

What are the Fair Housing Rights of People with Disabilities?

Disability is a protected characteristic under federal, state, and local fair housing laws. You are protected from disability discrimination in all aspects of housing, including when renting, buying, or selling a home, or while residing in your home. That means that you cannot be treated differently by landlords, sellers, agents, banks, management companies, operators of facilities, co-op boards, or other housing providers because of your disability. People who currently have a disability, used to have a disability, or are perceived to have a disability are all protected. A disability does not need to be obvious or visible to be covered.

How is “disability” defined?

The definition of disability varies by legal jurisdiction. The federal Fair Housing Act defines disability as a mental or physical impairment that substantially limits one or more major life activities. The definition is broader under New York State law, which refers to a physical, mental or medical impairment, or a record of an impairment, which prevents the exercise of a normal bodily function or is medically demonstrable. New York City law defines disability even more broadly as any physical, medical, mental, or psychological impairment, including a full range of sensory, mental, physical, mobility, developmental, learning, and psychological disabilities.

What are some examples of housing discrimination based on disability?

- Refusing to rent to a tenant because they have a disability
- “Steering” individuals with disabilities towards certain properties or neighborhoods and away from others, based on stereotypes or assumptions about their needs.
- Rejecting a rental application because the landlord is uncomfortable renting to someone with a disability, or whose partner or family member has a disability
- Isolating individuals with disabilities in specific units or areas within a housing complex, effectively segregating them from other residents
- Requesting unnecessary medical information or documentation related to a disability during the application process.
- Refusing to make legally required reasonable modifications or accommodations (see below)

Accessibility Requirements

Many federal, state, and local laws and regulations have strict accessibility requirements for the design and construction of multifamily housing built after March 13, 1991. Some examples include:

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

Reasonable Modifications

If your housing doesn’t meet these requirements, your housing provider may be required to make structural changes to the housing to make it more accessible, such as building a ramp or installing grab bars. For more information, see our fact sheet *What Are Reasonable Modification Requests in Housing Discrimination?*

Reasonable Accommodations

Housing providers are also required to make changes to the rules or policies to enhance your building’s accessibility, like making an exception to a “no pets” policy for emotional support animals. For more information, see our fact sheet *What Are Reasonable Accommodation Requests in Housing Discrimination?*

Where can I learn more?

If you think you are experiencing any form of housing discrimination, contact the FHJC. We will help sort out the facts and provide you with information about your rights and options under fair housing laws. You can also contact us – anonymously if you prefer – if you know about housing discrimination that is happening to others. Our counseling and investigative services are provided for free, regardless of income.