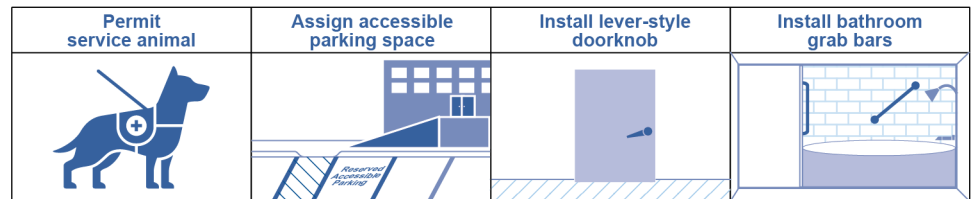
## HUD RENTAL ASSISTANCE

### Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements

## What GAO Found

Federal civil rights laws require housing providers to make reasonable accommodations to help ensure that households with disabilities have equal opportunities to use and enjoy their homes. These requirements apply to public housing agencies (PHA) and other housing providers that administer rental assistance programs from the Department of Housing and Urban Development (HUD).

#### Examples of Reasonable Accommodations



Sources: GAO presentation of Department of Housing and Urban Development information; Marc/stock.adobe.com (service animal image). | GAO-23-105083

HUD does not collect certain key data on households with disabilities that participate in its three largest rental assistance programs. Although HUD collects information on a household's disability status, the agency does not systematically collect data on requests for reasonable accommodations. Doing so would make HUD more aware of whether the needs of assisted households were met. Moreover, many PHAs already collect data that HUD could use. For example, GAO surveyed PHAs that administer HUD rental assistance and estimates that over 83 percent (plus or minus 9 percentage points at the 95 percent confidence interval) collect information on a household's accessibility needs during application and generally annually thereafter.

HUD also does not have a comprehensive, documented strategy for its oversight of compliance with reasonable accommodation requirements. HUD prioritizes its oversight on investigating complaints, which it is legally required to do. Because of the high volume of complaints, HUD is able to conduct only a limited number of discretionary compliance reviews of HUD-assisted housing providers. To target these reviews, officials said they consider factors such as complaints, press articles, and various data sources to assess risk. But HUD does not have basic assisted-household data to help support identification of potential noncompliance. HUD also does not document the criteria it uses to assess risk. Developing a comprehensive strategy for prioritizing and planning reviews, including policies for using assisted-household data, would allow HUD to proactively address compliance issues rather than respond after complaints are filed. Doing so also might reduce the number of complaint investigations, potentially freeing up resources for other fair housing-related activities.

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## Abbreviations

|      |  |
|------|--|
| FHEO | Office of Fair Housing and Equal Opportunity |
| HCV  | Housing Choice Voucher                       |
| HUD  | Department of Housing and Urban Development  |
| PBRA | Project-Based Rental Assistance              |
| PHA  | public housing agency                        |

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July 20, 2023

The Honorable Jan Schakowsky  
Ranking Member  
Subcommittee on Innovation, Data, and Commerce Committee on  
Energy and Commerce  
House of Representatives

The Honorable Tammy Duckworth  
United States Senate

Discrimination on the basis of disability was the most common reason for fair housing complaints to the Department of Housing and Urban Development (HUD) in fiscal years 2017–2021.<sup>1</sup> The majority of these disability discrimination complaints cited failure of housing providers or others to make reasonable accommodations required by law.<sup>2</sup>

HUD plays a major role in helping to ensure that households with disabilities have equal use and enjoyment of their housing. This includes enforcing requirements for housing providers to make reasonable accommodations. HUD also serves a large number of households with disabilities through its rental assistance programs.

Most housing occupied by low-income renter households, including HUD-assisted households, is older and thus predates certain federal accessible

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<sup>1</sup>See Department of Housing and Urban Development, *State of Fair Housing Annual Report to Congress, FY 2021* (Washington, D.C.): 26, 55-56. Discrimination on the basis of disability is prohibited under several federal laws, including the Fair Housing Act, as amended (which applies generally to the sale and rental of housing, among other things), Section 504 of the Rehabilitation Act of 1973 (which applies to programs and activities receiving federal financial assistance) and Title II of the Americans with Disabilities Act (which applies to programs and activities of public entities, regardless of the receipt of federal financial assistance). 29 U.S.C. § 794; 42 U.S.C. §§ 3601-3619, 3604(f), 12131-12165, 12132.

<sup>2</sup>Various laws and regulations require housing providers and others (such as property managers) to make reasonable accommodations—that is, changes to policies, practices, services, and structures—to help ensure that households with disabilities can use and enjoy their homes. We use reasonable accommodations to refer generally to accommodations required under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 as applicable, together with related HUD regulations. See, e.g., 24 C.F.R. §§ 8.24, 8.33, 100.203, 100.204.

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design and construction requirements.<sup>3</sup> Older rental housing stock may lack accessibility features, such as ramps to entries, grab bars in bathrooms, or widened doorways to accommodate wheelchairs. Thus, ensuring that housing providers make reasonable accommodations as required by law is critical to meeting accessibility needs of HUD-assisted households with disabilities.

You requested that we review issues related to HUD’s rental assistance to low-income households with disabilities.<sup>4</sup> This report examines (1) what data are available on reasonable accommodations provided to HUD-assisted households with disabilities and (2) how HUD oversees compliance with reasonable accommodation requirements. We focused on HUD’s three largest rental assistance programs—Public Housing, Housing Choice Voucher, and Section 8 Project-Based Rental Assistance (PBRA).<sup>5</sup>

For the first objective, we reviewed laws and regulations governing reasonable accommodations and reporting requirements for HUD-assisted housing providers—that is, public housing agencies (PHA) that administer Public Housing and Housing Choice Voucher programs and Section 8 PBRA owners. We also reviewed the forms HUD uses to collect household-level information for its three largest rental assistance programs to determine the extent to which the agency maintains data on household disability status and accessibility needs. Specifically, we

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<sup>3</sup>For example, accessible design and construction requirements under the Fair Housing Act apply to covered multifamily dwellings for first occupancy after March 13, 1991. 42 U.S.C. § 3604(f)(3)(C), 24 C.F.R. § 100.205. HUD’s implementing regulations under Section 504 of the Rehabilitation Act imposed certain design and construction requirements on HUD-subsidized multifamily projects, effective in 1988. *See, e.g.*, 24 C.F.R. §§ 8.22-8.23. We did not review HUD oversight of compliance with federal accessible design and construction requirements.

<sup>4</sup>Also in response to your request, we issued another report on HUD assistance to households with disabilities. *See* GAO, *HUD Rental Assistance: Serving Households with Disabilities*, [GAO-23-106339](#) (Washington, D.C.: Mar. 29, 2023).

<sup>5</sup>Other HUD programs also provide rental assistance to households with disabilities. These include the HOME Investment Partnerships, Housing Opportunities for Persons With AIDS, and Continuum of Care programs, as well as smaller PBRA programs, such as the Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities. We did not include these programs in our review because they serve a relatively small number of renters compared to HUD’s three main rental assistance programs. Section 8 PBRA refers to certain project-based rental assistance provided under section 8 of the Housing Act of 1937, as amended, to which HUD refers as “Project-Based Section 8.” 42 U.S.C. § 1437f.

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reviewed HUD Form 50058 for the Public Housing and Housing Choice Voucher programs and HUD Form 50059 for the Section 8 PBRA program. We compared these forms against relevant legal requirements and internal control standards.<sup>6</sup> To understand data collection procedures and the rationale for reporting requirements, we interviewed HUD officials.

To estimate the number of households with disabilities served through HUD's three main rental assistance programs and the number living in units with accessibility features (such as widened doorways), we analyzed the 2019 American Housing Survey.<sup>7</sup>

We also surveyed a statistically representative sample of 756 PHAs serving metropolitan areas or entire states that administer one or more of the following HUD rental assistance programs: Public Housing, Housing Choice Voucher, and PBRA. We asked PHAs how they identify and address household accessibility needs, including providing reasonable accommodations.<sup>8</sup> The unweighted response was 62 percent of the eligible sample.<sup>9</sup> The results of the survey reflect the views of PHAs that served at least 50 households in metropolitan areas or statewide as of April 2021. For results of selected survey questions and the full survey methodology, see appendix I.

For the second objective, we reviewed statutory and regulatory provisions governing HUD's oversight and enforcement of reasonable accommodation requirements in the Public Housing, Housing Choice

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<sup>6</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

<sup>7</sup>The 2019 American Housing Survey was the most recently available version when we conducted our work. The survey (which HUD sponsors and the U.S. Census Bureau conducts) provides information about the size, composition, and quality of the nation's housing. According to HUD, it is the most comprehensive data source on household and housing unit characteristics. We found estimates on the number of households with physical disabilities to be reliable for assessing the general completeness of HUD household-level administrative data.

<sup>8</sup>Data were obtained based on PHA operations for calendar year 2021. The data we used to select PHAs for our survey sample did not include information on Section 8 PBRA. However, because some PHAs administer Section 8 PBRA, we included several questions on that program in our survey. For more information, see appendix I.

<sup>9</sup>We applied weights to survey responses to account for the design of our sample and ensure that estimates were generalizable to the population of PHAs operating in metropolitan areas.



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Voucher, and Section 8 PBRA programs. We also reviewed HUD policies and procedures related to its oversight role, HUD annual reports to Congress containing fair housing and civil rights enforcement data, and policies and program documents on coordination between program offices (Public and Indian Housing and Office of Multifamily Housing) and the Office of Fair Housing and Equal Opportunity (FHEO).

We compared these policies and procedures against relevant legal requirements and HUD's guidance implementing Office of Management and Budget guidance on enterprise risk management and internal control.<sup>10</sup> We also interviewed FHEO officials at HUD headquarters and HUD's 10 regional offices to understand how they carry out their oversight and the information they use in doing so.

We conducted this performance audit from March 2021 to July 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

### HUD Rental Assistance Programs

HUD's Office of Public and Indian Housing and the Office of Multifamily Housing Programs are responsible for administering its three largest rental assistance programs. Households eligible for this assistance generally must be low-income (at or below 80 percent of area median income, depending on the specific program).

