

Housing Rights for People with Disabilities



The Fair Housing Act Protects You

Am I entitled to changes needed to live in my rented apartment or house?

The Fair Housing Act protects people with disabilities in the sale or rental of housing. The Fair Housing Act applies to housing providers and professionals, including, for example, landlords, real estate agents, mortgage loan officers, condo associations, and homeowner associations.

A disability is defined as any impairment that significantly limits a life activity such as walking, seeing, hearing, speaking, breathing, learning, and working. In addition to physical disabilities, the Fair Housing Act protects those with mental and emotional disabilities, as well as people recovering from substance use.

In order for a person with a disability to fully use and enjoy their home, they may need changes to an apartment or house. A person with a disability may also need an accommodation to a policy, rule, or procedure. Depending on the situation, the law may require a housing provider to allow or provide for such changes.

Common Issues

Housing providers cannot refuse housing to persons with disabilities

A housing provider may NOT refuse to rent housing to you, saying, for instance:

- “I cannot rent to you. I am afraid of future liability if you get sick.”
- “I don’t want someone with a disability living in my building.”
- “Sorry, there are no apartments available.” (If an apartment is available.)
- “I do not allow people to live in my apartments with 24-hour personal care attendants.”
- “I don’t have any housing for people with disabilities. It might be better for you to live in a nursing home or a group home.”

A housing provider may NOT refuse to offer you the same rental agreement offered to others:

- “People who use wheelchairs damage apartments. You have to leave a double security deposit.”
- “You can only live here if there is someone to take care of you.”
- “We don’t accept Social Security Disability Income.”



Housing providers may not ask questions about a disability, except where it is necessary to do so to verify the need for an accommodation request when the disability is not known or obvious.



Generally, a housing provider may NOT ask:

- “How severe is your disability?”
- “May I have permission to see your medical records?”
- “Have you ever been hospitalized because of a mental disability?”
- “Have you ever been in a drug rehabilitation program?”
- “Do you take medications?”
- “Why do you receive Social Security or disability income?”

Discrimination that occurs while living in a home may include:

- Requiring people with mobility impairments to live in ground-floor units
- Segregating people with disabilities in a particular building or portion of an apartment complex
- Refusing to respond to maintenance calls, or responding more slowly, because of a tenant’s disability
- Banning people with disabilities from pools, clubhouses, or other common areas
- Charging extra fees for maintenance calls made by people with disabilities
- Refusing to renew the lease of a person with a disability, when the leases of people without disabilities are routinely renewed
- Threatening or intimidating remarks or conduct by management or by other tenants directed at a person with a disability

If you have experienced any of these problems or have questions, please call The Fair Housing Center at 419-243-6163.



Let's Talk About Assistance Animals

Assistance animals can include service animals that are trained to do specific tasks, as well as animals that provide emotional support. Examples of service animals include a seeing-eye dog or one that has been trained to assist a person who has seizures. Emotional support animals provide a therapeutic benefit to the person with a disability through companionship and comfort.

The Fair Housing Act provides broad protections for many kinds of assistance animals, regardless of the type of support they provide.

Assistance Animals Are Not Pets

Assistance animals are not pets; they are like medical devices, such as wheelchairs, that allow a tenant full use and enjoyment of his or her dwelling. When a tenant has an assistance animal, “no pets” policies do not apply, and housing providers CANNOT do any of the following:

- Charge pet deposits or monthly pet fees
- Restrict the size, type, or breed of animal
- Require the animal to be trained or certified
- Require animals to be spayed/neutered or declawed

A housing provider CAN require the following:

- That the animals are licensed and vaccinated as required by local laws
- The assistance animal is well-behaved and does not pose a threat to people or property
- Proper cleaning and disposal of animal waste
- Tenant cares for and controls the animal at all times
- Tenant bears responsibility for damages beyond normal wear and tear





Your housing provider may also ask for:

- Verification of the qualified disability
- Description of the needed accommodation
- Relationship between the disability and the need for the accommodation

This information should only be requested if either the disability or the need for the accommodation is not known or obvious. The information is sufficient if it reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support.

Reasonably supporting information often consists of information from a licensed health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, nurse, or other qualified professional, such as a case worker or social worker. The housing provider may require that the supporting information indicate a relationship or connection between the disability and the need for the assistance animal. This will apply when the disability is not apparent, such as situations where the animal provides therapeutic emotional support.

