



A Consumer's Guide to Fair Housing

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**EQUAL HOUSING
OPPORTUNITY**

Funded by the U.S. Department of Housing and Urban Development.

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Introduction

You can use this booklet to learn more about your housing rights as a person with a disability. You can also learn what to do if you feel your housing rights have been denied.

A word about terms. Some of the terms may be confusing - what is a "reasonable accommodation"? What exactly do we mean by "multi-family"? Many of these terms are defined in the glossary that begins on page 12.

Questions? If you have questions about your housing rights, you can contact any of the resources that are listed on page 6. They will be happy to talk with you.

Your housing rights are protected by law.

As a person with a disability. . .

You have the right To be free from discrimination based on disability. You may not be discriminated against because:

- You have a disability
- A member of your household has a disability
- Others who are associated with you have disabilities

You have the right To also be free from discrimination based on:

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (for example, because you have a child)

You have the right To have the landlord make changes ("reasonable accommodations") you need. These changes must be necessary for you to have equal opportunity to use and enjoy a dwelling. Changes may be made to:

- Rules
- Policies
- Practices
- Services

You have the right To make changes yourself ("reasonable modifications"). These changes must be necessary for full enjoyment of the housing. They may be made to:

- The unit you live in
- Public or common use areas in your dwelling

Housing Laws You Should Know About

Several laws protect your housing rights. Some are Iowa laws, and some are federal laws. The most important is the federal **Fair Housing Act**. (It is also known as Title VIII of the Civil Rights Act of 1968.) This booklet deals mostly with the Fair Housing Act (FHA). Iowa also has a fair housing law. It is similar to the federal law.

Other federal laws that deal with housing discrimination include:

- Americans With Disabilities Act (see page 10)
- Section 504 of the Rehabilitation Act of 1973 (see page 11)

The Fair Housing Act (FHA)

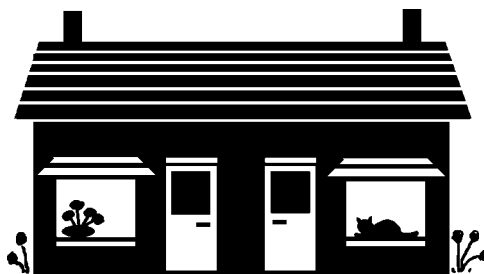
The Fair Housing Act applies to nearly all forms of housing used as residences, whether they are for sale or rent. This includes, for example, certain homes, apartments, and condominiums. It also applies to:

- Group homes for recovering addicts
- Hospice facilities
- Nursing homes
- Seasonal bungalows
- Shelters for battered women
- Shelters for homeless people

The FHA does ***not*** apply to:

- “Transient occupancy,” such as a brief stay in a motel
- A building that is home to four or fewer families, if its owner lives there (In Iowa, dwellings with three or four units may be covered.)
- A dwelling owned by certain religious organizations or private clubs
- A single-family home that its owner rents or sells without using a realtor

The FHA also does not apply if a tenant has been convicted of illegally making or distributing a controlled substance (drugs).



As a person with a disability, you have important rights under this law

Under the Fair Housing Act, you have the right to:

1. Freedom from discrimination.

Discrimination on the basis of disability is illegal.

2. Reasonable ACCOMMODATIONS.

The FHA requires a landlord to make “reasonable accommodations” in rules, policies, practices, and services. Tenants need to show that an accommodation, or change, is necessary so that they have an equal opportunity to use and enjoy the unit. The landlord does not have to make costly or burdensome changes. Reasonable accommodations are made at the landlord’s expense.

For example:

- Changing a “no pets” policy so a person with disabilities can keep a service animal. This might be a seeing eye dog, or a pet that provides emotional support.
- Reserving a space near the building entrance in an apartment parking lot for a tenant who can’t walk far.

3. Reasonable MODIFICATIONS.

The FHA requires a landlord to allow tenants to make “reasonable modifications” to the rental unit. Again, a landlord has to allow tenants to make changes needed so that they can fully use and enjoy the dwelling. The tenant has to pay for these modifications.

For example:

- Installing grab bars in the bathroom
- Widening a door so a wheelchair can pass through

The tenant and landlord need to have an agreement about the modification. The agreement says what work will be done. It can also say who will do the work. The landlord can make sure the tenant has a building permit. The landlord can also make sure the work will be properly done.