Through the Public Housing program, HUD provides capital and operating subsidies to PHAs, which own and operate rental housing designated for eligible low-income households. Through the Housing Choice Voucher program, HUD provides rental subsidies that households use to help pay for rental housing in the private market. PHAs are responsible for determining households' eligibility and calculating and periodically recertifying households' incomes and rental payments. HUD monitors

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<sup>10</sup>Department of Housing and Urban Development, *Departmental Policy on the Implementation of OMB Circular A-123, Management's Responsibility for Enterprise Risk Management (ERM) and Internal Control*, Policy No. 1841 (Washington D.C.: Oct. 24, 2022).

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PHAs' administration of the Public Housing and Housing Choice Voucher programs through household data reported on Form 50058.

The Office of Multifamily Housing Programs is responsible for administering Section 8 PBRA and contracts directly with private owners of multifamily housing to subsidize rents for specific units.<sup>11</sup> Like PHAs, Section 8 PBRA owners are responsible for determining households' eligibility and for calculating and periodically recertifying households' incomes and rental payments. HUD monitors Section 8 PBRA owners' administration of Section 8 PBRA through household data reported on Form 50059.

According to our analysis of the American Housing Survey, in 2019 an estimated 42 percent of HUD-assisted renter households (or about 1.8 million households) reported having a disability.<sup>12</sup> Of these households, an estimated 45 percent (about 825,000 households) received a Housing Choice Voucher, 36 percent (about 656,000 households) received Section 8 PBRA or other project-based assistance, and 19 percent (about 347,000 households) lived in public housing.<sup>13</sup>

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<sup>11</sup>In some cases, a government entity—such as a PHA—may own the property or act as a contract administrator. See, e.g., 24 C.F.R. § 880.101(a).

<sup>12</sup>The estimate of 42 percent had a margin of error of plus or minus 2 percentage points at the 95 percent confidence level and the estimate of 1.8 million households had a relative margin of error of plus or minus 5 percent of the estimate at the 95 percent confidence level. The American Housing Survey defines disability using six categories: hearing, vision, mental, physical, self-care, and go-outside-home disabilities. This definition differs from definitions set forth in federal civil rights laws we reviewed and the law that authorizes HUD's three largest rental assistance programs. See 29 U.S.C. § 705(9)(B); 42 U.S.C. §§ 1437a(b)(3)(E), 3602(h), 12102(1).

<sup>13</sup>Estimated proportions had margins of error of plus or minus 3, 2, and 2 percentage points, respectively, at the 95 percent confidence level. Estimated counts had relative margins of error of plus or minus 8, 12, and 12 percent of each estimate, respectively, at the 95 percent confidence level. Other project-based assistance in the American Housing Survey includes Section 202 Supportive Housing for the Elderly, Section 811 Supportive Housing for Persons with Disabilities, Rent Supplement, Section 221(d)(3) Below Market Interest Rate, Section 236, Moderate Rehabilitation, and other smaller HUD programs.

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## Reasonable Accommodations in HUD Rental Assistance Programs

Housing providers are required to make reasonable accommodations for households with disabilities in HUD's rental assistance programs.<sup>14</sup> Reasonable accommodations are changes in policies, practices, services, and structures to help ensure households with disabilities can use and enjoy their homes (see fig. 1). For example, HUD-assisted housing providers and private landlords accepting Housing Choice Vouchers may be required to assign a household an accessible parking spot or permit a household to have a service animal in their unit.<sup>15</sup> These providers also may be required to make or permit structural modifications, such as installing lever-style doorknobs or a building entrance ramp.<sup>16</sup> PHAs that administer the Housing Choice Voucher program may extend the amount of time a household has to locate an accessible unit on the private market or increase the rental subsidy to enable a household to rent a larger unit to accommodate a live-in aide.<sup>17</sup>

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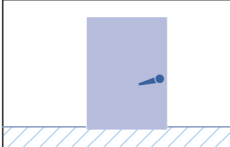
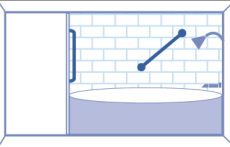
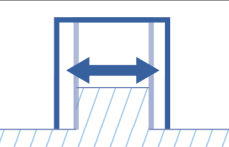

<sup>14</sup>The Fair Housing Act prohibits discrimination on the basis of disability in the sale or rental of housing. This includes prohibiting any person from: refusing to make reasonable accommodations in rules, policies, practices, or services when necessary to afford an individual with disabilities an equal opportunity to use and enjoy their homes; and refusing to permit reasonable modifications of the premises occupied by an individual with disabilities if necessary for the individual to fully enjoy the premises and at the individual's expense. 42 U.S.C. § 3604(f)(3)(A)-(B); 24 C.F.R. §§ 100.203, 100.204. Owners of single-family or one-to-four family homes are exempt from these requirements in certain circumstances. See 42 U.S.C. § 3603(b); 24 C.F.R. § 100.10(c). Section 504 of the Rehabilitation Act applies to programs and activities receiving federal financial assistance, including HUD's rental assistance programs. Under HUD's implementing regulations, HUD-assisted housing providers must operate such programs so that they are accessible to and usable by individuals with disabilities, whether by making structural modifications, relocating individuals to accessible buildings, or otherwise. See, e.g., 24 C.F.R. §§ 8.20, 8.24, 8.33. However, HUD's implementing regulations do not require HUD-assisted housing providers to take actions that would fundamentally alter the nature of programs or result in undue financial and administrative burdens. The specific obligations of HUD-assisted housing providers to make reasonable accommodations may vary based on the type of assistance provided.

<sup>15</sup>See, e.g., 24 C.F.R. § 100.204; Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Accommodations under the Fair Housing Act* (Washington, D.C.: May 2004): 6-7.

<sup>16</sup>See, e.g., 24 C.F.R. §§ 8.24, 100.203.

<sup>17</sup>24 C.F.R. §§ 982.303(b)(2), 982.505(d); Department of Housing and Urban Development, *Housing Choice Voucher Program Guidebook: Payment Standards* (Washington, D.C.: November 2020): 18.

**Figure 1: Examples of Reasonable Accommodations in HUD Rental Assistance Programs**

|   |  |   |   |
|---|--|---|---|
| Permit service animal   | Assign accessible parking space  | Extend search time for Housing Choice Voucher recipient to locate and rent a unit   | Increase subsidy to rent larger unit to accommodate a live-in aide                  |
|  |  |  |  |
| Install lever-style doorknob  | Install bathroom grab bars   | Widen doorways (to accommodate mobility devices)                                    | Install ramp to building entrance   |
|  |  |  |  |

Sources: GAO presentation of Department of Housing and Urban Development information; Marc/stock.adobe.com (service animal image). | GAO-23-105083

**Tenant requests.** Under all HUD programs, assisted households with disabilities may request reasonable accommodations from HUD-assisted housing providers and private landlords at any time. These requests can be made orally or in writing. The housing provider or landlord is entitled to obtain information needed to evaluate if the requested accommodation is necessary because of a disability. A housing provider or landlord also has an obligation to provide prompt responses to these requests.<sup>18</sup>

**Tenant complaints.** If a household believes their request for a reasonable accommodation has been wrongfully denied, the household may file a fair housing complaint with FHEO.<sup>19</sup> When FHEO receives the complaint, it collects information about the alleged violation and

<sup>18</sup>With respect to this paragraph, see Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Accommodations under the Fair Housing Act* (Washington, D.C.: May 2004): 3, 10-13 and Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Modifications under the Fair Housing Act* (Washington, D.C.: March 2008): 4-6, 9-10.

<sup>19</sup>See generally 24 C.F.R. pt. 103. Fair housing complaints also may be filed with or referred to state or local agencies that HUD certifies for such purposes. 24 C.F.R. §§ 103.30(a), 103.100-103.115. For information about complaints and investigations under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, as applicable, see 24 C.F.R. pt. 9, subpt. D and 28 C.F.R. pt. 35, subpt. F.

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determines whether there is reasonable cause to believe that a discriminatory housing practice occurred or is about to occur.<sup>20</sup> FHEO also works with the parties to resolve complaints, to the extent feasible.<sup>21</sup> If a complaint cannot be resolved and FHEO concludes that reasonable cause exists, the agency will conduct an administrative hearing or bring suit in civil court.<sup>22</sup>

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## FHEO Roles and Responsibilities

FHEO is responsible for enforcing various federal civil rights laws, including the Fair Housing Act and Section 504 of the Rehabilitation Act (as it applies to HUD-assisted programs and activities). In this role, FHEO processes and investigates complaints alleging civil rights violations and conducts compliance reviews of HUD-assisted housing providers.

Generally, FHEO assigns responsibility for these activities to staff in its 10 regional offices, based on the jurisdiction of the complaint or the HUD-assisted housing provider. FHEO's investigative and compliance role extends to civil rights violations other than those based on disability, such as discrimination based on race, color, national origin, age, or sex.

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## HUD Does Not Collect Data on the Accessibility Needs of Households with Disabilities

Across HUD's three largest rental assistance programs, HUD-assisted housing providers collect information on the disability status of households and report it to HUD. However, HUD program offices do not systematically collect or report information on the accessibility needs of households assisted by these programs, including whether they requested and received a reasonable accommodation, including a structural modification.<sup>23</sup>

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<sup>20</sup>24 C.F.R. § 103.200(a); *see generally* 24 C.F.R. pt. 103, subpt. D.

<sup>21</sup>See 24 C.F.R. pt. 103, subpt. E (setting forth conciliation procedures).

<sup>22</sup>See 24 C.F.R. pt. 103, subpt. F. Either party to the complaint may elect to have the claim decided in civil court rather than an administrative hearing. 24 C.F.R. § 103.410(a).

<sup>23</sup>In a February 7, 2022, report, HUD's Office of Inspector General also found that HUD did not have adequate policies and procedures for ensuring that PHAs properly addressed, assessed, and fulfilled requests for reasonable accommodations. The Inspector General recommended that HUD require PHAs to track requests for reasonable accommodations (including the date of the request, type of request, and the disposition, and date of any action taken) and make this information available to HUD at its request. See Department of Housing and Urban Development, Office of Inspector General, *HUD Did Not Have Adequate Policies and Procedures for Ensuring That Public Housing Agencies Properly Processed Requests for Reasonable Accommodation*, 2022-BO-0001 (Boston, Mass.: Feb. 7, 2022).

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PHAs are required to report whether households in the Public Housing program requested and received “accessibility features” on Form 50058. However, HUD officials told us PHAs are inconsistent in the extent to which they report the information and interpret the definition of “accessibility feature.” As a result, HUD officials told us the data generally cannot be used for assessing household needs or compliance with reasonable accommodation requirements.<sup>24</sup> HUD-assisted housing providers cannot report whether households in the Housing Choice Voucher and Section 8 PBRA programs requested and received “accessibility features” on HUD Form 50058 and HUD Form 50059, respectively, because those forms do not include a field to collect that information.