The housing provider may not ask for medical records, or inquire about the nature or severity of a mental or physical disability.



Reasonable Accommodation or Modification

Housing providers are required to allow accommodations and modifications, as long as they are reasonable and are being requested by a qualified individual. Each request should be evaluated on a case-by-case basis and responded to promptly.

A change in a rule, policy, practice, or service is a reasonable accommodation. Examples include:

- Allowing an assistance animal when pets are not allowed
- Creating a reserved parking space for a tenant with a disability
- Requesting a ground floor residence due to limited mobility

Any minimal costs associated with a reasonable accommodation are generally absorbed by the landlord.

A structural change, or an alteration of the premises, is a reasonable modification. For example:

- Installation of grab bars, ramps, or lowered countertops.

Costs for reasonable modifications are generally paid by the tenant, but housing providers receiving federal funding are required to absorb the cost.

Any request for a reasonable accommodation or modification can be made by or on behalf of a person with a disability. This can be done at any time, either during the application process or while being a tenant.

A request can be made orally or in writing, but it is recommended that you put your request in writing to avoid misunderstandings. Your landlord may have a policy in place to address such requests and may provide a form for you to make the request in writing.

A landlord may not impose additional requirements on your reasonable accommodation beyond what is required by the Fair Housing Act.

For example, your landlord cannot:

- Require your doctor to swear in court as to your need for the accommodation
- Require copies of your medical records
- Inquire into the nature or severity of your disability
- Question your need for the accommodation when you have provided verification from a qualified third party

Some common reasonable accommodation requests:

- An assistance animal, where there are rules prohibiting other animals or pets.
- A change to rent payment date to align with the disability income payment date.
- More time to move, upon notice of lease termination, in order to find alternative housing that is accessible or meets disability-related needs. It may be reasonable to ask for one to three additional months, under the current lease terms and rent amount.
- A designated accessible parking space near your apartment – a parking space designated to your unique Ohio BMV disability placard, or that otherwise indicates it is for your use only.
- That a housing provider enforce your exclusive right to the designated accessible parking space.



A Housing Provider's Rights and Obligations

A housing provider has a duty to comply with the regulations of the Fair Housing Act and the Americans with Disabilities Act. Disability-related information may be requested, including:

- Verification of the qualified disability
- Description of the needed accommodation
- Relationship between the disability and the need for the accommodation

This information should only be requested if either the disability or the need for the accommodation is not known or obvious. Each request should be evaluated on a case-by-case basis and responded to promptly.

In most cases, a housing provider may not ask an individual to provide medical records or inquire about the nature or severity of a person's physical or mental impairment. A reasonable accommodation is not required if it causes:

- An undue administrative and financial burden
- A fundamental alteration of the landlord's operations



The Fair Housing Center

Vision

The Fair Housing Center will be a leading visible force in preventing and correcting discriminatory practices.

Mission

The Fair Housing Center is a non-profit civil rights agency dedicated to the elimination of housing discrimination, the promotion of housing choice and the creation of inclusive communities of opportunity. To achieve our mission, the Center engages in education and outreach, housing counseling, advocacy for anti-discriminatory housing policies, research and investigation, and enforcement actions.

Reasonable Accommodation or Reasonable Modification Request

You may use this form or visit toledofhc.org for an online form to assist you in making a reasonable accommodation or reasonable modification request.

Date: _____

Dear _____
(Name of landlord or property manager)

___ I am requesting a Reasonable Accommodation (a change to a policy, rule, or procedure).

___ I am requesting a Reasonable Modification (a change in a structure or something connected to my home).

___ I have attached a verification letter from a qualified professional.

I have a disability as defined by federal and state Fair Housing Laws. Because of my disability, I require: (description of accommodation or modification)

Please respond to this request in writing within 10 days.

Sincerely,

Signature _____

Print Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Under sections 24 C.F.R. 100.203 and 100.204 of HUD's regulations implementing the Fair Housing Act, it shall be unlawful for any person to refuse to make a reasonable modification or make a reasonable accommodation in rules, policies, practices, or services for persons with disabilities, unless the provider can prove the request will cause an undue burden, or meet other limited exceptions. Under the law, an undue burden is defined as an unreasonable financial or administrative cost.



419-243-6163
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