

CHAPTER 6:

FAIR HOUSING

Fair Housing Act

The Fair Housing Act prohibits discrimination in the sale, rental and financing of housing based on race, color, national origin, religion, sex, familial status and disability.

The Act and its amendments provide significant protection against discrimination for people with disabilities. More specifically, these federal laws:

- ◆ Prohibit discrimination against person with disabilities
- ◆ Require housing providers to make reasonable accommodations for persons with disabilities
- ◆ Require housing providers to allow persons with disabilities to make reasonable modifications
- ◆ Require that new multifamily housing be designed and constructed to be accessible

Landlords CAN NOT:	Landlords CAN:
Ask what is your disability, the nature of your disability, the severity of your disability or how your disability was acquired	Verify that you are qualified for the designated unit
Ask what services are you receiving or if you can live independently	Verify your income
Ask what medication you are taking	Conduct a criminal background check
Discriminate against you because of your appearance	Check your references
Select the type of unit they think you need	

Examples of Housing Discrimination

- ◆ A rental or sales agent tells a person with a disability that an apartment or house has already been rented or sold when it is still available.
- ◆ A mortgage lender offers different terms or conditions to a person with a disability.
- ◆ A housing provider refuses to allow a person with a disability to add a ramp, widen doorways or add grab bars to make their housing more accessible.
- ◆ A rental or sales agent shows a person with a disability housing only in certain neighborhoods or assigns a person to a particular section of a building because of their disability.

How to File a Complaint

If you feel you have been discriminated against, you can file a complaint with the N.C. Human Relations Commission and/or with the U.S. Department of Housing and Urban Development. Legal Aid of North Carolina may also be able to help. Your complaint can be made by mail, by phone or on the Internet.

With your complaint, be sure to include:

- ◆ Your name and address
- ◆ The name and address of the person about whom you are complaining
- ◆ The address of the house or apartment where the alleged violation occurred
- ◆ A short description and dates of the alleged violation



N.C. Human Relations Commission

The N.C. Human Relations Commission is responsible for enforcing the North Carolina State Fair Housing Act and is substantially equivalent to the Division of Fair Housing within the U.S. Department of Housing and Urban Development.



For questions about your fair housing rights or to file a complaint contact:

N.C. Human Relations Commission
1318 Mail Service Center
Raleigh, NC 27699-1318
919-789-5930 or 866-324-7474
www.doa.state.nc.us/hrc/fairhousing.htm

U.S. Department of Housing and Urban Development

The HUD Office of Fair Housing and Equal Opportunity (FHEO) administers and enforces federal laws and establishes policies that make sure everyone has equal access to the housing of their choice. This includes the implementation and enforcement of The Fair Housing Act. *To file a complaint contact:*

Atlanta Regional Office of FHEO
U.S. Department of Housing and Urban Development
40 Marietta Street, 16th Floor
Atlanta, GA 30303-2806
1-800-669-9777
www.hud.gov/complaints/housediscrim.cfm

Legal Aid of North Carolina

Legal Aid of North Carolina (LANC) is a statewide, nonprofit 501(c)3 law firm that provides free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity. LANC operates in all 100 counties in North Carolina through 24 geographically based offices. *To locate an office near you, contact:*

Legal Aid of North Carolina
224 South Dawson Street
Raleigh, NC 27601
919-856-2564
www.legalaidnc.org

Reasonable Accommodations

Reasonable accommodations are changes to rules, policies, practices, or services to allow persons with disabilities equal opportunity to use and enjoy a housing unit, including common areas. A tenant or prospective tenant can ask the property owner to make an exception to a rule, policy, practice or service based on the need related to their disability.

What is “Reasonable”

According to fair housing laws, “reasonable” means that the action requested by the individual with a disability:

- ◆ Does not cause an undue financial burden to the housing provider
- ◆ Does not cause a basic change in the nature of the housing programs available
- ◆ Will not cause harm or damage to others
- ◆ Is technologically possible

Examples of Reasonable Accommodations

- ◆ If an applicant or tenant requires a service animal due to their disability, it is possible to ask for a reasonable accommodation to allow the animal even if the property has a no pet policy.
- ◆ If an applicant has delinquent credit that is linked to their disability, the applicant may be able to receive a reasonable accommodation to the property’s standard regulations, especially if the person can demonstrate a change in circumstances, such as participation in supportive services, that will help enable timely rent payments.
- ◆ It also may be possible to ask for a reasonable accommodation if the applicant or tenant has been convicted of a crime due to their disability.
- ◆ Other examples include requesting an assigned parking place, an alternate method of paying rent, and third party notification on all correspondence.

Making a Request

If you or a member of your household needs a reasonable accommodation or modification, submit a request to the property manager or owner. You are not required to disclose the nature of your disability, although you may if you wish. While you can make verbal requests, it is recommended that you make requests in writing, so both you and the property manager have a record of the request. In your written request, be sure to fully describe the required accommodation. *See sample letter on page 6.5.*

Verification and Documentation

The property manager or owner may require written verification that the requesting tenant has a disability and that the accommodation is necessary to give that tenant equal opportunity to use and enjoy the housing community. *See sample letter on page 6.6.* You should ask your healthcare or service provider to send a signed letter on professional letterhead to the property manager answering the following questions:

- ◆ Does the tenant have a disability as defined by fair housing laws?
- ◆ In the professional opinion of the service provider, does the tenant need the requested accommodation in order to have the same opportunity as a non-disabled person to use and enjoy the housing community?

