

Fair Housing for Persons With Disabilities

It's Not Just Your Right...
It's the Law!

Presented by:

Fair Housing Continuum, Inc.



A private, not for profit, 501(c)(3) agency.

Sponsored in-part by the United States Department of Housing and Urban Development



Objective

- To educate the general public on the Fair Housing rights for persons with disabilities.



Overview

- Civil Rights Acts
- Who is Protected?
- Prohibited Practices
- Reasonable Modifications/Accommodations
- New Construction Accessibility Requirements



Title VIII-Fair Housing Act

Protected Classes

- Race
- Color
- Religion
- National Origin
- Sex (added in 1974)



The Fair Housing Amendments Act of 1988

- Gave HUD more enforcement authority.
- Provided provisions for monetary damages.
- Added **familial status** and **disability** as protected classes.



Disability

Defined

1. A person who has a physical or mental impairment that substantially limits one or more major life activities;

“major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.



Disability

Defined

1. A person who has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment; or
3. is regarded as having such an impairment.



Direct Threat

- There is no obligation to provide a dwelling if the individual's tenancy poses a direct threat to the health or safety of others, or would result in substantial damage to property and a reasonable accommodation cannot eliminate the threat.



Direct Threat

- Determination must be individualized,
- Based on facts--not myths or stereotypes,
- Must consider mitigating accommodations.



What about the use of alcohol?

- Alcohol is not a controlled substance, and its use is not illegal drug use.
- Alcoholism is a disability and protected under the Fair Housing Act.



Areas covered under the Act

- Sale and rental of housing
- Mortgage Lending
- Real Estate Advertising
- Homeowners Insurance
- Real Estate Appraisals
- Newly Constructed Multifamily Dwellings
- Vacant Land Use



Prohibited Practices

- It is unlawful to discriminate against a person with a disability in any housing related transaction; or
- any person residing with or assisting such a person; or
- any person associated with that person.



Prohibited Practices

- Refuse to sell or rent a dwelling after a bona fide offer has been made, or refuse to negotiate for the sale or rental of a dwelling
- Make housing unavailable when it is available



Prohibited Practices

- Set different terms, conditions, or privileges for the sale or rental of a dwelling
- Provide different housing services or facilities



Prohibited Practices

- To make, print, or publish any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates a preference, limitation, or anything discriminatory against a protected group.



Prohibited Practices

- Steer persons to certain apartments, homes, or locations.
- Harass, coerce, intimidate, or interfere with anyone exercising his or her fair housing rights.



Unlawful Inquiry

- It shall be unlawful to make an inquiry to determine whether an applicant for a dwelling has a disability or to make inquiry as to the nature or severity of a disability of such person.



Unlawful Inquiry

- However, this provision of the Act does not prohibit the following inquiries, provided these inquiries are made of **all** applicants, whether or not they have a disability:



Acceptable Inquiries

- Inquire into an applicant's ability to meet the requirements of ownership or tenancy;
- Inquire to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability;



Acceptable Inquiries

- Inquire to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability;
- Inquire whether an applicant for a dwelling is a current abuser or addict of a controlled substance;



Acceptable Inquiries

- Inquire whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

Fair Housing Act

Reasonable Modifications and Accommodations





Reasonable Modifications

- It shall be unlawful for any person to refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by a person with a disability if such modifications may be necessary to afford such person full enjoyment of the premises.



Reasonable Modifications

- A landlord may require the renter to provide a reasonable description of the proposed modification as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.



Reasonable Modifications

- A landlord may require, where it is reasonable to do so, the tenant to restore the interior of the premises to the condition that existed before the modification; and
- negotiate as part of such restoration agreement; pay into an interest bearing escrow account for such restoration at the end of the tenancy.



Reasonable Modifications

- Entities that receive federal assistance are required to pay for and make the requested modification.
 - Public Housing Authorities
 - HUD Subsidized Housing Programs
 - USDA Subsidized Housing Programs



Examples of Modifications

- Ramps





Examples of Modifications

- Widening doorways
- Repositioning electrical outlets, light switches, thermostats, etc.
- Modifying kitchens and bathrooms
- Installing communication devices



Reasonable Accommodations

- It is unlawful for any person to refuse to make reasonable accommodations in the **rules, policies, practices or services** when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.



Examples of Accommodations

- Reserve parking spaces





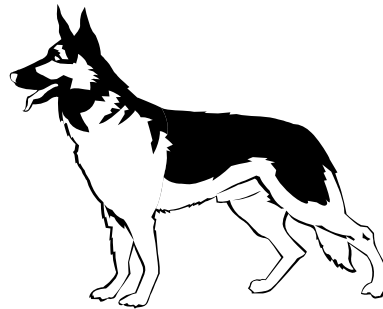
Examples of Accommodations

- Relocation of mailboxes
- Accessible dumpsters
- Assistance in completion of paperwork
- Reminders about tenant obligations
- Relocate to a ground floor unit



Reasonable Accommodations

When is an animal not a pet?



Service, support, companion, or therapy animal.



Animals

- ◆ What about the:
 - Breed?
 - Height and weight?
 - Type of animal?
 - Deposit for animal?
 - Proof of certification?

Fair Housing Act

Design & Construction Accessibility Requirements





FACT!!!

- As a protected class, persons with disabilities are the only minority group that can be discriminated against solely by the design of the built environment.



FHAA Accessibility Requirements

- Failure to design and construct certain covered multifamily dwellings built for first occupancy after **March 13, 1991** is a violation of the Act.
- Residential multifamily dwellings include condos, single-story townhouses, garden apartments, vacation timeshares, dormitories, homeless shelters, etc.



Covered Multifamily Dwellings

- Multifamily buildings consisting of four or more units.
 - Multifamily buildings with one or more elevators will make **all** units accessible.
 - Multifamily buildings without an elevator will make **all ground-floor** units (including ground-floors at different levels in the same building) accessible.



Seven Design Requirements

1. Accessible Entrance on an Accessible Route
2. Accessible Public and Common-Use Areas
3. Usable Doors
4. Accessible Routes Into and Through the Dwelling Unit
5. Accessible Light Switches, Electrical Outlets, and Environmental Controls
6. Reinforced Walls in Bathrooms
7. Usable Kitchens and Bathrooms



How to contact FHC

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Summary

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- Who is Protected?
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Remember!

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right. . .it's the law!



For more information about your fair housing rights,
visit the HUD website @ www.hud.gov