

THE FAIR HOUSING ACT: AN OVERVIEW FOR PEOPLE WITH DISABILITIES

In 1988, Congress extended the federal Fair Housing Act (FHA) to protect people with disabilities against housing-related discrimination. This Fact Sheet provides a brief overview of the rights and remedies afforded by the FHA to people with disabilities.

Are you protected by the FHA?

The FHA prohibits discrimination against people with disabilities. A person is considered to have a disability if he has a physical or mental disability that substantially limits one or more major life activities (such as seeing, hearing, walking, breathing, learning). People with histories of having a disability or who are regarded as having a disability also are protected by the FHA. The FHA also protects people who live with or are associated with people with disabilities. The FHA, however, does not require that housing be made available to persons who constitute a "direct threat" to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others.

What housing is covered by the FHA?

The FHA covers most types of housing, including single-family houses and rental properties. In some cases, owner-occupied buildings with no more than four units, single-family housing sold or rented without a broker, and housing operated by religious organizations or private clubs are not covered.

What types of general conduct are prohibited by the FHA?

Discrimination in the Sale or Rental of Real Estate -- The FHA prohibits a seller, landlord, or real estate agent from taking into account a person's disability in: refusing to rent or sell housing; refusing to negotiate for housing; making a dwelling unavailable; setting different terms or conditions for the sale or rental of housing; providing different services or facilities; and falsely denying that housing is available for sale, rental, or inspection.

Discrimination in Mortgage Lending and Appraisals -- The FHA prohibits mortgage lenders from taking into account a person's disability in refusing to make a mortgage loan or provide information on loans; imposing different terms or conditions on a loan; or in appraising property.

Discrimination in Advertising -- The FHA bars advertising that indicates a limitation on housing availability based on disability.

Threats and Interference -- The FHA prohibits people from threatening, coercing, intimidating, or interfering with anyone who exercises his rights under the FHA or assists others to exercise those rights.

What additional protections are afforded to people with disabilities by the FHA?

In addition to the general prohibitions against discrimination, the FHA includes specific provisions that assure that people with disabilities have equal access to housing.

Reasonable Modifications -- A landlord must allow a person with a disability to make reasonable modifications to the premises when necessary, such as installation of grab bars or stair glides. These modifications, though, must be paid for by the tenant. Also, where it is reasonable to do so, the landlord may condition permission for a modification on an agreement by the renter to restore the premises to the condition that existed before the modification.

Reasonable Accommodations -- A landlord must make reasonable accommodations in rules, policies, or practices when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. For example, a landlord may have to waive a "no pets" policy to allow service animals or reserve a parking spot for a tenant with a disability.

Does the FHA require dwellings to be made physically accessible?

The FHA includes only limited accessibility requirements. Buildings built after March 13, 1991 which have four or more units and an elevator must assure that public and common areas are accessible; that doors can accommodate wheelchairs; and that units have an accessible route and certain other features of adaptive design. Buildings built after March 13, 1991 which have four or more units but no elevator must assure that the ground floor units comply meet these accessibility requirements.

Does the FHA apply to zoning?

Yes, the FHA applies to zoning laws and decisions by zoning officials and review boards. Zoning laws and decisions cannot discriminate against people with disabilities. For example, zoning laws that exclude group homes from residential districts or impose special requirements on group homes would likely violate the FHA. Additionally, zoning officers must grant reasonable accommodations by waiving certain zoning rules when necessary to allow people with disabilities equal opportunity to enjoy a dwelling. For example, a refusal to allow four unrelated people to live in a group home in a residential district because the zoning law does not allow more than three unrelated people to live together would likely violate the FHA.

Who can you contact to file a complaint about housing discrimination?

You can file an administrative complaint with the United States Department of Housing and Urban Development (HUD) by contacting HUD at (215) 656-0663 ext. 3260 or (888) 799-2085 (voice) or (215) 656-3450 (TDD) or you get information online at HUD's website, www.hud.gov. You also can file a lawsuit in federal court to challenge violations of the FHA.

Where can you get further information?

To obtain further information about your rights under the FHA, you can contact the intake system of the Disability Rights Network of Pennsylvania at 800-692-7443 (voice) or 877-375-7139 (TDD).

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