



DISABILITIES AND FAIR HOUSING



SERI

- Local non-profit founded in 1994.
- Working with low-income and minority communities in the Southwest to help protect the environment and improve community health.
- Committed to helping eliminate fair housing biases and prejudices in the community to make our community a place where everyone can live, work, and engage.
- Education and Outreach Initiative Program funded by the U.S. Department of Housing and Urban Development (HUD).



WHAT IS THE FAIR HOUSING ACT?

- In 1968 the Fair Housing Act (FHA) was signed, making it illegal for people to discriminate in any aspect of housing based on an individual's race, color, national origin, religion, sex, familial status, and disability.
- The FHA defines these as their seven federally protected classes.

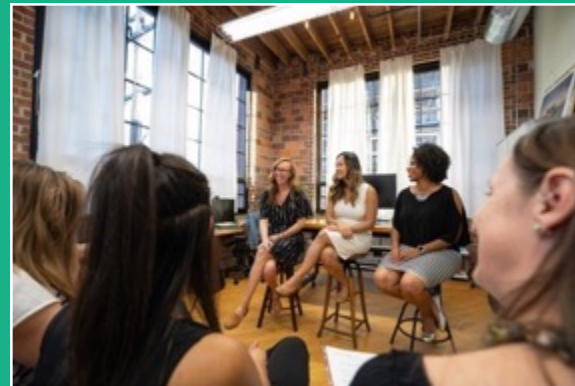


President Lyndon B. Johnson to sign the Fair Housing Act April 11, 1968.
(Photo Credit: *Smithsonian*)



WHY FAIR HOUSING IS IMPORTANT

- Giving everyone access to housing in every neighborhood ensures that everyone has access to the resources they want and affects the rest of our lives!



WHERE THE FAIR HOUSING ACT APPLIES?

The Fair Housing Act applies to when people are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in any other housing-related transactions.



DISABILITY



WHO IS A PERSON WITH A DISABILITY?

Federal nondiscrimination laws define a person with a disability to include any (1) individual with a **physical or mental impairment** that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.



DISABILITY

- Refers to both physical and mental impairments.
- People who are regarded as disabled or have a record of a disability are also protected.

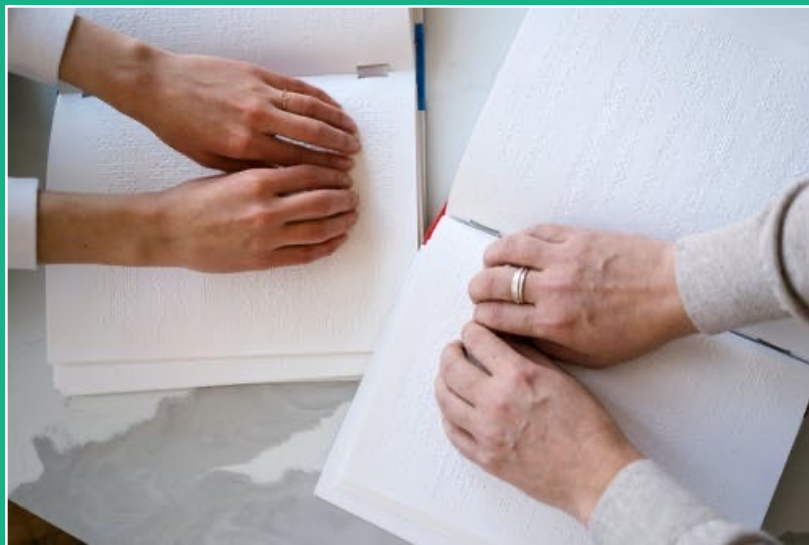


WHAT ARE PHYSICAL OR MENTAL IMPAIRMENTS?

Includes, but is not limited to conditions such as:

- Orthopedic
- Visual, speech and hearing impairments
- Cerebral palsy
- Autism
- Epilepsy
- Muscular dystrophy
- Multiple sclerosis
- Cancer
- Heart disease
- Diabetes
- Human Immunodeficiency Virus (HIV)
- Developmental disabilities
- Mental illness
- Drug addiction and alcoholism





FHA AND DISABILITY

- The FHA makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.



REASONABLE ACCOMMODATIONS



- A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations.
- Housing providers, including homeowner and condominium associations, must allow assistance animals in a no-pets building.
- A request does not need to be in writing but it is recommended for records.



REASONABLE ACCOMMODATIONS (CONT.)



Assistance Animal:

- An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability.
- An assistance animal is not a pet.