As previously discussed, the Fair Housing Act, Section 504 of the Rehabilitation Act, and related HUD regulations, require HUD-assisted housing providers and private landlords to accommodate the needs of households with disabilities through reasonable accommodations. Additionally, federal internal control standards note that management should use quality information and internally communicate the necessary quality information to achieve the entity’s objectives.<sup>25</sup> To do so, federal agencies are to design processes that use the entity’s objectives and related risks to identify the information requirements needed to achieve objectives and address risks. In addition, federal agencies are to communicate information down and across reporting lines to enable personnel to perform key roles in achieving objectives, addressing risks, and supporting the internal control system.

HUD officials recognized that the agency lacks information on the accessibility needs of HUD-assisted households and whether they have been met. However, FHEO officials, in particular, questioned the utility of household-level data on reasonable accommodations for their oversight and compliance purposes. For example, they stated that household

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<sup>24</sup>HUD officials said the agency has taken steps to improve HUD’s collection of these data. Specifically, officials said a notice HUD issued in 2022 included improved and detailed instructions and guidance related to accessible units data. However, this notice is specific to how to categorize the unit type (general occupancy, officially disabled, etc.) and whether the unit is an accessible unit. This notice does not cover the accessibility features fields we reviewed. See Department of Housing and Urban Development, *Guidance on Unit Designation Categories and Accessible Designation Categories in IMS/PIC*, PIH-2022-03 (HA) (Washington D.C.: Feb. 18, 2022).

<sup>25</sup>[GAO-14-704G](#).

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requests for reasonable accommodations are difficult to track because they can be made at any time and are particular to the household requesting them. However, FHEO officials also noted their compliance reviews of HUD-assisted housing providers often find that PHAs do not track requests.<sup>26</sup>

PHAs are required to collect and report various data to HUD on recurring and ad hoc bases. As a result, they have consistent contact with assisted households. For example, HUD-assisted households must supply information on their income to HUD-assisted housing providers on a recurring basis. Households are allowed to update this information when they experience a change in income, in order for HUD-assisted housing providers to make corresponding changes to their rental payment.

Additionally, based on our survey of selected PHAs, the majority of these agencies reported obtaining information on households' accessibility needs at various points in time (see fig. 2), suggesting that PHAs engage with assisted households on their accessibility needs.<sup>27</sup> For example, we estimate that over 83 percent of the PHAs that administer the Public Housing program obtained this information during the application process and annual recertification.<sup>28</sup> Similarly, we estimate that over 84 percent of PHAs that administer the Housing Choice Voucher program also obtain such information during these activities.<sup>29</sup>

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<sup>26</sup>HUD-assisted housing providers are required to keep such records as the responsible civil rights official may determine necessary to ascertain compliance with HUD's implementing regulations under Section 504 of the Rehabilitation Act. Generally, these providers should have available data showing the extent to which individuals with disabilities are beneficiaries of federally assisted programs. See 24 C.F.R. § 8.55(b).

<sup>27</sup>The survey estimates reflect the views of PHAs that served at least 50 households in metropolitan areas or statewide. See appendix I for more information on our survey results and methodology.

<sup>28</sup>The margin of error for this estimate is 9 percentage points at the 95 percent confidence level. Generally, PHAs are required to obtain annually certain information from participating households to recertify their eligibility for housing assistance and recalculate the rent subsidy amount.

<sup>29</sup>The margin of error for this estimate is 7 percentage points at the 95 percent confidence level.

**Figure 2: Instances in Which Selected Public Housing Agencies (PHA) Obtain Information on Accessibility Needs of Households with Disabilities, by Selected Program**

At what point(s) does your PHA obtain information on accessibility needs of households with disabilities?

|   |  | Estimated percentage | 95% confidence interval |
|---|--|----------------------|-------------------------|
| <b>Public Housing program</b>   |  |                      |                         |
| During the application and approval process for public housing assistance                         |  | 96                   | 90–99                   |
| After the household was in receipt of public housing assistance, including income recertification |  | 84                   | 74–91                   |
| At the time of a household making a reasonable accommodation request                              |  | 97                   | 91–100                  |
| <b>Housing Choice Voucher program</b>   |  |                      |                         |
| During the application and approval process for public housing assistance                         |  | 96                   | 93–99                   |
| After the household was in receipt of public housing assistance, including income recertification |  | 85                   | 78–91                   |
| At the time of a household making a reasonable accommodation request                              |  | 96                   | 91–99                   |

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The lines overlapping the bars display the 95 percent confidence intervals for the estimates.

Furthermore, as we reported in March 2023, hundreds of thousands of HUD-assisted households with disabilities reported living in housing units without accessibility features.<sup>30</sup> Specifically, our analysis of the American Housing Survey data found that even if a household reported the presence of accessibility features, that unit still might not meet minimum accessibility requirements imposed by law or the particular needs of that household. For example, among assisted households with someone using a mobility device, an estimated 28 percent (about 313,000) reported living in buildings without a no-step entry, meaning they had to climb stairs to enter.<sup>31</sup>

We also found that an estimated 33 percent (about 371,000) of assisted households with a mobility device user reported living in buildings without

<sup>30</sup>See [GAO-23-106339](#).

<sup>31</sup>The estimate of 28 percent had a margin of error of plus or minus 5 percentage points at the 95 percent confidence level and the estimate of 313,000 had a relative margin of error of plus or minus 23 percent of the estimate at the 95 percent confidence level. The American Housing Survey defines a household with a mobility device user (which we used as a proxy for a household with a disability) as one that reported having at least one member who used equipment (such as a wheelchair) to get around because of a long-term condition.



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a no-step entry and in units without any accessibility feature.<sup>32</sup> These estimates provide insight into the potential magnitude of needed accommodations for assisted households and suggest that HUD program offices and FHEO could benefit from additional information on households' accessibility needs.

Because HUD does not systematically collect data on reasonable accommodations, including structural modifications, the agency is not fully aware of household accessibility needs and whether they have been met. Furthermore, the limited data hinder FHEO's ability to proactively monitor and oversee HUD-assisted housing providers' compliance with disability rights laws, as discussed in the next section.

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## HUD Does Not Have a Comprehensive Strategy for Overseeing Compliance with Reasonable Accommodation Requirements

HUD's current oversight strategy offers limited assurance that HUD-assisted housing providers are complying with reasonable accommodation requirements in its three largest rental assistance programs. FHEO primarily relies on investigations of complaints to enforce disability rights laws and conducts few discretionary compliance reviews of housing providers that administer HUD's three largest rental assistance programs.

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## FHEO Primarily Relies on Investigations to Ensure Compliance with Disability Rights Laws

Available HUD data on oversight and compliance activities show that complaint investigations constituted the majority of oversight activity related to the enforcement of reasonable accommodation requirements. FHEO officials said they must prioritize resources on investigations because HUD receives a high volume of complaints, which the agency is

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<sup>32</sup>The estimate of 33 percent had a margin of error of plus or minus 5 percentage points at the 95 percent confidence level and the estimate of 371,000 had a relative margin of error of plus or minus 20 percent of the estimate at the 95 percent confidence level. The American Housing Survey asks respondents a series of questions related to accessibility features, including whether their home has each of the following: (1) a ramp; (2) a chairlift, stair lift, or platform lift; (3) a bedroom on the entry level; and (4) a full bathroom on the entry level. The survey does not ask about the presence of any other accessibility features, except a no-step entry.

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legally required to investigate.<sup>33</sup> FHEO reported closing 897 investigations of alleged civil rights violations by PHAs or other recipients of HUD funds in 2021.<sup>34</sup>

According to FHEO officials, in addition to investigations of complaints, FHEO conducts two types of oversight reviews: civil rights front-end reviews and discretionary compliance reviews.

**Civil rights front-end reviews.** FHEO officials told us that a key component of their oversight consists of civil rights front-end reviews, which examine the fair housing and equal opportunity policies and procedures of HUD-assisted housing providers.<sup>35</sup> FHEO provided us a list of 24 types of civil rights front-end reviews they said they conduct, but they could not provide documentation on the number of these reviews completed in recent years.<sup>36</sup> In addition, HUD officials said that their reviews do not cover compliance with reasonable accommodation requirements.

**Discretionary compliance reviews.** FHEO officials said that because of the high volume of complaints received and the demand-driven nature of

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<sup>33</sup>For example, the Fair Housing Act requires HUD to investigate alleged discriminatory housing practices and complete such investigations within 100 days after filing of the complaint, unless it is impracticable to do so. 42 U.S.C. § 3610(a)(1)(B)(iv). As another example, HUD regulations require the agency to make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with HUD's regulations under Section 504 of the Rehabilitation Act. 24 C.F.R. § 8.56(b). In fiscal year 2021, FHEO reported that 45 percent (3,746 of 8,403) of fair housing complaints filed against housing providers or others alleged failure to make reasonable accommodations, including structural modifications. Department of Housing and Urban Development, *State of Fair Housing: Annual Report to Congress, FY2021*: 57.

<sup>34</sup>These investigations involved violations of select laws and requirements, including Section 504 of the Rehabilitation Act.

<sup>35</sup>In February 2022, the HUD Office of Inspector General found that HUD's Office of Public and Indian Housing did not perform civil rights front-end reviews as required and recommended that HUD take steps to ensure that the roles and responsibilities of the Office of Public and Indian Housing for conducting such reviews are clearly defined. See *HUD Did Not Have Adequate Policies and Procedures for Ensuring That Public Housing Agencies Properly Processed Requests for Reasonable Accommodation* (2022).

<sup>36</sup>For examples of HUD front-end review guidance see, Department of Housing and Urban Development, *Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions*, H 2016-17/PIH 2016-17 (HA) (Washington, D.C.: Nov. 10, 2016); and *Affirmative Fair Housing Marketing Plan Review Guidance* (Washington, D.C.: Apr. 14, 2014).

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that work, the number of discretionary compliance reviews they can conduct is limited. FHEO officials said these reviews may be initiated from complaints or other factors. According to FHEO’s annual fair housing reports from fiscal years 2017–2021, FHEO completed between 23 and 51 compliance reviews of PHAs or other recipients of HUD funds.<sup>37</sup> However, FHEO could not provide documentation on how many of these reviews were related to HUD-assisted housing providers’ compliance with reasonable accommodation requirements.

