



HOUSING RIGHTS FOR PEOPLE WITH DISABILITIES

The Fair Housing Act provides certain protections to individuals with disabilities.

WHAT DOES DISABILITY INCLUDE?

The Federal Fair Housing Act defines a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." New York State and New York City have fair housing laws with even broader definitions of disability.

In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and intellectual disabilities that substantially limit one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.

WHAT ARE HOUSING PROVIDERS REQUIRED TO DO?

REASONABLE ACCOMMODATIONS

Housing providers are required to provide reasonable accommodations, which are changes in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything they can to assist, but they are not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.

Example: A housing provider would make a reasonable accommodation for a tenant with mobility impairment by fulfilling the tenant's request for a reserved parking space in front of the entrance to their unit, even though all parking is unreserved.

REASONABLE MODIFICATIONS

Housing providers may also be required to allow persons with disabilities to make reasonable modifications. A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities.

Examples of a reasonable modification would include allowing a person with a disability to: install a ramp into a building, lower the entry threshold of a unit, or install grab bars in a bathroom.

Reasonable modifications are usually made at the resident's expense. However, sometimes there are resources available for helping fund building modifications. Additionally, if you live in federally assisted housing, or in NYC, the housing provider may be required to pay for the modification if it does not amount to an undue financial and administrative burden.

ACCESSIBLE MULTI-FAMILY HOUSING

The Fair Housing Act laws require that covered multi-family housing built for first occupancy after March 13, 1991 be designed and constructed to be accessible. In covered multi-family housing with no elevator that consists of 4 or more units, all ground floor units must comply with the Fair Housing Act design and construction requirements. There are limited exemptions for owner-occupied buildings and for single-family housing.

If you live in federally assisted multi-family housing consisting of five or more units, five percent of these units (or at least one unit, whichever is greater) must meet more stringent physical accessibility requirements. Additionally, two percent of units (or at least one unit, whichever is greater) must be accessible for persons with visual or hearing disabilities.

ZONING AND LAND USE

It is unlawful for local governments to utilize land use and zoning policies to keep persons with disabilities from locating to their area. For more information, see the **Joint Statement of the Department of Justice and the Department of Housing and Urban Development on Group Homes, Local Land Use, and the Fair Housing Act.**

THE AMERICANS WITH DISABILITIES ACT

Title III of the ADA covers public and common use areas at housing developments when these public areas are, by their nature, open to the general public. For example, it covers the rental office since the rental office is open to the general public.

Title II of the ADA applies to all programs, services, and activities provided or made available by public entities. This includes housing when the housing is provided or made available by a public entity. For example, housing covered by Title II of the ADA includes housing operated by States or units of local government, such as housing on a State university campus. It also includes some public housing authorities.

HOW DO I FILE A COMPLAINT?

To file a complaint or for information on how to file housing discrimination complaints, you may contact the U.S Department of Housing and Urban Development (HUD), the NYS Division of Human Rights, or the NYC Commission on Human Rights. There are firm deadlines by which such complaints must be filed, either administratively or judicially; and filing with one agency may preclude you from filing the same complaint with another agency. You may wish to seek the advice of legal counsel concerning when and where to file your complaint, or to secure representation in prosecuting your complaint.

FOR ADDITIONAL INFORMATION

See the websites for HUD, the NYS Division of Human Rights and the NYC Commission on Human Rights, as well as reputable advocacy organizations such as the Bazelon Center for Mental Health Law and the United Spinal Association.

DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

Albany:

725 Broadway, Suite 450
Albany, New York 12207
Fax: 518-427-6561

Brooklyn:

25 Chapel Street, Suite 1005
Brooklyn, New York 11201
Fax: 718-797-1161

Rochester:

44 Exchange Blvd., Suite 110
Rochester, New York 14614
Fax: 585-348-9823

Mail@DRNY.org • www.DRNY.org

Toll free: 1-800-993-8982 • Voice: 518-432-7861 • TTY: 518-512-3448

DISCLAIMER:

THIS INFORMATION SHEET IS INTENDED TO GIVE BASIC INFORMATION ABOUT DISABILITY RIGHTS IN HOUSING. DISABILITY RIGHTS NEW YORK ACCEPTS NO LIABILITY FOR THE CONTENT OF THIS DOCUMENT OR FOR THE CONSEQUENCES OF ANY ACTIONS TAKEN ON THE BASIS OF THE INFORMATION PROVIDED. FOR MORE INFORMATION, SEE THE WEBSITES FOR HUD, NYS DIVISION OF HUMAN RIGHTS AND THE NYC COMMISSION ON HUMAN RIGHTS.

HOUSING RIGHTS FOR PEOPLE WITH DISABILITIES, V.1.0