

Your Home | Your Rights

How the Fair Housing Act Helps
Persons with Disabilities



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It doesn't matter if you are a homeowner or a renter, young or old, walk or use a wheelchair; everyone wants to live in a comfortable and safe home that meets their needs.

Sometimes however, people with disabilities who either want to rent a home or who are current tenants, encounter housing discrimination. Fortunately, their rights are protected under the Fair Housing Act.



What Is the Fair Housing Act?

The Fair Housing Act (FHA) is a federal law that makes it illegal for all housing providers including property owners, landlords, housing managers, neighborhood and condominium associations, real estate agents and brokerage service agencies to discriminate based on race or color, religion, sex, national origin, familial status, or disability.

What Is a Disability?

While “disability” can mean different things to different people, under the Fair Housing Act, disability is defined as “a physical or mental impairment which substantially limits one or more major life activities.” Disability does not include current use of or addiction to illegal drugs.

Examples of impairments include: cognitive, vision, hearing, or mobility impairments, AIDS or HIV infection, mental illness, a history of alcoholism or drug addiction, a learning disability, head injury, asthma, and chronic fatigue.

Life activities include: seeing, hearing, walking, breathing, speaking, performing manual tasks, caring for oneself, learning, or working.

Who is Protected by the Fair Housing Act?

Housing applicants, buyers, and tenants with disabilities, as well as anyone associated with them, such as a family member, are covered by the law.

The Fair Housing Act also protects people from discrimination on the basis of a past history of a disability or because the housing provider thinks they have a disability—even if they do not have a disability now.

Housing does not need to be made available to people whose tenancy is a direct threat to the health, safety, or property of others.



The Fair Housing Act **prohibits discrimination in every aspect of the housing market** including advertising, real estate transactions, zoning, and renting.

What Activities are Covered by the Fair Housing Act?

The Fair Housing Act prohibits discrimination in every aspect of the housing market including advertising, real estate transactions, zoning, and renting. Likewise, every phase of housing is covered. For example, in rental housing, the Fair Housing Act prevents discrimination at the time of application, throughout occupancy and when moving out either voluntarily or through the eviction process.

For people with disabilities, the Fair Housing Act not only prohibits discrimination, it also requires housing providers to take actions—to make reasonable accommodations and allow reasonable

modifications—so that people with disabilities can use and enjoy housing on an equal basis.

What Kinds of Properties are Covered by the Fair Housing Act?

Dwellings covered by the Fair Housing Act include: houses, apartment complexes, mobile home parks, condominiums, retirement communities, cooperatives, time shares, senior housing, dormitories, boarding housing, residential hotels, group homes, and assisted living housing.

A rental building that has four or fewer units and where the owner lives in one of the units is not covered by the Fair Housing Act.



MARIAN'S STORY

Marian, a vibrant woman with a twinkle in her eye, had polio when she was younger. In the past, she was able to get around her home using crutches and relied on a scooter for shopping excursions. Now, Marian can stand for only a few moments at a time and needs to use her scooter or a wheelchair in her apartment. Marian knows she needs to exercise and loves to swim, but she had to stop when she could no longer get in and out of the apartment complex pool. After Marian's friends found out she had to give up swimming, her college swim club raised the money for a lift for her to use at the pool, which her apartment rental company agreed to install after its initial reluctance. Now, Marian is back in the pool enjoying her daily swim.

What Can a Housing Provider Ask Me When I Apply For Housing?

When you apply for housing, housing providers must ask all applicants the same questions. If a housing provider asks a person with a disability questions that are different from those asked of other applicants, they are violating the Fair Housing Act.

A housing provider **CAN** ask (but only if asked of every applicant, disabled or not):

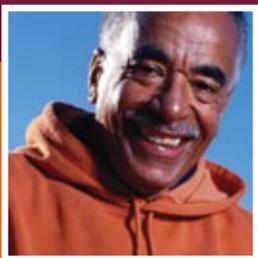
- For financial information that shows you can pay the rent.
- For references about your history as a tenant.
- If you are willing to comply with the building's rules.

- If you have been convicted of illegal manufacture or distribution of a controlled substance.
- If you have prior criminal history.
- If you currently use illegal drugs.

A housing provider **CANNOT** ask:

- Questions about your disability.
- For any information about yourself that relates to your disability.
- About your specific diagnosis, medical records or list of medications.
- Questions that are not asked of all applicants.

However, if you are applying for housing that is designed or designated for persons with disabilities or a specific type of disability, the housing provider can ask you if you qualify for this type of housing.