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### FHEO Does Not Have a Comprehensive Strategy for Overseeing Compliance

FHEO does not have a comprehensive, documented strategy for overseeing HUD-assisted housing providers’ compliance with reasonable accommodation requirements. Although FHEO officials pointed to a number of documents outlining various individual civil rights front-end reviews they conduct, these documents did not articulate a comprehensive strategy for planning and executing these or other types of oversight reviews. In addition, as previously discussed, civil rights front-end reviews do not focus on compliance with reasonable accommodation requirements.

Furthermore, FHEO officials said conducting discretionary compliance reviews depends on the availability of limited resources. FHEO officials said they consider a number of factors in selecting HUD-assisted housing providers for compliance reviews, such as complaints, press articles, and various data sources. For example, they may review “portfolio-wide data” to determine whether specific HUD-subsidized properties have reported very low percentages of households with disabilities, which might indicate a compliance issue. Or they might use unit-level data to help determine whether a property is authorized by statute, regulation, or official designation to limit occupancy to a specific population (such as households with disabilities or seniors). FHEO officials said the process they described allows them to focus limited resources on high-impact targets where they believe substantial noncompliance may exist. This may include entities or situations affecting large numbers of people, or

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<sup>37</sup>These reviews evaluated compliance with select laws and requirements, including Section 504 of the Rehabilitation Act.

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conditions or actions that substantially delay or deny access to housing, services, or benefits.<sup>38</sup>

However, FHEO officials could not provide us with any documentation to support their statements related to their planning and execution of discretionary compliance reviews.<sup>39</sup> Although officials noted that portfolio-wide data may help assess compliance risk, HUD does not have the basic data (such as the number and status of reasonable accommodations requests) necessary to identify potential instances of noncompliance with reasonable accommodation requirements, as previously discussed. Additionally, FHEO has not documented the criteria it uses to identify “high-impact” targets or cases with the potential for “substantial noncompliance,” or how it allocates resources to the issue areas under its jurisdiction. About 45 percent of fair housing complaints in fiscal year 2021 alleged a failure to provide reasonable accommodations, but FHEO did not identify any specific reviews of HUD-assisted housing providers for compliance with these requirements.<sup>40</sup>

HUD’s policy that implements Office of Management and Budget guidance on management’s responsibility for enterprise risk management and internal control states that HUD management is responsible for maintaining compliance with relevant laws and regulations.<sup>41</sup> It also states that management is responsible for implementing management practices that effectively identify, assess, respond, and report on risks. It further states that HUD management’s responsibility is to establish and integrate internal control into its operations in a risk-based manner and maintain

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<sup>38</sup>For example, FHEO officials pointed to the agency’s review of the City of Los Angeles as an example of a high-impact target. On August 2, 2019, the City of Los Angeles and HUD entered into a voluntary compliance agreement following HUD’s determination that certain multifamily housing developed, designed, constructed, rehabilitated, altered, or financed by the city did not comply with federal accessibility requirements. Voluntary Compliance Agreement, dated August 2, 2019, between the Department of Housing and Urban Development and the City of Los Angeles, California, accessed on March 21, 2022, at <https://archives.hud.gov/news/2019/HUD-City-of-Los-Angeles-VCA.pdf>.

<sup>39</sup>FHEO previously had guidance about planning and prioritizing compliance reviews based on available resources, but it expired on March 13, 2004. See Department of Housing and Urban Development, *Office of Fair Housing and Equal Opportunity (FHEO) Risk Analysis Guidance*, FHEO-2002-01 (Washington, D.C.: Mar. 13, 2002); and *Extension of Notice FHEO 2002-01, Office of Fair Housing and Equal Opportunity (FHEO) Risk Analysis Guidance*, FHEO-2003-01 (Washington, D.C.: Mar. 13, 2003).

<sup>40</sup>See *State of Fair Housing: Annual Report to Congress, FY2021*: 57.

<sup>41</sup>*Departmental Policy on the Implementation of OMB Circular A-123, Management’s Responsibility for Enterprise Risk Management (ERM) and Internal Control*.

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readily available documentation to describe and support all processes and key control activities in a HUD office.

As previously discussed, available data suggest that hundreds of thousands of HUD-assisted households with disabilities may be living in units that do not meet their accessibility needs. Furthermore, HUD annually receives thousands of disability-related complaints, making this a key risk area for FHEO attention. Because FHEO does not have a comprehensive, documented oversight strategy for prioritizing discretionary compliance reviews and policies for planning and conducting them, it is not well positioned to proactively oversee the compliance of HUD-assisted housing providers with laws and regulations governing reasonable accommodations, including structural modifications. Such a strategy also could help FHEO direct corrective actions before complaints were filed, allowing it to devote fewer of its limited resources to complaint investigations and more to compliance reviews and other fair housing activities.

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## Conclusions

Hundreds of thousands of HUD-assisted households with disabilities report living in housing units without accessibility features. These households may request reasonable accommodations, including structural modifications, to meet their accessibility needs, but HUD does not have these data. However, HUD is well positioned to collect them; for instance, HUD already requires PHAs to periodically report certain household data. By collecting data on reasonable accommodation requests, HUD would be more aware of the accessibility needs of assisted households and whether they were met.

Collecting more data also would benefit FHEO, which currently lacks a comprehensive, documented strategy for overseeing compliance with reasonable accommodation requirements, including documented criteria for targeting its reviews of HUD-assisted housing providers. For instance, FHEO could work with program offices to leverage data collected by PHAs and Section 8 PBRA owners on requests for reasonable accommodations, and use the information to identify potentially substantial noncompliance and high-impact targets. This coordinated approach also could be applied to other rental assistance programs in which households can request reasonable accommodations. With an oversight strategy and data to help identify potential problem areas—obtained before complaints are filed—FHEO would be better positioned to conduct forward-looking oversight. In turn, such oversight might reduce the number of complaint investigations and free up resources for other fair housing-related activities.

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## Recommendations for Executive Action

We are making the following two recommendations to HUD:

The Secretary of HUD should ensure the Assistant Secretaries for the Offices of Public and Indian Housing and Multifamily Housing Programs systematically collect and maintain data on household requests for reasonable accommodations, including structural modifications, and the status of these requests in the Public Housing, Housing Choice Voucher, and Section 8 Project-Based Rental Assistance programs. (Recommendation 1)

The Secretary of HUD should ensure the Assistant Secretaries for the Offices of Public and Indian Housing, Multifamily Housing Programs, and Fair Housing and Equal Opportunity develop and implement a strategy for overseeing HUD-assisted housing providers' compliance with reasonable accommodation requirements in its rental assistance programs. Such a strategy could consider how to effectively collect and use household data to identify compliance risks among housing providers. (Recommendation 2)

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## Agency Comments and Our Evaluation

We provided a draft of this report to HUD for review and comment. In its written comments, which are summarized below and reproduced in appendix II, HUD neither agreed nor disagreed with our recommendations. HUD also provided technical comments that we incorporated, as appropriate.

In its response to our report, HUD acknowledged the overwhelming need for affordable, accessible housing among low-income renters. HUD also acknowledged the key role the agency plays in enforcing civil rights statutes that protect households with disabilities, including those in HUD's rental assistance programs. As we highlighted in our draft report, given the limited number of accessible units available, enforcing reasonable accommodation requirements is critical to meeting accessibility needs of HUD-assisted households with disabilities.

In response to our two recommendations—that HUD (1) systematically collect and maintain data on household requests for reasonable accommodations and the status of these requests, and (2) develop and implement a strategy for overseeing HUD-assisted housing providers' compliance with reasonable accommodations requirements—HUD said it was committed to improving the operation and oversight of its rental assistance programs. To do so, HUD said it would consider options for

- improving operational activities;

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- improving the collection and reporting of data related to the needs of persons with disabilities; and
  - improving program monitoring, evaluation, and oversight of federally subsidized housing providers.

However, HUD also noted challenges to addressing our recommendations, and different offices within HUD expressed varying views. The challenges it noted fall into several categories:

**Resources.** HUD stated that our first recommendation would require more funding for HUD to set up systems and add staff to perform data collection, maintenance, strategy development, and necessary follow-up. However, HUD's Office of Policy Development and Research acknowledged that HUD could make changes to its existing data systems and relevant guidance to address the recommendation. We recognize the challenges in collecting these data, but as stated in the report and HUD's Office of Policy Development and Research confirmed, HUD already has a process and system in place that periodically collects data from HUD-assisted households that HUD could leverage to address our recommendation. Additionally, we specifically did not detail how HUD should collect the data, recognizing that the agency may need flexibility to determine a cost-effective solution.

Regarding our second recommendation, FHEO officials said most complaints of discrimination alleging denial of reasonable accommodations involve matters unrelated to physical accessibility, such as changes to pet rules or parking policies. They also said implementing HUD staff review and analysis of individual reasonable accommodation requests made to the more than 40,000 HUD-assisted housing providers would strain already limited resources without producing meaningful outcomes for persons with disabilities in HUD-assisted housing. Our report does not state that FHEO should analyze individual requests for reasonable accommodations. Rather, we concluded that FHEO could work with the program offices to leverage data collected from PHAs and Section 8 PBRA owners on requests for reasonable accommodations and use the information to inform an oversight strategy. As HUD noted it in technical comments on our report, aggregate data could be useful in identifying patterns of very low requests or high rates of denials for reasonable accommodations. This, in turn, may signal noncompliance risk among housing providers. We maintain that data analysis is key to informing a comprehensive oversight strategy and the HUD Secretary should work with the program offices and FHEO to develop a resource-

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effective strategy for collecting and utilizing these data, including leveraging existing systems and processes.

**Administrative burden.** For our first recommendation, officials from HUD’s Office of Housing and Office of Public and Indian Housing said that collecting data on reasonable accommodations could place a large administrative burden on participating owners, particularly those in the Housing Choice Voucher and Section 8 Project-Based Rental Assistance programs and potentially deter their participation in HUD programs. Our report does not state that HUD should collect and assess detailed information on household requests and their resolution, but rather that it collect basic information from households on whether they requested and received a reasonable accommodation. To clarify this point, we replaced the term “resolution” with “status” in our recommendation. Our recommendation is specifically intended to give HUD flexibility in determining what information to collect and how to collect it. We described in our report other household data certain HUD-assisted housing providers collect from tenants on a routine basis as an example of how HUD could implement our recommendation, but acknowledge HUD may develop other suitable options. We continue to believe that HUD requires at least certain basic information about tenants to assess whether HUD-assisted housing providers are meeting tenant needs.