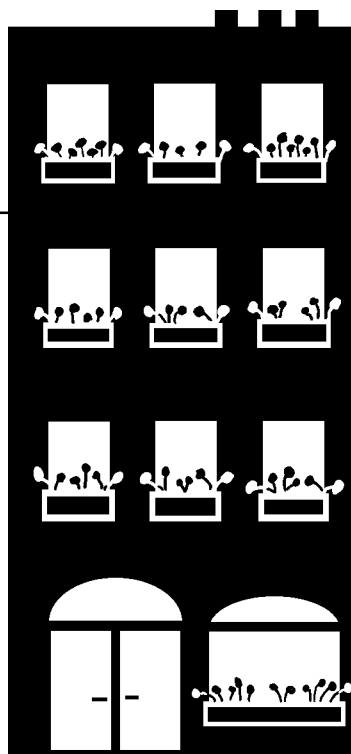
4. Accessible multi-family housing.

Newer multi-family housing must be accessible. The law applies to a new apartment when:

1. The building was built for first occupancy after March 13, 1991.
2. The building has four or more units.
3. The unit is on the ground floor, or in a building with an elevator.

To be accessible, housing must have:

- A **building entrance** wide enough for a wheelchair. It must be reached by an **accessible route** - no steps, reasonable surface, not too steep.
- Accessible **public and common use areas**
- Doorways** that are wide enough for someone in a wheelchair to pass through
- An **accessible route into and through** the dwelling unit
- Light switches, thermostats, and other environmental controls** in **accessible** locations
- Reinforcements in bathroom walls** so grab bars can be installed
- Kitchens and bathrooms large enough** so that a person in a wheelchair can move about easily



If you feel fair housing laws have been violated, you can:

- **File a complaint with the Iowa Civil Rights Commission(ICRC).**

The time limit for filing a complaint with the ICRC is 180 days from the time the discrimination happened. You can contact them at:

Iowa Civil Rights Commission
Grimes Building, 400 E. 14th Street
Des Moines, Iowa 50319
800-457-4416
515-281-4121
www.state.ia.us/government/crc

- **File a complaint with the United States Department of Housing and Urban Development (HUD).**

The time limit for filing a complaint with HUD is one year from the time the discrimination happened. You can contact them at:

U.S. Dept. of Housing and Urban Development
www.hud.gov/complaints/housediscrim.cfm

Housing Discrimination Hotline
800-669-9777

Multi-family Housing Complaint Line
800-685-8470

- **File a lawsuit without going to either the ICRC or HUD first.** A lawsuit has to be filed within two years of the time the discrimination happened. It is usually a good idea to talk to a lawyer before you decide on a course of action.



Resources

Resources for legal advice or representation

Iowa Legal Aid

1111-9th Street, Suite 230
Des Moines, IA 50314-2527
1-800-532-1275 (regular and TYY)
<http://www.iowalegalaid.org>

Clinical Law Program

University of Iowa College of Law
Iowa City, IA 52242-1113
(319) 335-9023

Other Resources

Iowa Division of Persons with Disabilities

Lucas Building
321 East 12th Street
Des Moines, Iowa 50319
888-219-0471 (voice, TTY)
515-242-6172
<http://www.state.ia.us/government/dhr/pd/>

Iowa Governor's Developmental Disability Council

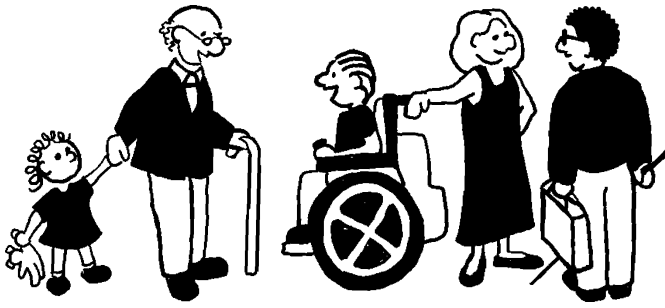
617 East 2nd Avenue
Des Moines, Iowa 50309
800-452-1936
515-281-9082
<http://www.state.ia.us/ddcouncil/>

Iowa COMPASS

Center for Disabilities and Development
100 Hawkins Drive
Iowa City, Iowa 52242-1011
800-779-2001
877-686-0032 (TTY)
319-353-8777
<http://www.uiowa.edu/infotech/>

National Fair Housing Advocate

800-254-2166
<http://www.fairhousing.com/>



Frequently Asked Questions about the Fair Housing Act and Disabilities

1. How do the laws define “a person with a disability”?

The Fair Housing Act uses the word “handicap” instead of “disability.” The FHA borrowed the definition of handicap from Section 504 of the Rehabilitation Act. The Americans With Disabilities Act uses the term “disability.” The two terms have the same definition. That is, a person with a disability (or handicap) is defined as someone who:

- has a physical or mental impairment that
- substantially limits one or more of such person’s major life activities, such as walking, learning, or working.

