



# Fair Housing Fact Sheet for People with Disabilities

## **Can I be discriminated against in housing just because I have a disability?**

No – you cannot be discriminated against because of a disability. You are protected by the federal Fair Housing Act and the Virginia Fair Housing Law, which prohibit housing discrimination based on disability, as well as race, color, religion, national origin, sex/gender, and presence of children in the family (and elderliness in Virginia). You cannot be refused housing (rental or sales) because of your disability; you cannot be charged more or treated differently because of your disability; you cannot have your housing choices limited to certain buildings or floors or units because of your disability; you cannot be required to have wage income to qualify for housing.

## **What types of disabilities are protected by fair housing laws?**

Fair housing laws have a broad definition of disability. You are protected from housing discrimination if you or someone you're associated with has a disability. A disability is defined as a physical or mental impairment that substantially limits one or more major life activities, or having a record of such a disability, or being regarded as having such a disability. Some examples of protected disabilities include: mobility, visual, and hearing impairments; mental retardation, mental or emotional illness, and learning disabilities; any physiological disorder; and other diseases and conditions, including HIV, drug addiction (other than current illegal use of controlled substance), and alcoholism.

## **What should I do if I need a change or exception to a rule in order to live somewhere?**

You have the right to reasonable accommodations, which are changes to rules, policies, practices, or services that enable a person with a disability to fully use and enjoy a dwelling and its services. One example is an applicant with a disability who utilizes a service animal (including guide dogs) cannot be denied housing based on a "no pets" policy. Another example is a person with a mobility impairment must be granted a request to have reserved parking, even if the parking is available on a "first come, first served" basis.

## **What should I do if I can't live somewhere because it's not accessible for wheelchairs?**

There are certain physical accessibility requirements that must be included in the design and construction of new multifamily housing. Requirements apply to all ground floor units and all units served by an elevator in multifamily housing (apartments, condos, and single-story townhouses) with 4 or more units built for first occupancy after March 13, 1991. The 7 accessibility requirements are: 1) accessible entrance on an accessible route; 2) accessible public and common use areas; 3) usable doors (min. 32" clear opening width); 4) accessible routes into and through the dwelling unit (min. 36" clear width); 5) accessible light switches, electrical outlets, and environmental controls; 6) reinforced walls in the bathroom; 7) usable kitchens and bathrooms. For other housing, you have the right to request to make reasonable modifications, which are reasonable structural changes to a dwelling to allow full use and enjoyment, at your expense (landlord may have to pay if receives federal money). A landlord may not increase your security deposit. Examples include people who want to add grab bars or ramps, or widen doorways or lower countertops.

**Who can I turn to if I have questions, think I'm being discriminated against, or need assistance in requesting reasonable accommodations or reasonable modifications?** Call Piedmont Housing Alliance's Regional Fair Housing Education and Outreach Program at 434-817-2436 and talk to a fair housing specialist.

**For landlord/tenant questions,** contact Legal Aid Justice Center at 434-977-0553 or Central Virginia Legal Aid Society at 434-296-8851.

## Letters Requesting Reasonable Modifications or Reasonable Accommodations

The best practice for requesting approval for reasonable accommodations or modifications is to put your request in writing to the landlord or association. Be sure to:

- State where you live and who manages and/or owns the property.
- Specify that you qualify as a person with a disability under the Fair Housing Act.
- Describe what you are requesting:
  - For reasonable modifications, describe the barrier and how it interferes with your use or enjoyment of the housing, then describe the modification you would like to make.
  - For reasonable accommodations, describe the rule/policy you need changed and link to how that will allow you to use and enjoy your housing.
- Clearly state the law that protects your rights:
  - For reasonable modifications: Under Section 804 (f)(3)(A) of the Fair Housing Act, it is unlawful discrimination for a housing provider to refuse to permit the request of a person with a disability to make “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.”
  - For reasonable accommodations: Under Section 804 (f)(3)(B) of the Fair Housing Act, it is unlawful discrimination for a housing provider to refuse “to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”
- Ask for a written response by a certain date.
- Sign and date the letter.
- **Keep a copy of the letter for your records.**
- If you need assistance or if your request is denied, contact Piedmont Housing Alliance at 434-817-2436.

Remember, it is discriminatory for a landlord to refuse to allow you to make reasonable modifications that would enable you to fully enjoy your housing.

*Date*

*Name and Address of Manager and/or Owner*

*Dear Manager/Owner:*

*I am writing to make a request for a reasonable accommodation. [State where you live.] I understand that Cville Apartments has a no pets policy. However, I have a disability covered by fair housing laws, for which I have a cat as a therapy animal. I need to live with my cat due to my disability. Please accommodate my disability by making an exception to your no pets policy. I am requesting this “reasonable accommodation” under federal and state fair housing laws. Attached is my documentation that I have a disability and that it is necessary for me to live with my cat.*

*Fair housing laws state that housing providers must allow for “reasonable accommodations” when necessary for persons with disabilities to allow them equal opportunity to enjoy their housing. The federal and state fair housing laws make it unlawful to refuse a “reasonable accommodation” when necessary to allow a person with a disability to enjoy their dwelling. This means that you are not required to make this exception for anyone else, only for people with disabilities who require such an exception.*

*Please contact me at \_\_\_\_\_(phone #). I look forward to a response by \_\_\_\_\_. Thank you.*

*Sincerely, [sign and print name]*