**Usefulness.** For our second recommendation, FHEO officials said that they believe the data we seek for HUD to collect and use to target disability-related compliance activities are unlikely to correlate to increased physical accessibility or produce meaningful impact. They further stated that reasonable accommodations requests are unique to the disability-related needs of the individual making the request and that property-level physical accessibility requirements are dependent on several factors, such as the age of the property, whether it had been altered or substantially rehabilitated, and which legal authorities are applicable. For these reasons, FHEO said aggregate data on individual requests alone would be unlikely to indicate noncompliance and would require resource-intensive analysis. Our report does not suggest a correlation between data collection and increased physical accessibility. Rather, our analysis illustrates that HUD knows little about the households with disabilities it serves through its programs, including whether they sought and received reasonable accommodations to which they are legally entitled. We maintain that HUD will be better positioned to assess whether HUD-assisted housing providers are meeting tenant needs if it knows more about the tenants it serves.



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We are sending copies of this report to the appropriate congressional requesters, the Secretary of Housing and Urban Development, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8678 or [cackleya@gao.gov](mailto:cackleya@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.

A handwritten signature in black ink that reads "Alicia Puente Cackley". The signature is written in a cursive, flowing style.

Alicia Puente Cackley  
Director, Financial Markets and Community Investment

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# Appendix I: Results and Methodology of a Survey of Public Housing Agencies

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To understand how three selected rental assistance programs in the Department of Housing and Urban Development (HUD) serve low-income households with disabilities, we surveyed a statistically representative sample of public housing agencies (PHA) operating in metropolitan areas or serving entire states in the 50 states and the District of Columbia. These PHAs administer one or more of the following HUD rental assistance programs: Public Housing, Housing Choice Voucher, and Project-Based Rental Assistance (PBRA). We asked PHA officials about the households they serve, accessibility of units offered, and processes in place to identify accessibility needs of renter households with disabilities under the programs.

We administered the web-based survey from July 2022 to September 2022, which collected information for calendar year 2021. Of the 756 PHAs in our stratified random sample, 467 responded to at least 25 percent of the closed-ended categorical questions and were included in our analyses.<sup>1</sup> We discuss our methodology in more detail later in this appendix.

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## Selected Results

The following is a selection of questions from the survey questionnaire (see tables 1–16).<sup>2</sup> We included questions on how PHAs address households with accessibility needs through assignment of accessible units or reasonable accommodations. Because respondents may not have responded to all questions, we provided the total number of respondents for each question to clarify how many PHAs provided information. Not all questions were applicable to all PHAs—for example, because not every PHA administers every program about which we asked.

All survey estimates are generalizable to the population of PHAs serving metropolitan areas or an entire state in the 50 states and District of Columbia, unless otherwise noted. We obtained an unweighted response rate of 62 percentage points. Because our estimates are from a

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<sup>1</sup>We defined a survey respondent as any PHA that provided answers to at least 25 percent of the closed-ended categorical questions on the questionnaire. We received a total of 467 responses that met this criterion.

<sup>2</sup>The survey comprised closed- and open-ended questions. In this appendix, we only include questions that pertained to unit accessibility features or the processes PHAs have in place regarding reasonable accommodations. We do not provide information on responses to the open-ended questions.

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generalizable sample, we express our confidence in the precision of our particular estimates as 95 percent confidence intervals.

**Public Housing Program**

**Table 1: Did your PHA manage any public housing units supported by HUD Section 9 subsidies as of January 1, 2022?**

| <b>Response</b> | <b>Estimated percentage</b> | <b>Number of responses</b> |
|-----------------|-----------------------------|----------------------------|
| Yes             | 59%<br>(52–66%)             | 264                        |
| No              | 41%<br>(34–48%)             | 188                        |

Legend: HUD = Department of Housing and Urban Development; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: Section 9 refers to Section 9 of the United States Housing Act of 1937, which authorizes HUD’s Public Housing program. The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

**Table 2: How many public housing units did your PHA manage as of January 1, 2022?**

| <b>Estimated median</b> | <b>Estimated mean</b> | <b>Number of responses</b> |
|-------------------------|-----------------------|----------------------------|
| 242<br>(172–298)        | n/r                   | 261                        |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The numbers in parenthesis represent the lower and upper bounds of each estimate at the 95 percent confidence interval. We are not reporting (n/r) the estimated mean because the relative standard error for it is greater than 25 percent.

**Table 3: How many of your public housing units were fully accessible as of January 1, 2022?**

| <b>Estimated median</b> | <b>Estimated mean</b> | <b>Number of responses</b> |
|-------------------------|-----------------------|----------------------------|
| n/r                     | 92<br>(63–122)        | 231                        |

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: We are not reporting (n/r) the estimated median because the relative standard error for it is greater than 25 percent. The numbers in parenthesis represent the lower and upper bounds of each estimate at the 95 percent confidence interval.

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**Table 4: Percent of Public Housing units that were fully accessible**

| Estimated median | Estimated mean  | Number of responses |
|------------------|-----------------|---------------------|
| 6%<br>(5–9%)     | 31%<br>(22–39%) | 230                 |

Source: GAO survey of public housing agency (PHA) officials. | GAO-23-105083

Notes: We calculated the median and mean values from the distribution of the percent of each PHA's public housing units that were fully accessible. We obtained the percentage by dividing the number of fully accessible housing units by the total number of housing units in each PHA. The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

**Table 5: At what point(s) does your PHA obtain information on accessibility needs of households with disabilities? (select all that apply)**

| Response  | Estimated percent | Number of responses (Yes) |
|---|-------------------|---------------------------|
| During the application and approval process for public housing assistance                         | 96%<br>(90–99%)   | 250                       |
| After the household was in receipt of public housing assistance, including income recertification | 84%<br>(74–91%)   | 203                       |
| At the time of a household making a reasonable accommodation request                              | 97%<br>(91–100%)  | 237                       |
| At some other point   | n/r               | 34                        |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: Respondents were asked to select all responses that applied. The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval. We are not reporting (n/r) the estimate for "at some other point" because the maximum half-width of the confidence interval is greater than 15 percentage points.

**Table 6: At what point(s) does your PHA notify households of their right to a reasonable accommodation? (select all that apply)**

| Response  | Estimated percent | Number of responses (Yes) |
|---|-------------------|---------------------------|
| During the application and approval process for public housing assistance                         | 100%<br>(98–100%) | 252                       |
| After the household was in receipt of public housing assistance, including income recertification | 89%<br>(80–95%)   | 207                       |
| At some other point   | n/r               | 69                        |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: Respondents were asked to select all responses that applied. The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval. We are not reporting (n/r) the estimate for "at some other point" because the maximum half-width of the confidence interval is greater than 15 percentage points.

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**Table 7: Does your PHA have a formal process for handling requests for a reasonable accommodation from public housing tenants?**

| <b>Response</b> | <b>Estimated percent</b> | <b>Number of responses</b> |
|-----------------|--------------------------|----------------------------|
| Yes             | 95%<br>(88–99%)          | 253                        |
| No              | 5%<br>(2–12%)            | 6                          |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

We also asked PHAs, “How many reasonable accommodation requests did your PHA receive in calendar year 2021 (as of January 1, 2022)?” Due to a high margin of error, we were not able to provide an estimated mean or median value for the requests. However, we received responses from 213 PHAs and the values they reported ranged from 0 to 4,896.

**Housing Choice Voucher Program**

**Table 8: Did your PHA administer Housing Choice Vouchers as of January 1, 2022?**

| <b>Response</b> | <b>Estimated percent</b> | <b>Number of responses</b> |
|-----------------|--------------------------|----------------------------|
| Yes             | 78%<br>(71–84%)          | 422                        |
| No              | 22%<br>(16–30%)          | 35                         |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

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**Table 9: At what point(s) does your PHA obtain information about accessibility needs of households with disabilities? (select all that apply)**

| <b>Response</b>  | <b>Estimated percent</b> | <b>Number of responses (Yes)</b> |
|--|--------------------------|----------------------------------|
| During the application and approval process for HCV assistance                         | 96%<br>(93–99%)          | 397                              |
| After the household was in receipt of HCV assistance, including income recertification | 85%<br>(78–91%)          | 325                              |
| At the time of a household making a reasonable accommodation request                   | 96%<br>(91–99%)          | 371                              |
| At some other point  | 53%<br>(40–67%)          | 61                               |

Legend: HCV = Housing Choice Voucher; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

**Table 10: At what point(s) does your PHA notify voucher-assisted households of their right to a reasonable accommodation? (select all that apply)**

| <b>Response</b>  | <b>Estimated percent</b> | <b>Number of responses (Yes)</b> |
|--|--------------------------|----------------------------------|
| During the application and approval process for HCV assistance                         | 97%<br>(92–99%)          | 406                              |
| After the household was in receipt of HCV assistance, including income recertification | 87%<br>(79–92%)          | 333                              |
| At some other point  | 66%<br>(53–78%)          | 102                              |

Legend: HCV = Housing Choice Voucher; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

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**Table 11: Which of the following would your PHA do if it received a HCV household’s request for a reasonable accommodation that your PHA considers to be the responsibility of the landlord/housing provider? (select all that apply)**

| <b>Response</b>                          | <b>Estimated percent</b> | <b>Number of responses (Yes)</b> |
|--|--------------------------|----------------------------------|
| Forward to the landlord/housing provider | 90%<br>(85–94%)          | 327                              |
| Refer to another entity for assistance   | 60%<br>(52–69%)          | 199                              |
| Assist with request within the PHA       | 82%<br>(75–87%)          | 255                              |
| Other action                             | 66%<br>(53–77%)          | 111                              |

Legend: HCV = Housing Choice Voucher; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

**Table 12: Which of the following would your PHA do if it received a complaint from a HCV-assisted household about denial of a reasonable accommodation request by their landlord/housing provider? (select all that apply)**

| <b>Response</b>                          | <b>Estimated percent</b> | <b>Number of responses (Yes)</b> |
|--|--------------------------|----------------------------------|
| Forward to the landlord/housing provider | 76%<br>(68–83%)          | 223                              |
| Refer to another entity for assistance   | 83%<br>(75–89%)          | 290                              |
| Assist with request within the PHA       | 85%<br>(79–90%)          | 277                              |
| Other action                             | 70%<br>(57–81%)          | 111                              |

Legend: HCV = Housing Choice Voucher; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

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**Project-Based Rental  
Assistance Program**

**Table 13: Did your PHA own any project-based rental assistance units as of January 1, 2022?**

| <b>Response</b> | <b>Estimated percent</b> | <b>Number of responses</b> |
|-----------------|--------------------------|----------------------------|
| Yes             | 15%<br>(11–19%)          | 107                        |
| No              | 85%<br>(81–89%)          | 348                        |

Legend: PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval.