Or the person may have a record of having such an impairment, or be regarded as having such an impairment.

2. Can a landlord ask about your disability?

No, unless you are:

- Applying for housing set aside for people with disabilities
- Asking for a “reasonable accommodation.” Then a landlord may ask you to show how your disability creates a need for that change.

3. Can a landlord charge you an extra deposit?

A landlord can’t charge people with disabilities a higher general deposit. It is discrimination to charge tenants with disabilities more. Even if a landlord worries that a wheelchair may bump into walls or wear out carpet, he can’t make the deposit higher. However, a landlord may be able to charge an extra deposit if a tenant asks for a reasonable modification. This is explained in Question 4, below.

4. Who is responsible for the cost of “reasonable modifications”?

Reasonable modifications are changes you make yourself. These changes must be necessary for full enjoyment of the housing.

When you move away, you may need to put things back the way they were. To cover the cost of this, the FHA allows a landlord to request an extra deposit:

- How much depends on what it will cost to put things back.
- The amount of the deposit must be “reasonable.”
- The total can’t be more than the cost of restoring the unit.
- The tenant should be able to pay the extra deposit “over a reasonable period.”
- Any interest earned on the extra deposit belongs to the tenant.

The next tenant may not want the modification changed back. If so, the landlord should return your extra deposit to you when you move. The landlord can then ask the new tenant for an extra deposit. This would pay to put things back the way they were when the new tenant moves.

Federal regulations discuss two examples of modifications that might need to be changed back:

- Grab bars in the bathroom – The regulations say it is reasonable for a landlord to require the removal of grab bars. Wall reinforcements can be left as they are.
- Widening a bathroom doorway – This does not have to be changed back.

5. Who pays to make public and common use areas accessible?

Newly built multi-family housing that was first occupied after March 13, 1991 should have accessible public and common use areas. If not, the common use areas may have to be changed at no charge to the tenant.

For older units, the tenant may have to pay for the changes. A change to a common use area does NOT have to be changed back.

6. What if a tenant cannot afford to pay for a reasonable modification to a common use area in an older dwelling?

Sometimes another way can be found to provide access. For example, let’s say the laundry room is not accessible. Perhaps a relative or friend could do laundry for the tenant. If the landlord has a rule that only tenants can use the laundry room, the tenant could ask for change in that rule. This would be a “reasonable accommodation.”

7. How can a tenant get a reasonable accommodation?

- A tenant must ASK for a reasonable accommodation. The landlord is not responsible for suggesting an accommodation.
- The tenant must show that the change is needed so that she has an equal opportunity to use and enjoy the dwelling.
- In some cases, a tenant may need to have a doctor or other expert support his request.

8. Does a tenant with a disability have a right to have a pet?

The FHA does not require landlords to allow pets. But a tenant can ask for a reasonable accommodation for a service animal. A tenant can also ask for this for a pet that provides emotional support.

What if the landlord says no to that accommodation? Then a tenant must show that the animal provides benefits beyond those of a pet. For example, a "hearing dog" alerts a child who can't hear to important sounds, such as the doorbell and smoke alarm.

Though the FHA does not require that pets be allowed, other housing laws may apply. Pets are allowed in federally funded housing for people who are elderly and have a disability. They are also allowed in public housing. Landlords can set some limits on the type and size of the pet. They can also charge an extra deposit.

9. If a tenant gets an eviction notice, is it too late to ask for a reasonable accommodation?

Not necessarily. It IS still necessary to ASK for a reasonable accommodation. Do this in writing, so there is no doubt about whether the request was made. If the landlord denies the accommodation, the tenant may be able to raise that at the eviction hearing.

10. What if the landlord says a tenant's behavior is dangerous?

The FHA may not apply if a tenant creates a direct threat to the health or safety of others. This is also true if there is the risk of substantial damage to the property of others. However, the landlord should consider first whether a reasonable accommodation would solve the problem.

11. What other laws may apply to fair housing?

Two other laws give you rights that you should know about, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

The Americans with Disabilities Act (ADA)

What if a person can't get into the rental office to apply for an apartment?

The Fair Housing Act covers only the "dwelling." But the Americans with Disabilities Act (ADA) covers "public accommodations." A rental office is a public accommodation. This is true even if it is in an older building.

If a rental office is in a building first occupied after January 26, 1993, the office should be accessible. In an older apartment, the landlord should offer other ways to do business. For example, owner and tenant might meet in an accessible conference room on the first floor.

