

# **IL-NET**

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## **Introduction to Housing Discrimination Laws for Independent Living Center Staff**

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**Presenters:  
Claire Chantler  
Susan Crawford**

# Fair Housing Laws—Fair Housing Act

Title VIII prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status and disability.

# Section 504 of the Rehabilitation Act of 1973

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

# Title II of the Americans with Disabilities Act



Title II prohibits discrimination based on disability in programs, services, and activities of public entities.

HUD enforces Title II as it relates to state and local public housing, housing assistance and housing referrals.

# Design & Construction Requirements— What is Covered?

- Multifamily housing designed and constructed for first occupancy after March 13, 1991
- Buildings containing four or more units
- If elevator, all dwelling units
- If no elevator, all ground floor units

# Design & Construction Requirements— What is Not Covered?

- Buildings occupied before March 13, 1991
- Detached single family houses
- Duplexes or triplexes
- Multistory townhomes
- Buildings used previously for a nonresidential purpose, such as a warehouse, office building, or school, and is being converted to a multifamily dwelling

# Design & Construction Requirements

1. Accessible building entrance on an accessible route
2. Accessible and usable public and common use areas
3. Usable doors
4. Accessible routes into and through covered unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls in bathrooms for later installation of grab bars
7. Usable kitchens and bathrooms

# Design and Construction Requirements— Requirement 1

Accessible building entrance on an accessible route





# Design and Construction Requirements— Requirement 2

Accessible and usable public and common use areas



# Design and Construction Requirements— Requirement 3

Usable doors



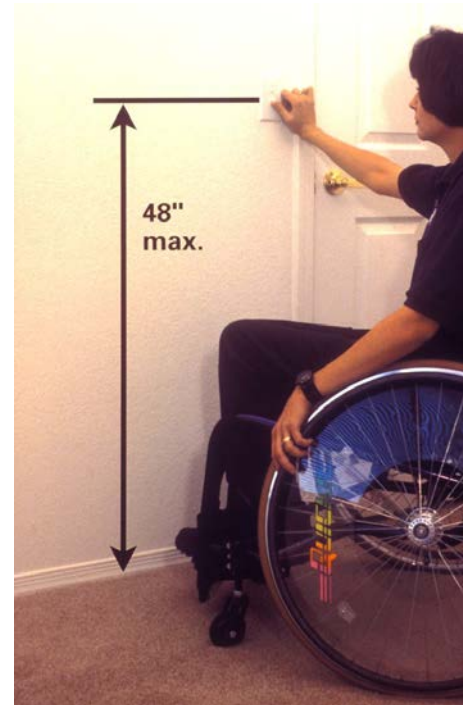
# Design and Construction Requirements— Requirement 4

Accessible routes into and through covered unit



# Design and Construction Requirements— Requirement 5

Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations



# Design and Construction Requirements— Bathrooms

Reinforced walls in bathrooms for later installation of grab bars



# Design and Construction Requirements— Usable Kitchens and Bathrooms

Usable kitchens and bathrooms



# Fair Housing Accessibility FIRST

- Fair Housing Accessibility FIRST promotes compliance with the Fair Housing Act Design and Construction requirements. The program offers comprehensive and detailed instruction programs, useful web resources, and a toll-free information line for technical guidance and support.
- Call our toll-free Design and Construct Resource Center: 1(888) 341-7781 (V/TTY)
- Online: <http://www.fairhousingfirst.org/index.asp>

# Questions?





# Definition of Disability

A physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.

# Reasonable Modification (RM)

The Act requires that landlords permit, at the expense of the disabled person, reasonable modifications of existing premises when necessary to afford such person full enjoyment of the premises.

# Reasonable Accommodation (RA)

The Act requires landlords make reasonable accommodations in rules, policies, practices, or services, when necessary to afford the person equal opportunity to use and enjoy a dwelling.

# The Difference between Reasonable Accommodation and Reasonable Modification

A reasonable *modification* is a structural change made to the premises usually paid for by the tenant.

A reasonable *accommodation* is a change, exception, or adjustment to a rule, policy, practice, or service. The housing provider is responsible for the costs associated with a reasonable accommodation.