**Table 14: How many PBRA units did your PHA own as of January 1, 2022?**

| <b>Estimated median</b> | <b>Estimated mean</b> | <b>Number of responses</b> |
|-------------------------|-----------------------|----------------------------|
| n/r                     | 308<br>(179–436)      | 104                        |

Legend: PBRA = project-based rental assistance; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: We are not reporting (n/r) the estimated median because the relative standard error for it is greater than 25 percent. The numbers in parenthesis represent the lower and upper bounds of each estimate at the 95 percent confidence interval.

**Table 15: How many PBRA units owned by your PHA were fully accessible as of January 1, 2022?**

| <b>Estimated median</b> | <b>Estimated mean</b> | <b>Number of responses</b> |
|-------------------------|-----------------------|----------------------------|
| 14<br>(7–20)            | n/r                   | 92                         |

Legend: PBRA = project-based rental assistance; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Notes: The numbers in parenthesis represent the lower and upper bounds of each estimate at the 95 percent confidence interval. We are not reporting (n/r) the estimated mean because the relative standard error for it is greater than 25 percent.



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**Table 16: Percent of PBRA-owned units that were fully accessible (accessible units/total units)**

| Estimated median | Estimated mean  | Number of responses |
|------------------|-----------------|---------------------|
| 9%<br>(7–10%)    | 24%<br>(12–35%) | 89                  |

Legend: PBRA = project-based rental assistance; PHA = public housing agency

Source: GAO survey of PHA officials. | GAO-23-105083

Note: The percentages in parenthesis represent the lower and upper bounds of each percentage estimate at the 95 percent confidence interval. We calculated the median and mean values from the distribution of the percent of each PHA's PBRA-owned units that were fully accessible. We obtained the percentage by dividing the number of fully accessible PBRA-owned units by the total number of PBRA-owned units in each PHA.

## Survey Methodology

To understand how three selected rental assistance programs in HUD serve low-income households with disabilities, we administered a web-based questionnaire to a representative sample of PHAs operating in metropolitan areas or serving entire states in the 50 states and the District of Columbia.

To identify the universe of PHAs to include in our survey, we used HUD PHA data from the HUD archive available on the ArcGIS open data website on November 2021. After resolving duplicate entries and missing data on location and characteristics of PHAs, we developed a list of PHAs located in metropolitan areas (through a Census-Based Statistical Area designation) or serving an entire state. We restricted the selection to PHAs that had or served at least 50 units or households.

We then grouped the PHAs into size categories based on number of units or vouchers administered and in alignment with HUD's own categorization of PHA size: small (administering 50–99 units), medium (100–999), large (1,000–4,999), and extra-large (5,000 or more).<sup>3</sup> We wanted to include PHAs of different sizes in our sample because size might influence decisions regarding administration and handling of accessibility needs. In addition, we included PHAs participating in the Moving to Work demonstration program in our sample because these agencies have

<sup>3</sup>We excluded PHAs that served fewer than 50 households from our survey because limited data were available about them. The data we used to select PHAs for our survey sample did not include information on Section 8 PBRA. However, because some PHAs administer that program, we included several questions about it in our survey.

additional flexibilities that may affect their ability to serve the accessibility needs of household with disabilities.<sup>4</sup>

We stratified our sample, dividing the PHAs into the following groups: (1) small and medium-sized, (2) large, (3) extra-large, and (4) Moving to Work demonstration program participants. Our initial sample size was designed to achieve a stratum-level sampling error (or margin of error) of no more than plus or minus 10 percentage points for an attribute level at the 95 percent level of confidence. We assumed a response rate of 55 percent to determine the sample size for each stratum. We also decided to include all extra-large PHAs, large PHAs, and PHAs operating as Moving to Work agencies in the sample because of the relatively low number of PHAs in these subpopulations. With these adjustments, our final sample size was 756.

The practical difficulties of conducting any survey may introduce errors, commonly referred to as nonsampling errors.<sup>5</sup> For example, difficulties in interpreting a particular question or sources of information available to respondents can introduce unwanted variability to the survey results. We took steps to minimize nonsampling error when developing the questionnaire, collecting the data, and analyzing the results.

For instance, before administering the survey, we screened our questions with representatives of the Council of Large Public Housing Authorities and the Public Housing Authorities Directors Association to ensure the questions were appropriately scoped and relevant to PHAs. We also conducted a pre-test with representatives of seven large and extra-large PHAs to reduce measurement error.<sup>6</sup> Using cognitive interviewing techniques, such as nondirective probing of answers, we determined whether (1) the questions were clear and unambiguous, (2) terminology

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<sup>4</sup>HUD implemented the Moving to Work demonstration program, which was authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996, in 1999. The program is intended to give participating PHAs the flexibility to design and test innovative strategies for providing and administering housing assistance. Pub. L. No. 104-134, 110 Stat. 1321, 1321-281.

<sup>5</sup>Nonsampling error, which may not be measurable, arises from deficiencies in coverage of the population, measurement of the study variables, and processing of response data, and from nonresponse to the survey or individual questions.

<sup>6</sup>We randomly selected PHAs to participate in the pretest using the following five groups: (1) extra-large PHAs, (2) extra-large PHAs with Moving to Work status, (3) large PHAs, (4) large PHAs with Moving to Work status, and (5) state-level PHAs. At least one of each of the five types was included in the pre-test. To reduce bias, we removed PHAs we interviewed for pre-testing from the sample of PHAs that were sent our final questionnaire.

was used correctly, (3) the questionnaire did not place an undue burden on PHA officials, (4) the information could feasibly be obtained, and (5) the survey was unbiased. Based on the pretests, we modified the questionnaire as appropriate.

Two weeks before sending the questionnaire, we emailed a notification to each PHA in our sample. This was to give sufficient notice to PHAs, verify email contacts, and update contact information for PHA executive directors, acting directors, or their proxies, as needed. To maximize survey response, we emailed or telephoned PHAs that did not respond to the initial notice multiple times to encourage survey participation or provide technical assistance. We administered the survey from July 2022 through September 2022.

We defined a survey respondent as any PHA that provided answers to at least 25 percent of the closed-ended categorical questions on the questionnaire. We received a total of 467 responses for an unweighted response rate of 61.8 percentage points. We used logistic regression models on our survey data to look for correlation with the propensity to respond among available administrative variables. We found that the propensity to respond was correlated with the size of the Public Housing (Low Rent) program, size of the Section 8 PBRA program, and percentage of elderly residents within a PHA. We used the predicted propensity to respond from a logistic regression model with these administrative variables to create sample weight adjustment cells. We used propensity cell adjustment to account for nonresponse bias.

With this adjustment of the sampling weights for nonresponse bias, the results of the survey are generalizable to our population of PHAs. Results for the survey are statistically weighted to reflect the stratification by type of PHA used in the sample selection, the design-based adjustment for nonresponse within each stratum, and post-stratification adjustment for differential response propensity.

Because we followed a probability procedure based on random selections, our sample is one of a large number of samples that we might have drawn. Because each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (for example, plus or minus 8 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. Confidence intervals are provided with each sample estimate in the report. All survey results presented in the body of this report are

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generalizable to the estimated population of 1,747 small, medium, large, and extra-large PHAs operating in metropolitan areas or serving an entire state, unless otherwise noted.

# Appendix II: Comments from the Department of Housing and Urban Development



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-6000

OFFICE OF POLICY DEVELOPMENT  
AND RESEARCH

June 8, 2023

Alicia Puente Cackley  
Director, Financial Markets and Community Investment  
Government Accountability Office  
450 H St NW  
Washington, D.C. 20001

Dear Ms. Puente Cackley,

On behalf of the U.S. Department of Housing and Urban Development (HUD), I have been asked to provide comments on the Government Accountability Office (GAO) draft report entitled, "HUD Rental Assistance: Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements."

HUD commends GAO for this review of an issue of major national importance - the provision of safe, affordable and accessible housing for persons with disabilities. HUD's three largest rental assistance programs, which are the subject of this report - Public Housing, Section 8 Housing Choice Vouchers, Project-based Section 8 - serve approximately 4.4 million total households. A very high proportion of HUD assisted families, nearly 1.9 million households total have at least 1 person with a disability, with nearly 2.1 million total individuals with a disability. These assisted families cover many different family types including 1.7 million families with the head of household with a disability, households with seniors (over 835,000 households), and families with children, over 100,000 of whom have a child with a disability.

In addition, HUD administers a number of other critical housing and support programs providing housing and supportive services for thousands of additional families and individuals including the HOME Investment Partnerships block grant program, the Continuum of Care homelessness assistance programs, The Section 811 Supportive Housing for Persons with Disabilities, the Section 202 Supportive Housing for the Elderly Program, and the Housing for Persons with AIDS (HOPWA) program. HUD also has a key role, together with the Department of Justice, in the enforcement of key civil rights statutes, including the Fair Housing Act, the Americans with Disabilities Act and Section 504 of the Federal Rehabilitation Act of 1973.

Despite this significant level of assistance reaching families and persons with disabilities, HUD's analysis of national housing markets and assessment of the needs for affordable housing also show the overwhelming need that is unmet by either government programs or the private market overall. The most recent HUD report to Congress on Worst Case Needs showed there were 7.77 million very-low renter households with worst case needs for affordable housing in 2019.

[www.hud.gov](http://www.hud.gov) [espanol.hud.gov](http://espanol.hud.gov)

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About 13 percent of these households with worst case needs included people younger than 62 who have disabilities. Among very low-income renter household overall, there were 2.89 million households with people younger than 62 reporting at least one of the six measures of disability - and over one-third of these households - 1.04 million - experienced worst case needs, of whom 32.2 percent were families with children.<sup>1</sup>

GAO's report, as well as its recent companion report, "HUD Rental Assistance: Serving Households with Disabilities," (GAO-23-106339) issued in March 2023, adds to this body of knowledge, including assessment of HUD administrative and program issues. The current GAO report includes two recommendations for HUD:

- Recommendation 1 - The Secretary of HUD should ensure the Assistant Secretaries for the Offices of Public and Indian Housing and Multifamily Housing Programs systematically collect and maintain data on household requests for reasonable accommodations, including structural modifications, and the resolution of these requests in the Public Housing, Housing Choice Voucher, and Section 8 Project-Based Rental Assistance programs.
- Recommendation 2 - The Secretary of HUD should ensure the Assistant Secretaries for the Offices of Public and Indian Housing, Multifamily Housing Programs, and Fair Housing and Equal Opportunity develop and implement a strategy for overseeing HUD-assisted housing providers' compliance with reasonable accommodations requirements in its rental assistance programs. Such a strategy could consider how to effectively collect and use household data to identify compliance risks among housing providers.

