The Fair Housing Act

Maria was looking for an accessible apartment to move to as she transitioned from her family home. She met the manager of a nearby apartment complex for a tour and to see their ground-floor units.

When the manager observed that Maria uses a wheelchair, he immediately informed her that no ground-floor units were available and there were no elevators to the upper floors at the complex. The meeting ended quickly, and Maria left without an explanation or seeing any rental units.

What is the Fair Housing Act?

The Fair Housing Act (FHA), as amended in 1988, is a federal law that prohibits discrimination based on disability, race, color, national origin, religion, sex and familial status when a person is **buying, renting, or securing finances for a home**.

The FHA covers both private and public housing. The Department of Housing and Urban Development (HUD) is responsible for enforcing the FHA. This fact sheet provides information on renting; information on buying and financing can be found in the resources section.

The FHA can be used to request *reasonable accommodations* and *reasonable modifications* from housing owners so renters with disabilities can have accessible and equal housing opportunities.

Reasonable accommodations: Housing providers must make reasonable accommodations or changes in their rules, policies, practices, or services when needed to give a person with a disability an equal opportunity to use a dwelling unit or common space.

Photo: Healthy Community Living,
www.healthycommunityliving.com

Reasonable accommodations can occur at all stages of the housing process, including when a person applies, when a person is a tenant, or when a person wants to prevent eviction. For example, a rental application form in large print can be a reasonable accommodation provided for an applicant with low vision.

Or if an apartment complex does not reserve parking spaces for residents, a reserved parking space near their unit may be a reasonable accommodation for a resident who has difficulty walking long distances.

Reasonable modifications: As a renter with a disability, you have the right to make reasonable accessibility modifications to your dwelling or common use areas, at your expense. For example, you could add grab

bars to a bathroom or even lower kitchen cabinets for easier access to your dishes. Resources are available for helping fund accessibility modifications (see Resources section).

Additionally, if you live in federally assisted housing, the housing provider may be required to pay for the modifications if it does not amount to an undue financial and administrative burden.

However, if requested by the landlord or apartment manager, you may have to agree to restore the interior of the dwelling property to its original condition when you move. Any modification made by the tenant that does not interfere with the future marketability of the dwelling and use by other tenants would not need to be restored to the original condition.

In addition, the FHA requires that new multifamily housing be designed and constructed to be accessible. In multifamily housing consisting of four or more units with an elevator built for first occupancy after March 13, 1991, all units must comply with seven design and construction requirements of the FHA.

They must have: an accessible entrance on an accessible route; accessible public and common-use areas; usable doors; accessible route into and through the dwelling unit; accessible light switches, electrical outlets, thermostats, and environmental controls; reinforced walls in bathrooms; and usable kitchens and bathrooms.

> **The FHA requires that new multifamily housing units and apartments be accessible.**

Why is the Fair Housing Act important to me?

People with disabilities are more likely to be discriminated against when seeking and maintaining housing than are people without disabilities. The FHA contributes to greater and more equal housing opportunities.

Knowing your rights under the FHA may be important for you to find housing in the community and to access services you need. (Disability-based discrimination in housing is also covered by Section 504 of the Rehabilitation Act, some parts of the Americans with Disabilities Act, and state and local laws.)

For example, if you are renting a house or apartment, your landlord cannot deny your use of a service animal, even if the lease does not allow pets or has pet restrictions.

How can I use the Fair Housing Act to make my life better?

Educate – Learn about your rights under the FHA. Use this knowledge when it applies to a situation you find yourself in to educate your community about the housing rights of people with disabilities.

Advocate – Work with people with disabilities, housing providers, and other members of the community to promote the understanding and enforcement of the FHA, and the need for more affordable and accessible housing for people with disabilities.

Resolution to Maria's Story

Maria was disappointed because she felt she was being denied rental housing based on her disability. She called the rental office of the apartment complex to speak with a supervisor and to ask if there were ground-flood units available. Much to Maria's surprise, the supervisor informed her that there were several ground-floor units available for leasing.

As a result of this conversation, Maria was certain that she had experienced discrimination based on her disability since the manager had told her that there were no ground-floor units available to her. She explained this to the supervisor and stated that she would be making a formal Fair Housing Act complaint if they continued to discriminate against her.

She didn't need to take that step, though. Soon, Maria moved into a universally designed ground-floor apartment at the complex. She helped the supervisor to educate staff about the Fair Housing Act requirements and advocated for a staff training on diversity and inclusion and working with individuals with disabilities.

Reasonable accommodations can occur at all stages of the housing process.

Resources to learn more about the Fair Housing Act and how to use it:

U.S. Department of Justice, The Fair Housing Act: Provides a detailed description of the Fair Housing Act and the rights that are protected under this law.
https://www.justice.gov/crt/fair-housing-act-1

HUD.GOV, Fair Housing Rights as a person with a disability: Detailed instructions on people with disabilities' rights under the Fair Housing Act, and what you should do when you experience discrimination.
https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/pwd

"What Fair Housing Means for People with Disabilities": Provides a detailed description of how the Fair Housing Act applies to people with disabilities.
http://www.bazelon.org/wp-content/uploads/2017/01/What-Fair-Housing-Means.pdf

The Fair Housing Act and Assistance Animals: Gives specific information on accommodations for service and assistance animals.
http://www.humanesociety.org/animals/resources/tips/assistance-animals-tenants-rights.html?credit=web_id83641132?referrer=https://www.google.com/

Photo: http://mauiaccessiblecondo.com/

Fair Housing Accessibility FIRST: Provides information, materials, and technical assistance to all relevant stakeholders about the accessibility design and construction requirements of the Fair Housing Act as amended in 1988.
http://www.fairhousingfirst.org/

Joint Statement of the Department of Housing and Urban Development and the Department of Justice: Reasonable Modifications under the Fair Housing Act: Answers to common questions about requesting and receiving reasonable modifications for rental units.
https://www.hud.gov/sites/documents/reasonable_modifications_mar08.pdf

U.S. Department of Housing and Urban Development, HUD's Title VIII Fair Housing Complaint Process: Provides instructions on how to file a Fair Housing Act complaint.
https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

ILRU Directory of Centers for Independent Living and Associations – 2017 (Vol. 39): Provides a national directory of Centers for Independent Living in the United States and its territories. Contact the Center for Independent Living serving your area for assistance with finding funding to make needed accessibility modifications.
http://www.ilru.org/projects/cil-net/cil-center-and-association-directory

National Disability Rights Network: Every state has a Protection and Advocacy (P&A) System and Client Assistance Program (CAP). These congressionally mandated, legally based disability rights agencies have the authority under federal laws to provide legal representation and other advocacy services for specific issues to all people with disabilities.
http://www.ndrn.org/ndrn-member-agencies.html

NOTE: While the FHA applies to people with all types of disabilities, the RTC/PICL focuses mainly on the community participation and barriers of people who have mobility-related disabilities.

This fact sheet offers general information, not legal advice. The application of the law to individual circumstances can vary. For legal advice, you should consult an attorney.

The RTC/PICL is a partnership of The University of Kansas Research and Training Center on Independent Living and The University of Montana Research and Training Center on Disability in Rural Communities.