# Reasonable Modifications — Who Pays to Make the Modification?

- Tenants generally pay the cost of making the modification.
- Housing providers pay for requested structural changes when the accessible features should have already existed in the building pursuant to the design and construct requirements of the Act.

# What about removing modifications at the end of tenancy?

- The tenant is obligated to restore those portions of the interior of the dwelling to their previous condition only where “it is reasonable to do so” and where the housing provider has requested the restoration, reasonable wear and tear excepted.

# What about removing modifications at the end of tenancy?, cont'd.

- If the modifications do not affect the housing provider's or subsequent tenant's use or enjoyment of the dwelling interior, the tenant cannot be required to restore the modifications to their prior state.
- Reasonable modifications such as ramps to the front door of the dwelling or modifications made to laundry rooms or building entrances are not required to be restored.

# Reasonable Modification Examples

- Grab bars
- Ramps, Lifts
- Lowering cabinets and counters
- Removing lower cabinets
- Widening doorways
- Changing door hardware, light bulbs
- Sound proofing room
- Flashing smoke alarms, doorbells



# Parking Spaces— Reasonable Accommodation

- Courts have required housing provider to provide accessible parking as a reasonable accommodation.
- Housing providers may not require persons with disabilities to pay extra fees as a condition of receiving accessible parking spaces.

# Reasonable Accommodation—The Fair Housing Act and Section 504 Do NOT Allow



- **Special liability insurance, fees, or deposits as a condition of receiving a reasonable accommodation.**

# Reasonable Accommodation Examples

- Rental Properties
  - Parking spaces
  - Payment of rent
- Housing Authorities
  - Live-in aides
  - Extensions or increases in voucher amount
  - Prior evictions
- Homeless Shelters
  - ADLs, Medication prompting
  - Bans for previous behavior
- Assisted Living or Rehab facilities

# Questions?



# Verification of Disability

- Housing provider may request information regarding the disability only if it—
  - Is necessary to verify that the person meets the Act's definition of disability
  - Describes the needed accommodation or modification
  - Shows the relationship between the person's disability and the requested accommodation or modification
- <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>
- [http://www.hud.gov/offices/fheo/disabilities/reasonable\\_modifications\\_mar08.pdf](http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf)

## Verification of Disability, cont'd.

- If disability is not obvious, supporting documents may include—
  - Statement by the individual with a disability
  - Statement by a doctor
  - Statement from a peer support group
  - Statement by a social service agency or counselor
  - Proof of receipt of disability benefits
  - Statement by a reliable third party

# Assistance Animal

An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.

An assistance animal is not a pet.

# Denials of Request to Use Assistance Animals

- Financial and administrative burdens.
- Direct threat of harm or substantial physical damage to the property that cannot be mitigated by a reasonable accommodation.



# Assistance Animals

- Requires individualized assessment that relies on objective evidence about the specific animal's actual conduct—not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused.
- Breed, size, and weight limitations may not be applied.
- Conditions and restrictions that housing providers apply to pets may not be applied to assistance animals.

# Resources on the FHEO Home page

- Joint Statement of HUD & DOJ on Reasonable Modifications under the FHA
- Joint Statement of HUD & DOJ on Reasonable Accommodations under the FHA
- Service Animals and Assistance Animals for People with Disabilities in Housing and HUD funded programs

# Denials of RAs and RMs

- Review circumstances
- Make request again in writing
- Educate housing provider on Act
- Contact Fair Housing organization or
- File complaint with HUD

# Filing A Complaint

- The HUD toll-free number and link to file a complaint:
- 1(800) 669-9777
- <https://portal.hud.gov/FHEO903/Form903/Form903Start.action>

# Wrap Up and Evaluation

Please *click the link below* to complete your evaluation of this program:

<https://vovici.com/wsb.dll/s/12291g56c85>

# For more information

Contact:

Claire Chantler - [cchantler@nwvcil.org](mailto:cchantler@nwvcil.org)

Susan Crawford - [susan.h.crawford@hud.gov](mailto:susan.h.crawford@hud.gov)

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