HUD is committed to improving the operation and oversight of programs to provide affordable and accessible housing for persons with disabilities. These efforts include consideration of options for improved operational activities, for improved collection and reporting data related to the needs of persons with disabilities, as well as options for improved program monitoring, evaluation and oversight of federally subsidized housing providers.

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<sup>1</sup> HUD defines "worst case needs" as the number of very-low income renters without rental assistance who are paying more than one-half of their income for rent, live in severely inadequate conditions, or both.

See, HUD PD&R, "Worst Case Housing Needs 2021 Report To Congress" (July 2021). Available at: <https://www.huduser.gov/portal/publications/Worst-Case-Housing-Needs-2021.html>

For additional HUD assessment of needs for persons with disability for affordable and accessible housing, see: HUD, PD&R, "Accessibility in Housing: Findings from the 2019 American Housing Survey" (March 2021), available at: <https://www.huduser.gov/PORTAL/publications/Accessibility-in-Housing-Report.html>

HUD, PD&R, "A Picture of Disability and Designated Housing" (March 2015), available at: <https://www.huduser.gov/portal/publications/mdr/disability-designatedHousing.html>

HUD, PD&R, "Worst Case Housing Needs of People with Disabilities - Supplemental Findings of the Worst Case Housing Needs 2009: Report to Congress" (March 2011) available at: [https://www.huduser.gov/portal/publications/affhsg/wcn\\_disability.html](https://www.huduser.gov/portal/publications/affhsg/wcn_disability.html)

On the topic of data availability, PD&R notes the worst case needs estimates, as well as GAO's own estimates using data matching, are available from the American Housing Survey, administered by the Census Bureau, is funded by PD&R including \$39.75 million for FY 2023, representing a substantial portion of the total \$71 million available for PD&R "core" research and technology activities. The data matching methodology itself is also available because of extensive cooperation between HUD and Census, including matching AHS survey respondents to HUD administrative data. See the Consolidated Appropriations Act, 2023, Public Law 117-328.

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As GAO is aware, there are some issues with the feasibility and intended potential scope of the specifics of the first recommendation, in particular. These include the funding that would be necessary from Congressional appropriations, not only for HUD staff and systems, but also for our state, local and private housing provider partners. Any new potential system for complex data collection and tracking would also have to be weighed against alternative options on both a cost-effectiveness basis, as well as for policy and legal considerations, including protecting tenant privacy and consideration of alternative approaches to achieve the same overall intended outcome. Some of these issues are further outlined in the additional comments from the Department included as a separate attachment.

HUD also notes these recommendations are related to findings and recommendations from HUD's own inspector general in a recent 2022 report, "Requests for Reasonable Accommodation in Public Housing," which GAO also cites several times in this report. This HUD IG report included six recommended actions for HUD action. While the HUD IG recommendations are related, they also differ in detail and scope from GAO's own. HUD will continue to work with the HUD Office of Inspector General to implement and to keep both Congress and the public apprised of progress towards these goals. Indeed, three of the six HUD OIG original recommendations have been deemed fully implemented.<sup>2</sup>

Additional comments and views of the Department are included as a separate attachment to this letter. Should you or your staff have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

**TODD RICHARDSON**  
Digitally signed by TODD RICHARDSON  
DN: cn = TODD RICHARDSON, c = US, o = U.S. Government  
Department of Housing and Urban Development, Policy  
Development and Research  
Date: 2023.08.08 17:58:05 -0400

Todd Richardson  
General Deputy Assistant Secretary  
Office of Policy Development & Research  
U.S. Department of Housing  
and Urban Development

- Attachment.

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<sup>2</sup> See, HUD OIG, "Requests for Reasonable Accommodation in Public Housing," (February 2022) available at: <https://www.hudoig.gov/reports-publications/report/hud-did-not-have-adequate-policies-and-procedures-ensuring-public> and the HUD OIG recommendations tracking webpage at: <https://www.hudoig.gov/open-recommendation/2022-bo-0001-001-f-hud-did-not-have-adequate-policies-and-procedures-ensuring>.

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**U.S. Department of Housing and Urban Development  
to the Government Accountability Office**

**Additional Comments on GAO's Draft Final Report:  
"HUD Rental Assistance: Enhanced Data and Strategy Could Improve  
Oversight of Accessibility Requirements"**

**Comments from the Office of Housing and Office of Public and Indian Housing**

As previously noted in HUD comments and meetings with GAO, reasonable accommodations requests can include a wide range of requests, not only related to physical accessibility and building or unit modifications, but also to requests for assistance animals or the policies and practices of the property owner or housing management office. There are also different considerations for the different HUD rental assistance programs, in terms of the HUD program partners responsible for administering the programs at the state and local level. For Public Housing, requests for Reasonable Accommodation are submitted to PHAs by individual residents for a variety of issues, some of which are tied to statutory requirements such as the ADA or Section 504. For Housing Choice Vouchers, such requests are submitted by the tenant directly to their landlord, neither the request or the disposition of such requests are required to be sent to PHAs. In the Project-Based Section 8 program, requests for Reasonable Accommodation are submitted to private sector multifamily property owners rather than a PHA.

The two GAO recommendations would require HUD to establish an infrastructure to collect and maintain data on household requests for reasonable accommodations and develop a strategy for using the data to identify compliance risk among housing providers. This would require HUD to set up systems and add staff to perform the data collection, maintenance, strategy development, and necessary follow up. HUD does not currently have such a system nor staff. Additionally, without additional funding from Congress for the Project-Based Section 8 program itself (and other affected programs) the recommendations would require additional burden on Multifamily owners to collect, maintain, and report reasonable accommodation data to HUD.

We are concerned that the GAO recommendations could have an unintended negative effect. Placing a large administrative burden on participating owners to report data that largely does not address unit or property accessibility would deter participation in the program. Both of those outcomes could reduce the availability of accessible housing. For example, the 1.2 million units covered by the Project-based Section 8 program are covered by Housing Assistance Payment contracts, which allow for owners to opt out of the contract at renewal. Similarly, the Housing Choice Voucher program relies on the participation of private sector landlords, who could see additional costs for reporting and tracking individual tenant requests either to a PHA or to HUD directly, depending on how such a new system would be developed. Without the provision of additional funding for these new administrative reporting costs, these private sector housing providers may have a disincentive to participate in these critical housing programs.

**Comments from HUD's Office of Fair Housing and Equal Opportunity**

The mission of the Office of Fair Housing and Equal Opportunity (FHEO) is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing



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policies and laws. Across the United States, FHEO enforces the federal Fair Housing Act and other federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA), through the investigation of filed complaints against private housing providers and HUD-funded entities. FHEO has authority to review, investigate and enforce civil rights compliance in programs operated by nearly 40,000 HUD-assisted housing providers across the country and more than 1,200 formula grantees of community planning and development funding. Inclusive communities and affordable, accessible, and integrated housing for persons with disabilities are at the core of FHEO's mission.

FHEO is supportive of GAO's recommendation that HUD collect additional data about the accessibility of HUD's assisted housing portfolio and the needs of persons with disabilities who reside in or are eligible for HUD-assisted housing. FHEO disagrees, however, with GAO's conclusions regarding the data sources that would be most useful to the Department and notes that HUD is already committed to actions that will achieve GAO's and HUD's mutually desired objectives. On April 25, 2023, HUD published an Advance Notice of Proposed Rulemaking (ANPRM) to update its Section 504 regulation. In pertinent part, the ANPRM seeks public comment about the kinds of data and information HUD should consider in determining the level of need for accessible housing for persons with disabilities. Following the ANPRM, HUD intends to draft a Notice of a Proposed Rulemaking (NPRM) that would propose the adoption of an updated Federal accessibility standard for purposes of compliance with HUD's Section 504 regulations, as well as propose revisions to HUD's Section 504 regulations to clarify recipients' obligations, including the provision of reasonable accommodations, to further accessibility. The ANPRM also seeks to account for advances in accessible design, information and communication technology, and assistive technologies that have become available since HUD's Section 504 regulations were originally published and could enhance accessibility.

Additionally, FHEO fulfills a strategy to effectuate impactful civil rights compliance outcomes that result in the creation of additional accessible housing in HUD's assisted portfolio for persons with disabilities who require accessibility features. As an initial matter, FHEO's enforcement and compliance activities are authorized by statute and regulation. FHEO is statutorily mandated to conduct investigations of filed complaints under the Fair Housing Act and other civil rights authorities. In addition to the investigation of thousands of filed complaints annually, FHEO has legal authority to conduct civil rights compliance reviews of recipients of HUD funding. However, FHEO's civil rights compliance review resources are limited. FHEO prioritizes these limited resources on high impact civil rights compliance reviews of HUD recipients where there is a substantial reason to believe material non-compliance may exist. While compliance resources are limited, the scope of FHEO's compliance authority is broad and multifaceted, covering discrimination based on race, color, religion, national origin, age, and disability, among other protected bases, across tens of thousands of recipients and sub-recipients of HUD funds. Over GAO's five-year review period, FHEO expended fifty percent of its civil rights compliance review resources on disability-based compliance reviews under Section 504 and/or the ADA. These reviews resulted in significant corrective action, including requiring HUD-assisted housing providers to produce thousands of accessible units.

FHEO welcomes strategies to improve accessibility in HUD-funded housing, however, we believe the data GAO seeks the Department to collect and utilize to target disability-related compliance activities is unlikely to correlate to increased physical accessibility or produce a meaningful impact. Reasonable accommodations requests are unique to the disability-related needs of the individual making the request. Property level physical accessibility requirements are also dependent on several factors, such as when the

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property was built, whether the property has been altered or substantially rehabilitated, and which legal authorities are applicable. For these reasons, aggregate data of individual requests alone would be unlikely to indicate noncompliance and would require additional resource-intensive analysis. In addition, most complaints of discrimination alleging denial of reasonable accommodations involve matters unrelated to physical accessibility, such as changes to pet rules or parking policies. Implementing HUD staff review and analysis of individual reasonable accommodation requests made to the more than 40,000 HUD-assisted housing providers across the country would result in immense strain on already limited resources without producing meaningful outcomes for persons with disabilities who are eligible for or already reside in HUD-assisted housing.

