



Fair Housing and Disability



What you don't know could cost \$\$\$\$\$!!

In a recent case settlement, a woman in San Francisco was awarded \$1M when the apartment management denied her request for accessible parking to accommodate her disability.

What are fair housing laws?

In 1968, the federal government passed a law called the Fair Housing Act which prohibits landlords, real estate agents, home sellers, and banks from discriminating against people based on certain characteristics. California has a very similar law, the Fair Employment and Housing Act. In 1988, both the federal government and California changed the laws to prohibit discrimination based on a person's disability.

How do the laws define "disability"?

"Disability" is defined as a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, walking, seeing, hearing, learning, or working. The law also protects people who have a history of having a disability or who are regarded by others as having a disability. Some examples of disabilities covered by the laws are mental retardation, major depression, paraplegia, and HIV or AIDS. Alcoholism and past drug addiction are also considered disabilities.

What is discrimination?

Under the fair housing laws, discrimination includes refusing to rent or sell a residence to people with disabilities. People with disabilities cannot be charged higher rent, given stricter rules, or evicted because of their disabilities. As explained below, the laws require landlords to make reasonable accommodations and to allow reasonable modifications for tenants with disabilities and to make newly built (1991) housing accessible for people with disabilities. A landlord's failure to comply with these rules is discrimination.

What is a reasonable modification?

Landlords must allow tenants to make physical changes to the residence if necessary because of the tenant's disability. These changes could include widening doorways; installing visual alarms, ramps, or grab bars; or making any other physical modification to the tenant's unit or

common areas. In private housing, the tenant has to pay for the changes him/herself, but often Cities and social service agencies can help low-income tenants with the costs. When reasonable, the landlord can require the tenant to restore the interior of the unit to its previous condition before moving out.

What is a reasonable accommodation?

Landlords must make reasonable changes to their rules, policies, and practices when necessary because of a tenant's disability. For example, landlords must make exceptions to their "no pets" policies for service animals. If a tenant needs an exception to a landlord's rule because of a disability, the landlord must grant that exception unless it would change the nature of the landlord's business or be a heavy financial or administrative burden on the landlord.

Examples of what not to say:

"Can you live independently?"

"Your wheelchair will damage the carpet and walls."

"No, you can't install grab bars in the bathroom."

"No pets allowed – not even your guide dog."

"Who will take care of you? What if there's a fire?"

"If I make an exception for you, I'd have to make one for everybody."

"You and your live-in aide don't qualify for a two-bedroom unit."

"Sorry, our new building is not handicap accessible."

Do these rules apply to all housing?

The fair housing laws apply to all housing UNLESS the landlord lives in the residence and rents out only one room.

For more information, contact
Project Sentinel
1-888-Fair Housing (1-888-324-7468)
or visit our website at
www.housing.org