LEO'S STORY

Leo, a retired fireman, has lived in his townhouse near a community college for 30 years. About 10 years ago, he developed arthritis in his knees and hips and now can't walk very far. The community college has grown substantially during the last several years and finding a parking space near his home became increasingly difficult for Leo. Afraid he would have to park several blocks away and would have trouble getting back to his townhouse, Leo began driving less and less. Concerned that his grandfather was becoming isolated from his longtime friends and community, Leo's grandson encouraged his grandfather to ask his housing provider for a "handicapped" parking place close to his townhouse, which Leo did. His request was granted and now Leo is back in the driver's seat, confident that he'll be able to park his car near his front door when he returns home after completing his errands and visiting friends.

The Fair Housing Act requires two types of changes—**reasonable accommodations and reasonable modifications**—to help people with disabilities.

If I Am Applying For or Living In Housing That Doesn't Meet My Individual Needs Because of My Disability, What Changes Can I Ask For?

The Fair Housing Act requires two types of changes to help people with disabilities. They are:

- 1. Reasonable accommodations**
- 2. Reasonable modifications**

What Is a Reasonable Accommodation?

The Fair Housing Act requires housing providers to make reasonable accommodations, or changes to policies, rules, or practices, that persons with disabilities may need in order to have an equal opportunity to use and enjoy their home.

Examples of reasonable accommodation include:

- Waiving a “no pet” rule to allow for a service animal.
- Creating a reserved parking space near the home or apartment building entrance if you can't walk far.
- Letting you mail your rent check instead of paying in person if you have difficulty walking or have an anxiety disorder that makes leaving home difficult.
- Moving the monthly tenants' or homeowners' meeting from an inaccessible building to one that has a ramp and is accessible.



How Do I Request a Reasonable Accommodation?

When you ask your housing provider for a reasonable accommodation, it is a good idea to put it in writing. You should describe the accommodation you are requesting and the benefit it will bring you. The accommodation must be linked to your disability and must be considered reasonable.

Accommodations are considered reasonable when they are practical and realistic. A request for a reasonable accommodation can be made when you are applying for housing or at any time while you are a resident, not just when you move in.

When you request a reasonable accommodation, your housing provider has the right to ask you to show that you have a disability and that the accommodation you are requesting will allow you to use and enjoy your home. To show that you have a covered disability, you can usually provide a note from a doctor or other health provider. You do not have to share all the specifics of your disability or medical history with the housing provider.

Are Requests For Reasonable Accommodations Always Granted and Who Pays For An Accommodation?

A housing provider does not have to say yes to an accommodation if there would be an unreasonable financial or administrative cost or if it would change the basic operation or nature of services provided, such as providing housekeeping or shopping when those services are not part of the housing provider's role. Once an accommodation is determined to be reasonable, a housing provider cannot make the tenant pay for it. The housing provider must take care of any costs involved.

What Is a Reasonable Modification?

The Fair Housing Act also requires your housing provider to permit you to make reasonable modifications. Reasonable modifications are physical changes to your rental house, apartment, condo, co-op, or to your building's common spaces, including at main entrances and in lobbies,



stairways, or laundry facilities, that you need for your full enjoyment of your home.

Examples of reasonable modifications include:

- Installing lever doorknobs and faucets.
- Lowering shelves or kitchen countertops.
- Widening doorways.
- Installing grab bars in the bathroom.
- Installing a ramp at the front door or entrance into the building.

When Can I Request and Make Reasonable Modifications, How Many Can I Request and Who Pays For Them?

You may submit your request for reasonable modifications to your housing provider and make the changes at any time, not just when you move in. You can also ask for as many modifications

MOM'S NEW APARTMENT

My mother, Tess, is an active woman who uses a wheelchair. Although my brother and I no longer live at home, Mom has help. Baxter, her Mobility Assist Dog, is trained to pull her wheelchair, carry things in a backpack, pick up things she drops, open and close doors, and help Mom get dressed or undressed. Baxter has even been trained to hit an emergency button on Mom's medical alert system which automatically dials 911.

Last year, my mother decided it was time to sell our family home and downsize to a one bedroom rental apartment. After she made the decision to sell, the two of us started looking for an apartment for her. After several months of apartment shopping, we found a beautiful apartment not far from the neighborhood in which I grew up. Although the apartment complex had a rule stating that no pets were allowed, my mother wrote the housing provider and requested a reasonable accommodation. Because of my mother's disability, the "no pet" rule was waived for Baxter because he is a service dog.