FHEO is committed to ensuring that HUD-assisted housing is accessible and integrated for persons with disabilities. In its FY 2024 budget request, FHEO identified the need for critical resources to support its regulatory agenda, which would advance accessible and integrated for persons with disabilities across HUD programs, consistent with fair housing and civil rights laws.

Additional Comments from HUD's Office of Policy Development & Research

GAO makes a number of statements related to HUD data, or lack thereof, on the accessibility needs of HUD-assisted persons and families, which may be overbroad. For example,

“HUD program office officials recognized that the agency lacks information on the accessibility needs of HUD-assisted households and whether they have been met... For example, they stated that household requests for reasonable accommodations are difficult to track because they can be made at any time and are particular to the household requesting them.”

First, as discussed in the GAO report, there are a number of relevant data sources on accessibility needs, including basic demographic data both from PHAs and multifamily owners reporting on the status of new admissions and existing tenants. There is also a data reporting requirement for public housing specifically for families who request accessibility features. These are both discussed in more detail, below.

Second, with regard to the specific issue raised in the second sentence (“requests for reasonable accommodations... can be made at any time”), this is relevant to whether the existing PHA data reporting via the specific 50058 form itself is a promising option for a new data collection on reasonable accommodations requests. For a number of reasons, also discussed below, it likely is not the ideal means for this specific use. This raises the possibility that a full, regular and systematized process for logging, tracking and reporting of all reasonable accommodations requests would require a new system, which would require both congressional appropriations to implement, together with a full rulemaking and extensive work with both PHAs and private multifamily owners.

While acknowledging these potential barriers, there are a number of possible policy and data options that HUD can assess and consider to meet the overall need for improved data - and for the purposes of improved program delivery to our assisted families and prospective tenants in need of assistance.

As GAO notes, HUD does have an existing data collection system for tenants of public housing both for their disability status as well as for households that requested accessibility features related to physical disabilities. During the course of the report, HUD officials acknowledged that the latter data item (via the Public Housing Form 50058) does appear to have reporting issues with the data being unevenly populated in the system. The reason for this was not immediately clear without a more in-depth examination. GAO's own survey, conducted for this report, found that a substantial number of PHAs answered

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positively that they currently already obtain information on tenant accessibility needs. Indeed, GAO, “estimates that over 83 percent of the PHAs... obtained this information during the application process and annual certification” which may indicate this is the same information to be entered into the household’s 50058 data reporting for public housing (as the form is used at both points of contact - admission and income recertification). The survey responses being well below a fully responsive level also would seem to be consistent with the uneven data results in the PIC system.<sup>1</sup>

In order to improve HUD’s data collection through these existing methods, and to address the apparent issues with the current data variables, HUD can examine options for improving data reporting, which may include guidance or improved instructions for these specific questions.

HUD has taken other recent steps in this area, including issuing a HUD Notice with improved and detailed instructions and guidance on how to use the data reporting question in this section, which asks PHAs if they have identified particular public housing units as accessible units. (See HUD PIH Notice 2022-003 “Guidance on Unit Designation Categories and Accessible Designation Categories in IMS/PIC,” available at: <https://www.hud.gov/sites/dfiles/OCHCO/documents/2022-03pihn.pdf>).

For Housing Choice Vouchers, the structure of the program presents a somewhat different situation, as the PHA providing the subsidy on behalf of the tenant is usually not the owner of the property itself, but rather pays a portion of the rent to a private owner. PHAs are thus not always aware of or have direct access to all tenant requests, including requests for reasonable accommodations. HUD is undertaking a separate potential improvement, which can include potentially adding information for when a HCV assisted family may request an exception rent or HCV payment standard from the PHA that is related to a disability accommodation.

For Project-Based Section 8, this program is administered by HUD’s Office of Housing with direct federal contracts with private owners of multifamily rental housing. This program uses a separate data reporting system and information collection system (including HUD Form 50059). This form does ask tenants about their disability status, and more specifically, if the person has a disability related to either hearing, visual or mobility related disability. While the PB S8 form does not include the same specific question on whether the household has requested accessibility features, the latter question on mobility disabilities does provide data directly related to the issue. As an option for potential future actions to improve HUD’s information on housing needs, HUD could also consider amending the Project-Based Section 8 data collection to potentially include questions similar to those already in use for the public housing program.

As previously noted, GAO references a 2022 HUD Inspector General (HUD IG) Report, “Requests for Reasonable Accommodation in Public Housing,” which includes a recommendation for improved PHA tracking of reasonable accommodations requests. While related to GAO’s recommendation, it should be noted that the HUD IG also differs significantly and recommends HUD establish improved policies for

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<sup>1</sup> For HUD Forms in this series (both 50058 and 50059), see [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5)

The HUD 50058 form for public housing asks:

5e. Has the PHA identified this unit as an accessible unit? (Public Housing only) (Y or N)

5f. Has the family requested accessibility features? (Public Housing only) (Y or N)

5g. Has the family received requested accessibility features? (Public Housing only)

(with the following answer options) [ ] a. Yes, fully [ ] b. Yes, partially [ ] c. No, not at all [ ] d. Action pending.

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PHAs to establish policies for tracking requests but would not require a new complex reporting system with HUD itself collecting such information from PHAs (and all other assisted housing providers):

“We recommend that HUD’s Deputy Assistant Secretary for Public Housing and Voucher Programs require that PHAs track requests for reasonable accommodation, including the date of the request, the type of request, and the disposition and date of any action taken that should be made available to HUD at its request.” (HUD IG Recommendation # 1C)

HUD is working to implement improvements to complete the HUD IG recommendation, through issuing new guidance for PHAs on how to establish consistent and effective reasonable accommodations requests. HUD will keep the HUD IG and relevant Congressional committees apprised of progress towards this goal.

In addition to the recommendation for a new data collection effort, GAO includes a second recommendation for HUD related to compliance monitoring:

[GAO Recommendation 2] “The Secretary of HUD should ensure the Assistant Secretaries for the Offices of Public and Indian Housing, Multifamily Housing Programs, and Fair Housing and Equal Opportunity develop and implement a strategy for overseeing HUD-assisted housing providers’ compliance with reasonable accommodations requirements in its rental assistance programs. Such a strategy could consider how to effectively collect and use household data to identify compliance risks among housing providers.”

The HUD IG report has a number of other recommendations related to oversight and compliance monitoring, as well as the need for improved guidance for HUD grantees and assisted families themselves both to request reasonable accommodations and as to their rights to file complaints. For reference, the additional five HUD IG recommendations are for HUD to undertake and complete the following actions:

- 1A. Update its compliance monitoring guidance to include a requirement for personnel to review PHAs reasonable accommodations policies and procedures.
- 1B. Update and consolidate requests for reasonable accommodation policies and procedures to ensure that there is centralized guidance available for the field offices and PHAs.
- 1C (discussed above)
- 1D. Require that PHAs track requests for reasonable accommodation, including the date of the request, the type of request, and the disposition and date of any action taken that should be made available to HUD at its request.
- 1E. Review the joint agreement between HUD PIH and FHEO, including the Section 504 checklist, and modify, update, or recommit to it to ensure that the role of PIH and the responsibility for conducting civil rights front-end reviews is clearly defined.
- 1F. Ensure that personnel receive training on how to conduct the civil rights front-end reviews, including a review of PHAs reasonable accommodation policies and procedures.<sup>2</sup>

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<sup>2</sup> HUD OIG, “Requests for Reasonable Accommodation in Public Housing. (HUD OIG 2022-BO-0001 (February 2022) available at: <https://www.hudoig.gov/sites/default/files/2022-02/2022-BO-0001.pdf> ; with additional information on the report’s recommendations for HUD, at: <https://www.hudoig.gov/open-recommendation/2022-bo-0001-001-f-hud-did-not-have-adequate-policies-and-procedures-ensuring>.

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**Appendix II: Comments from the Department  
of Housing and Urban Development**

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As of the date of this transmittal, three of the six HUD IG recommendations (including recommendation # 1C referenced further above) are deemed to be fulfilled and closed by the HUD IG (specifically recommendations 1A, 1E and 1F are closed). As HUD works to implement policies and actions to address these identified areas in need of improvement, the agency will also work with GAO and our housing provider partners and assisted families to assess options for addressing GAO's own recommendation in this area.

While working to improve specific policies and procedures, it is important to also not lose sight of the larger issues here, namely the overall lack of affordable and accessible housing for persons with disabilities, including among low-income families eligible for HUD assistance. As acknowledged by HUD, there is a national crisis in the lack of rental housing, for example as demonstrated in HUD's Worst Case Needs housing reports. For persons with disabilities, this crisis is exacerbated by the lack of accessible housing, both within the HUD-assisted stock and in the private housing market overall. Responding to this crisis requires support of the housing programs that maintain and improve the existing stock, but also increased production and availability through new affordable opportunities, such as through the HOME program, expanded Housing Choice Vouchers, including for vulnerable populations, and programs to reposition or add to the HUD stock such as the Choice Neighborhoods Initiative and Rental Assistance Demonstration program. It also requires enforcement and compliance with relevant civil rights laws, including the Fair Housing Act, Section 504 of the Federal Rehabilitation Act and the Americans with Disabilities Act.

To reiterate, HUD is committed to improving the operation and oversight of programs to provide affordable and accessible housing for persons with disabilities. These efforts include consideration of options for improved operational activities, for improved collection and reporting data related to the needs of persons with disabilities, as well as options for improved program monitoring, evaluation and oversight of federally subsidized housing providers.

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

Alicia Puente Cackley, (202) 512-8678 or [cackleya@gao.gov](mailto:cackleya@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Cory Marzullo (Assistant Director), Marianne Anderson (Analyst in Charge), Carl Barden, Rachel Batkins, Pin-En (Annie) Chou, Giselle Cubillos-Moraga, Abinash Mohanty, Marc Molino, Kirsten Noethen, Yann Panassie, Josephine Perez, Christina Pineda, Matthew Rabe, Barbara Roesmann, Carl Ramirez, Jean Recklau, Julia Robertson, Krishana Jackson Perry, and Farrah Stone made key contributions to this report.

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