Under the ADA, barriers must be removed when this is "readily achievable." That is, when it can be done with little "difficulty or expense." Examples include making:

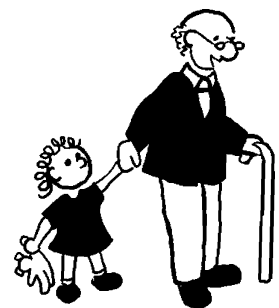
- Designated parking spaces
- Curb cuts
- Wheelchair ramps or lifts
- Wider doorways
- Making elevators more accessible with Braille signs, audible signals, and controls no higher than 48 inches above the floor.

In older buildings it may be too expensive to make these changes.

Title II of the ADA applies to state and local government programs, services, and facilities. They must be accessible when viewed in their entirety. The government does not have to make changes that:

- Would fundamentally alter the nature of a program or activity
- Would cause undue financial and administrative burden

Title II may help tenants with disabilities change city or public housing. Title II can also help them get access to the offices of a housing agency.



The ADA also requires the provision of aids and services such as:

- Interpreters for people who are deaf
- Readers for people who are blind

If a person needs such an accommodation, he or she needs to let the landlord or government body know in advance. Again, these accommodations need to be provided unless:

- It would cause undue burden
- It would fundamentally alter the program.

If violations of Title II or III of the ADA have occurred, you can:

- File an administrative complaint. Complaints need to be filed with the right agency or department. You may need to talk with a lawyer if you want to file an administrative complaint.
- File a lawsuit in court. A lawyer can also help you with this.

For information on legal resources, see page 6.

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 also fights discrimination. It covers programs that get federal funds, such as housing built with federal money. Section 504 requires reasonable accommodation for persons with disabilities.

Section 504 also has requirements for new construction. Multi-family housing must be accessible if it:

- Was built after July 11, 1988
- Was built with federal money
- Has 5 or more units

If violations of Section 504 have occurred, you can:

- File an administrative complaint
- File a lawsuit in court

For information on legal resources, see page 6.



Glossary

Accessible environmental controls

are controls like light switches, electric outlets, and thermostats. They must not be placed above countertops or other obstacles. They should be placed between 15 inches and 48 inches above the floor.

Accessible housing is housing that can be comfortably lived in by someone with a disability. When a dwelling is accessible, everyone, including people with disabilities, can:

- Easily enter the dwelling
- Move about safely and comfortably within the dwelling
- Use the home's basic features, like doors, bathrooms, light switches, kitchen, and so forth

Accessible routes are at least 36" wide. They begin at the main entrance of a unit, and continue through the unit and onto decks, balconies, and patios. They do not have steps, or a steep incline. Their surface is reasonably smooth.

Adaptability means that some features of a dwelling are already accessible, and others can be easily "adapted" to be accessible. Adaptations are changes that can be made without a need for skilled labor. They can also be made without changing the basic structure of the dwelling.

Disabilities are ongoing physical or mental conditions that seriously limit one or more major life activities, such as:

- Caring for yourself
- Concentrating
- Hearing
- Interacting with others
- Learning
- Lifting
- Seeing
- Sitting
- Standing
- Thinking
- Walking
- Working



Dwellings are places where people live. Dwellings include:

- Apartments
- Group homes
- Hospice settings
- Houses
- Shelters, such as those for battered women or people who are homeless
- Vacation homes

Multi-family housing is a dwelling with 4 or more separate living units. Under the Fair Housing Act, the term "family" is used to describe the dwelling, rather than the people who live there. It does not

describe how many people live in a unit. It also does not refer to the relationship of the people to each other.

Public and common use areas are areas that all tenants and, in some cases, the public can use; for example, management offices, playgrounds, swimming pools, tennis courts, garbage dumpsters, mailbox kiosks, and clubhouses.

Reasonable - Reasonable accommodations or modifications are changes that:

- Don't cause financial or administrative hardship for the landlord
- Don't fundamentally alter the nature of the housing program

Reasonable accommodation is a change that is made so a person with a disability has an equal opportunity to use and enjoy a dwelling. The change may be to housing rules, policies, practices, or services. A landlord usually pays for reasonable accommodations. Accommodations are not considered "reasonable" if they:

- Cause financial or administrative hardship for the landlord
- Fundamentally change the nature of the housing program

Reasonable modification

involves changing the structure of a unit. Such changes must be allowed if a person with a disability needs them to fully "use and enjoy" the dwelling. Tenants often have to pay for them. Such changes are not limited to the interior of the home. They can also affect lobbies, main entrances, and other public and common use areas.

Reinforced bathroom walls

contain reinforcements so grab bars around toilets, tubs, shower stalls, and shower seats can easily be installed.

Units are separate living spaces. A house may be a "single unit," where only one family lives. An apartment may have many units where many different families live.

Usable kitchens and bathrooms

are designed so that a person using a wheelchair can easily move about and use fixtures and appliances.