About a month after Mom moved into her apartment, she sent a letter to the housing provider again and asked if she could make some reasonable modifications. She explained she was having trouble showering and wanted to install a curbless shower so she could roll her wheelchair into the stall. She also wanted to put grab bars in the bathroom to assist her when using the toilet. The housing provider approved my mother's request and expressed that it was her responsibility to pay for the cost and installation of the new shower and grab bars, something my mother was happy to do.

The curbless shower and grab bars are now installed and I feel much better knowing that Mom will be safer and more comfortable in her new home and that Baxter can continue to be there for her when she needs him.

MARGARET WOODBRIDGE, VA

as you need but you are responsible for paying for and arranging for the modifications, including installation. Your local Center for Independent Living or Area Office on Aging may have many good ideas and resources about changes you can make to your home that will suit your individual needs.

Under the Fair Housing Act, a housing provider CAN:

- Deny a request for a reasonable modification if the modification will create a safety or health hazard.
- Request that the modification be done properly and will comply with all required building and architectural codes.
- Request a deposit to restore the unit back to its original condition if the modification you are requesting will make it harder to be rented or sold when you move out.

- Ask for a description of the modifications to be made.
- Ask you to obtain any necessary building permits.

Under the Fair Housing Act, a housing provider CANNOT:

- Place unreasonable conditions on the modifications.
- Put unreasonable delays on making the changes.

If My Building Already Has Some Accessible Features, Can I Still Ask For Other Reasonable Modifications?

The building you live in may already have features that make living easier. For instance, there may be at least one accessible entrance to the building because the developer wanted to market the building to parents pushing baby strollers, to professionals pulling business luggage and to retirees carrying golf clubs. Or, the developer may have simply



TINA'S STORY

Tina, an active volunteer at her church and at her town's food bank, has reduced vision, difficulty remembering dates, absorbing new information, or understanding multi-step instructions. She finds the new computer-printed monthly rent statement particularly hard to read and understand. A few times, Tina forgot to pay the rent and subsequently received eviction notices. Tina's son, who lives in another state, contacted the housing provider, explained his mother's situation, and asked if her statement could be printed in larger type and be color coded so that she would know it was her monthly bill, not just general information. Tina's housing provider agreed to do this and now Tina pays her rent on time and is enjoying her volunteer work instead of worrying about being evicted.

Marian, Leo and Tina are people with disabilities within the meaning of the Fair Housing Act.

been complying with the Fair Housing Act's basic accessibility requirements that apply to most multi-family buildings built after 1991. Even if your housing meets all the design and construction requirements of the Fair Housing Act, you can still ask for other physical modifications to meet your needs.

If I Think I've Been Discriminated Against, How Can I Get More Information and/or File a Fair Housing Act Complaint?

If you would like additional information about your fair housing rights or want to file a complaint, call the Department of Housing and Urban Development (HUD) at 1-800-669-9777 (toll-free), 1-800-927-9275 TDD, or visit www.hud.gov.

If you have been the object of discrimination and intend to file a complaint, it is very important to act quickly and file the complaint as soon as possible after the discrimination takes place. If you wait, you could lose your legal right to complain due to different filing deadlines. Contact HUD to learn more about filing deadlines.

Information about the other categories of discrimination that are prohibited by the Fair Housing Act, which include race or color, religion, sex, national origin, or familial status, is also available through HUD.

RESOURCES

AARP provides information on changes you can make to your home to make it safer and more comfortable in a booklet, "Home Modification: Your Key to Comfort, Safety, and Independent Living" (English, D18524; Spanish, D18628). To order a copy, call 1-888-OUR-AARP (1-888-687-2277) or log on to www.aarp.org/families/home_design/universaldesign/.

The AARP website offers home design information at www.aarp.org/families/home_design/.

The Housing and Civil Enforcement Section of the Civil Rights Division of the U.S. Department of Justice at 202-514-4713 or visit www.usdoj.gov.

The National Fair Housing Alliance at 202-898-1661; 202-898-1670 TDD or visit www.nationalfairhousing.org.

The National Council on Independent Living provides a directory of local independent living centers. Log on to www.ncil.org/directory.html.

The National Association of Area Agencies on Aging (n4a), www.n4a.org, operates the Eldercare Locator, a free national service which links older adults and caregivers to information and resources in their community. Call 1-800-677-1116 weekdays 9am-8pm EST or visit www.eldercare.gov.

The Bazelon Center for Mental Health Law at 202-467-5730 or visit www.bazelon.org.

The Fair Housing Act 42 U.S.C. §3601 et seq. and its implementing regulations at 24 C.F.R. 100 et seq.



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