

# *Fair Housing for People with Physical Disabilities*



Under the Fair Housing Amendments Act of 1988 persons with disabilities were given the same protection as other protected groups in the sale, rental or purchase of housing.

Further, the AMERICANS WITH DISABILITIES ACT, which became effective on January 26, 1992 for owners of existing buildings to comply with the accessibility guidelines and set January 26, 1993 as the compliance deadline for new buildings. This Act prohibits discrimination in public accommodations and states that:

**“NO INDIVIDUAL SHALL BE DISCRIMINATED AGAINST ON THE BASIS OF DISABILITY IN THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES OR ACCOMMODATIONS OF ANY PLACE OF PUBLIC ACCOMMODATION BY ANY PERSON WHO OWNS (OR LEASES TO), OR OPERATES A PLACE OF PUBLIC ACCOMMODATIONS.”**

In addition to prohibiting discrimination in public accommodations, the ACT also bans discrimination in employment practices, state and local government services and telecommunication, whether or not those organizations received federal funds.

## ***YOUR RIGHTS***

YOU HAVE A RIGHT:

- to live wherever you choose and can afford;
- to be treated as other applicants and tenants related to the ability to meet the obligations of tenancy;
- to make reasonable modifications, at your expense, or existing premises.\*

\*In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected. Thus, an individual with disabilities would be able, at his or her own expense, make reasonable modifications to lobbies, main entrances or apartment buildings, laundry rooms and other common and public use areas necessary for the full enjoyment of the premises.

If a person with disabilities seeking to make modifications believes that a landlord is unreasonably withholding permission to make the requested modifications or has required an unreasonable escrow payment he or she may file a complaint **free of charge** with the **Fair Housing Practices Commission and the U.S. Department of Housing and Urban Development (HUD)** or in the local district courts at your own expense.

## ***THINGS TO REMEMBER***

**The most appropriate criteria** for determining suitability for tenancy are those that demonstrate ability to meet the following obligations of tenancy:

- √ paying rent on time;
- √ maintaining the dwelling as required by the lease;
- √ avoid disruptive behavior.

Usually the sources of information that are relied upon in making such determinations with respect to non-disabled applicants will be sufficient.

**LANDLORDS AND OTHER HOUSING PROVIDERS SHOULD MAKE SURE THAT:**

- No inquires into an applicant's physical or mental condition, or history are made unless such inquires are made of all applicants and are related to his or her obligations or qualifications of which disability is an eligibility factor;
- No additional conditions of tenancy are imposed on individuals with disabilities which are not also imposed on all others;
- Persons with disabilities are given an equal opportunity to occupy the unit, including consideration of mitigating circumstances and reasonable accommodations.

## When Can I Request an Accommodation?

If a tenant, home buyer, or other homeseeker needs a reasonable accommodation, he or she may request it from the housing provider at any time. In addition, he or she must provide information from a medical professional that documents the affects of the disability and why the accommodation is needed.

A tenant can request as many accommodations as he or she needs. You are not limited to just one accommodation.

## Does Every Request for an Accommodation Have to be Granted?

A landlord or other housing provider can deny a request for an accommodation if the accommodation would create unreasonable burdens on the housing provider. Examples of unreasonable burdens including causing non-repairable damage to a housing unit.

There are some federal laws which may request a landlord to make physical changes to an apartment or house. Call SFHPC to find out if your landlord is covered by other laws.

However, owners have to permit you to put in a ramp or make other modifications at your own expense.

## Discrimination Enforcement

Don't be afraid to file a housing discrimination complaint if you feel, think or believe that you have been denied housing because of your handicap.

### *Things you can do to help in the investigation of your complaint:*

- Record your experiences. Write down names of individuals and companies involved—include addresses, phone numbers, time, dates and witnesses involved.
- If you know of a person without a handicap or disability who received a different answer than you did, make a note of their name and address.
- Don't be afraid to file a complaint, it is your fair housing right to do so.
- Keep copies of advertisements, letters or other relevant information. It is your civic duty to report instances of discriminatory treatment.
- To obtain literature, secure information or file a complaint, contact the

**The Fair Housing Programs  
of Steubenville & Jefferson County  
at (740)-283-6000 extension 1706**



## *YAAAAA* *SHHHHH* **KNOCKING THE HANDICAP**

## **OUT OF DISABILITIES**

Discriminating in housing against persons because they have a handicap is an aggressive violation of fair housing law.

Have you been denied housing because of a handicap? If so, protect your rights, file a complaint.



To file a com-  
(740) 283-

plaint call:  
6000 extension

1700

The Fair Housing Programs  
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