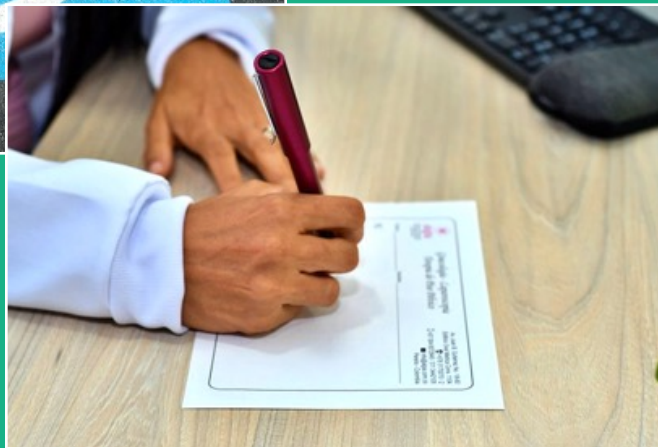
REASONABLE ACCOMMODATIONS (CONT.)



- A reasonable accommodation request for an assistance animal may include, for example:
 - A request to live with an assistance animal at a property where a housing provider has a no-pets policy.
 - A request to waive a pet deposit, fee, insurance, or other rule as to an assistance animal.



REASONABLE ACCOMMODATIONS (CONT.)



- A housing provider may not ask about the nature or severity of the disability but may request information about the relationship between the person's disability and the need for the requested accommodation.
- This can be provided by:
 - The individual making the request.
 - A doctor or other medical professional.
 - A peer support group.
 - A non-medical service agency.
 - Another reliable third party.



REASONABLE ACCOMMODATIONS (CONT.)



When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- ☐ Is the individual for whom the request is made a person with a disability?
- ☐ Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common areas?
- ☐ Would the requested accommodation impose an undue financial and administrative burden on the housing provider?
- ☐ Would the requested accommodation require a fundamental alteration in the nature of the program?

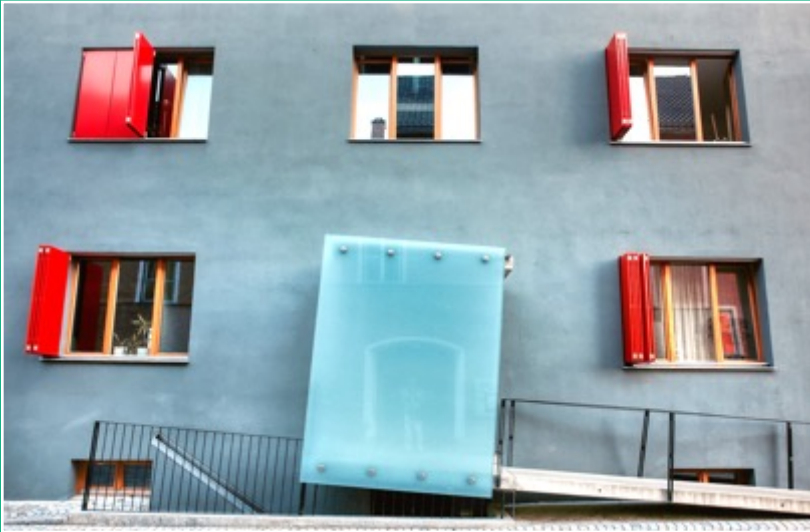


FHA AND DISABILITY

- The FHA prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.



REASONABLE MODIFICATIONS



- A structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.
- Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.
 - E.g. Installation of a ramp into a building.
 - E.g. Lowering the entry threshold of a unit.
 - E.g. Installation of grab bars in a bathroom.



WHO MUST COMPLY?

- The requirement to provide reasonable accommodations and modifications applies to, but is not limited to individuals, corporations, associations and others involved in housing transaction:
 - Property owners
 - Housing managers
 - Homeowners and condominium associations.
 - Lenders and brokerage services.
 - Real estate agents.
 - State and local governments (e.g. zoning or other land-use decisions).



DID YOU KNOW?

- Of the **28,880** complaints HUD and State and local agencies investigate each year, **58.9%** allege discrimination because of disability. (Source: *National Fair Housing Alliance*)



ACCESSIBILITY REQUIREMENTS FOR BUILDINGS



Accessibility Requirements for Multifamily Housing:

- Both privately owned and publicly assisted housing, regardless of whether they are rental or for sale units, must meet the accessibility requirements of the FHA when they are located in a building of four or more units, built for first occupancy after March 13, 1991.



ACCESSIBILITY REQUIREMENTS FOR BUILDINGS (CONT.)

Accessibility Requirements for Federally Assisted Housing:

- All Federally assisted new construction housing developments with 5 or more units must design and construct 5% of the dwelling units, or at least one unit, whichever is greater, to be accessible for persons with mobility disabilities.



EXAMPLES OF REASONABLE ACCOMMODATIONS AND MODIFICATIONS



Assigning an accessible parking space for a person with a mobility impairment.

