

DISABILITY & AGING RIGHTS



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DISCRIMINATION

Housing Discrimination

People with disabilities, including older Americans who have physical, cognitive, sensory or mental impairments, have rights when renting and buying housing. This fact sheet will provide an overview of federal housing rights. Federal laws protect the rights of people with disabilities to be treated fairly when they rent and purchase housing. They require reasonable accommodations and modifications for people with disabilities, and they require accessible features in newer housing. These laws include the Fair Housing Act and Section 504 of the Rehabilitation Act, when the housing provider receives federal funding. The Illinois Human Rights Act protects the housing rights of people with disabilities. Some cities and towns also have their own housing discrimination laws. This fact sheet focuses on the Fair Housing Act.

Housing providers may not discriminate based on disability

Housing providers must use the same rules for everyone. Examples of prohibited conduct include:

- Charging a higher rent to someone who uses a wheelchair on the assumption that the wheelchair will cause damage to the apartment
- Requiring greater assets before selling to a person with an intellectual disability based on the assumption that people with intellectual disabilities cannot hold down a job
- Charging a person with a service animal a surcharge based on the assumption that the animal will damage the apartment

Who is considered a housing provider under the federal Fair Housing Act?

Courts have applied the Fair Housing Act against:

- Property owners
- Property managers
- Homeowners
- Condominium associations
- Lenders
- Real estate agents
- State and local governments
- Other people and entities involved in the rental or sale of housing

Reasonable accommodations and modifications

Housing providers must make and pay for reasonable accommodations for people with disabilities and must allow people with disabilities to make reasonable modifications.

A **reasonable accommodation** is a change in rules, policies, practices or services to allow people with disabilities equal opportunity to enjoy their homes and the building's common areas. Generally, the person with a disability must request the accommodation. The request can be made orally, by email or by letter. However, requests should be made in writing so the resident can prove that the request was made.

Examples of reasonable accommodations include:

- Providing a resident who has a mobility impairment with a reserved parking space close to the entrance, even though parking for nondisabled residents is first-come, first-served
- Allowing a resident to have a service dog, even though no pets are allowed in the building
- Calling a resident who is blind to provide information that other residents receive by written notice

A housing provider can deny a reasonable accommodation only if it would result in an undue burden to the provider or a fundamental change in the provider's operation. In such situations, the housing provider must discuss alternative accommodations. This discussion is referred to as the "interactive process."



Housing providers must also allow people with disabilities to make **reasonable modifications**, which are structural changes that allow people with disabilities full use and enjoyment of the building.

Examples of reasonable modifications:

- A person using a wheelchair may need to install a ramp to get into his or her townhouse or widen the door to the unit to allow easy entrance and exit.
- A person who has trouble getting out of a bathtub or shower may need to install grab bars.

Usually, the resident must pay for the modification. However, if you live in federally assisted housing, the housing provider must pay for the modification if it does not create an undue financial and administrative burden.

Accessibility requirements for newer construction

Multifamily housing built for first occupancy after March 13, 1991, that has four or more units and an elevator must comply with the seven design and construction requirements of the Fair Housing Act. If the building has four or more units and does not have an elevator, the ground-floor units must comply with the design and construction requirements.

The seven requirements are:

- Accessible entrance on an accessible route
- Accessible public and common-use areas
- Usable doors
- Accessible route into and through the dwelling unit

- Accessible light switches, electrical outlets, thermostats and environmental controls
- Reinforced walls in bathrooms
- Usable kitchens and bathrooms

If you live in federally assisted housing consisting of five or more units, 5 percent of these units must meet more stringent physical accessibility requirements, and 2 percent of units must be accessible to people with vision or hearing disabilities.

Disability-related inquiries and medical exams

A housing provider cannot ask a housing applicant if he or she has a disability. A housing provider is also not supposed to ask for medical records or a medical evaluation.

Direct threat

A provider may refuse to rent to people with a disability only if they pose a “direct threat” to other residents. A determination of a direct threat must be made after an individual assessment, not based on fear or stereotypes. It is also illegal for local governments to use zoning policies to keep people with disabilities from living in their area. ■

For more information:

The John Marshall Law School Fair Housing Legal Support Center:
www.jmls.edu/fairhousing/center

Office of Fair Housing & Equal Opportunity, U.S. Department of Housing and Urban Development:
1-800-765-9372 or **1-312-353-7143 (TTY)**

Disability Rights in Housing Overview:
portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing

Filing housing discrimination complaints:
portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

Access Living:
1-312-640-2100; www.accessliving.org



Equip for Equality
20 North Michigan Avenue
Suite 300
Chicago, IL 60602

www.equipforequality.org
1-800-537-2632
1-800-610-2779 (TTY)

Illinois Department on Aging
One Natural Resources Way
Suite 100
Springfield, IL 62702-1271

Senior HelpLine:
1-800-252-8966
1-888-206-1327 (TTY)
www.illinois.gov/aging

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel like you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).