Disability Protections Against Housing Discrimination

EOI TRAINING SERIES

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# Overview of Topics for This Session

<table>
<thead>
<tr>
<th>Introduction</th>
<th>What Do We Mean by &quot;Disability&quot;?</th>
</tr>
</thead>
<tbody>
<tr>
<td>What Are &quot;Reasonable Accommodations&quot;?</td>
<td>The Cost of Modifications</td>
</tr>
<tr>
<td>Requesting Reasonable Accommodations</td>
<td>What Does Disability Discrimination Look Like?</td>
</tr>
</tbody>
</table>
Disability Protections Against Housing Discrimination

Disability is a protected characteristic under Federal, State, and local fair housing laws. That means you cannot be treated differently in the sale, rental, and financing of housing and other housing-related activities because of your disability status or association with a person with disabilities. Additionally, the Americans with Disabilities Act provides additional protections for people with disabilities.
WHAT DO WE MEAN BY “DISABILITY”?
Defining "Disability"

Disability is defined as a physical or mental impairment that limits one or more major life activities. This includes people who have a record of such impairment and who are regarded as having a disability.

Major life activities include but are **in no way limited to:** caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with other, and working.
Disabilities can be *invisible* and/or *visible*. Both are considered disabilities so long as they limit one or more major life activities. You cannot determine someone’s disability status simply by looking at them.
WHAT ARE "REASONABLE ACCOMMODATIONS"?
Reasonable accommodations are adjustments to the physical structure of units (i.e., lowering counter heights for tenants using wheelchairs), structure of policies (i.e., allowing service animals in a building with a “no pets” policy), or shifts in procedure (i.e., changing the way the landlord communicates with the tenant) to allow people with disabilities to access and enjoy housing, public amenities, and services.
WHO IS RESPONSIBLE FOR PAYING THE COST OF MODIFICATIONS TO A UNIT?
In New York City, housing providers must offer these modifications or accommodations to all eligible persons with a disability at no cost to the tenant.

Outside of NYC, you may be responsible for the cost of modifications within your unit and removing the modification and restoring the unit to its original state at the end of the lease.
MAKING A REASONABLE ACCOMMODATION REQUEST
Tenants may request a reasonable accommodation in writing, verbally, or through submission of a form. It is helpful to document this request. If asking for an accommodation verbally, indicate to that you would like your housing provider to document the request.
As part of this process, your housing provider or landlord may seek a verification of your disability from a qualified third party, such as a physician, care provider, or social worker. The verification will not provide information on the severity or symptoms of the underlying condition but will confirm that a disability is present (and the duration of the disability as temporary or permanent) while making the case of how it is related to the requested accommodation.
Requests that demonstrate a disability and connection to the requested accommodation will be approved so long as they are “reasonable” and do not cause undue financial or administrative burden. In the event that a proposed accommodation causes an undue hardship, such as an excessive cost or a policy that cannot be effectively implemented, the provider must provide an alternative accommodation as able. If denied, tenants may request a hearing to identify any alternative accommodations.
WHAT DOES DISABILITY DISCRIMINATION LOOK LIKE?
Refusal to make a “reasonable accommodation” is one common way people with disabilities may be denied the equal access to the enjoyment of housing. Providers may also misrepresent available units to persons with visible disabilities as a way to avoid making any accommodations (i.e., refusing to show units on upper floors).
Discussion
THANK YOU!