Permitting a tenant to transfer to a ground-floor unit.

Adjusting a rent payment schedule to accommodate when an individual receives income assistance.



Adding a grab bar to a tenant's bathroom.

Permitting an applicant to submit a housing application via a different means.

Permitting an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability.



**If you are a victim of housing
discrimination due to disability
it is important to speak up!**

**When you speak up you help stop
housing discrimination from continuing
in your community.**



SERI COMPLAINT HOTLINE



ONLINE

seriaz.org/fair-housing



E-MAIL

hotline@seriaz.org



PHONE

520-306-0938



DIRECT MAIL

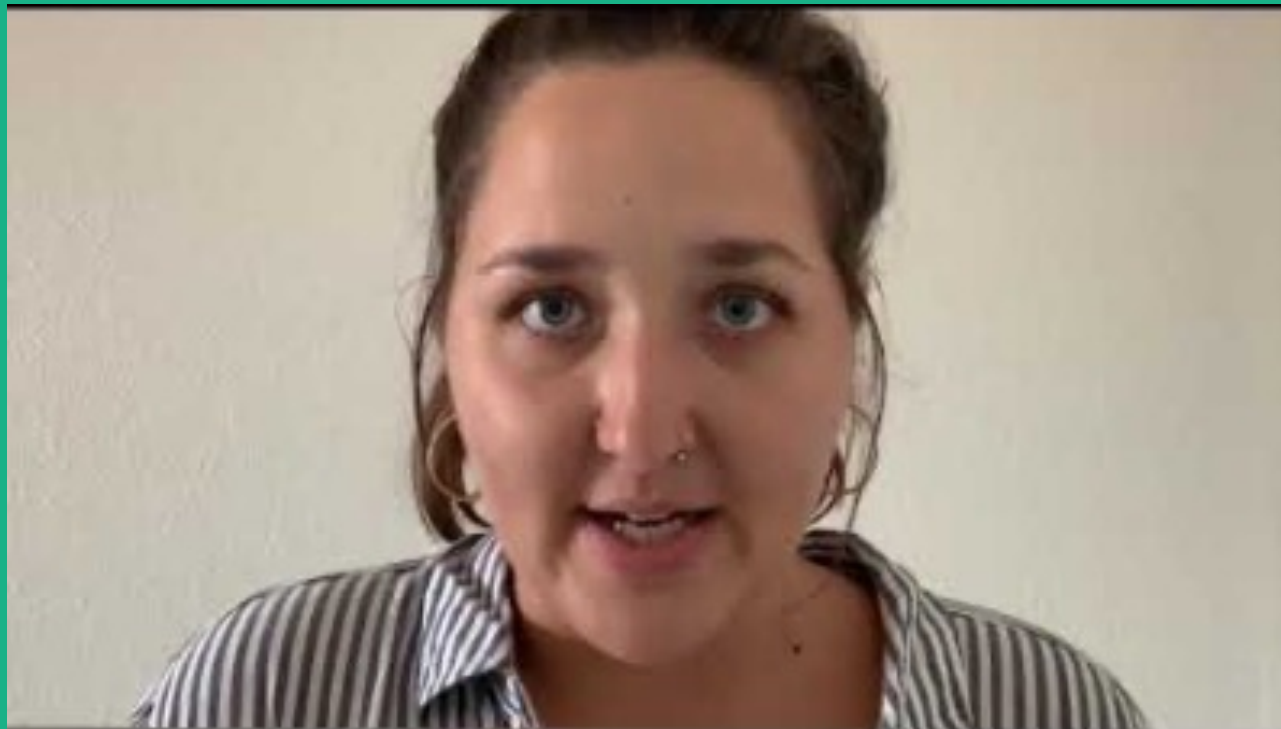
**SERI
P. O. Box 65782
Tucson, AZ 85728**



We will respond within 1 business day and refer your complaint to the proper agency. SERI is a AZ Relay Friendly Business.



SOUTHWEST FAIR HOUSING COUNCIL



RESOURCES

- Fair Housing Project - <https://www.fairhousingnc.org/>
- National Fair Housing Alliance - <https://nationalfairhousing.org/>
- SERI Fair Housing Program - <http://www.seriaz.org/projects/fair-housing>
- Southwest Fair Housing Council - <http://swfhc.com/>
- US Department of Housing and Urban Development
 - https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_rights_and_obligations
 - https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview



THANK YOU

THIS MATERIAL IS BASED ON WORK SUPPORTED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER FHIP GRANT EOI FEO120038.

ANY OPINION, FINDINGS, AND CONCLUSIONS OR RECOMMENDATIONS EXPRESSED IN THIS MATERIAL ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE VIEWS OF HUD.