Provision of Accommodations

The property manager or owner should discuss your request for a reasonable accommodation with you. In most cases, housing management will provide reasonable accommodations promptly, at management's expense. The manager will provide a letter outlining how and when the accommodation will be provided.

Sometimes, the specific accommodation you request may be difficult, time-consuming or expensive to provide, and the property manager may suggest alternate accommodations that may work just as well. If you believe the accommodation you have requested is the only one that will work, be prepared to explain why. Have a back-up plan in mind and be willing to discuss alternatives. If you and the property manager disagree about whether the request is reasonable, the manager should be prepared to explain why. If the property manager determines that they cannot fulfill the request because it poses an undue financial and administrative burden or because it would cause a fundamental alteration in the housing program, they should advise you in writing, and offer an opportunity for you to make a modified request.

Things to Remember

- ◆ Tenants are responsible for requesting reasonable accommodation as needed.
- ◆ It is very important to use the precise term “reasonable accommodation” when making the request.
- ◆ You are not required to disclose the exact nature of your disability to the housing provider. However, you may share that information if you wish and if you believe it will assist them in providing you with the reasonable accommodation.
- ◆ The request can be made during the application process, during tenancy, or to avoid an eviction.
- ◆ The reasonable accommodation must not cause an unreasonable financial or administrative cost to the property owner.

Resource



The North Carolina Housing Finance Agency publication “*Fair Housing for Tenants with Disabilities: Understanding Reasonable Accommodations and Modifications*” is an excellent resource. Copies are available for download on their website at www.nchfa.com/rental/mreasonableaccomd.aspx or by calling 919-877-5700.

SAMPLE

**Sample Letter from Tenant
Reasonable Accommodation Request**

Date:

Dear (name of property manager/owner):

I live at the Lakewood Apartments at 1912 North Raleigh Street, Unit B. I (or a member of my household) am a person with a disability.

Our building's rules state a "no pets" policy. Because of my disability, a doctor has prescribed a service animal to assist with my daily living.

I am requesting that you make a reasonable accommodation to the building's rules to permit me to have a service animal in my apartment. My service animal is a golden Labrador retriever. Please respond in writing to my request for a reasonable accommodation within a week. I look forward to your response and appreciate your attention to this matter.

Sincerely,

Tenant Name

SAMPLE

**Sample Letter from Service Provider
Reasonable Accommodation Request**

(On letterhead)

Date:

Regarding:

Dear (Property Manager):

I, (name of professional), am a (name of healthcare field) professional with the following qualifications _____.

I have worked with (name of tenant) since (date). I am familiar with his/her history and disability-related functional limitations. He/she meets the definition of disability under fair housing laws.

To enhance his/her ability to live independently and to fully use and enjoy his/her dwelling, I hereby verify that (name of tenant) requires the reasonable accommodation(s) listed here:

_____.

I am available to answer any questions you may have concerning my recommendation that (name of tenant) have this accommodation.

Sincerely,

Name of Professional

Reasonable Modifications

Reasonable modifications are changes in the physical arrangement of the interior of a housing unit, common spaces, or parking areas to make tasks easier, reduce accidents, support independent living, and allow the person with a disability to have full enjoyment of the premises where they live.

This might include:

- ◆ Changes or additions to the structure (e.g., widening doorways or a ramp)
- ◆ Installing special equipment (e.g., hand-held showers, grab bars and handrails)
- ◆ Adjusting the location of furniture and improving lighting

According to the Fair Housing Act, it is illegal for property owners to refuse to let tenants make reasonable modifications to a house or apartment if the tenant is willing to pay for the changes. The tenant must also restore the apartment or house back to its original condition once they vacate the unit, unless other arrangements are made with the property owner. The request must be considered “reasonable” as defined on page 6.3.



Paying for Modifications

- ◆ If the housing is federally funded (owned or rented) it is the owner’s responsibility to pay for the reasonable modifications.
- ◆ In other types of housing, the tenant is responsible for the cost of the modifications.
- ◆ Agencies such as VR-Independent Living, Area Agencies on Aging, Centers for Independent Living, Urgent Repair Programs and Community Action Agencies may be able to assist with the cost of modifications. *See Chapter 7 for contact information.*
- ◆ The CAP/MR DD Medicaid Waiver can also be used to pay for the purchase, installation, maintenance and repair of home modifications.

Performing Modifications

- ◆ Often minor changes can be done with the help of family and friends. For example, tacking down rugs, increasing wattage in lamps and moving furniture can make a huge difference in one’s safety.
- ◆ In some communities, volunteer groups and “handyman” programs build home modifications such as ramps and handrails.
- ◆ For more significant changes, professional help is needed. Most professional contractors are not certified specialists in home modification, though they may be quite capable of working with you if you know what you need.

When selecting a contractor or home repair company it is recommended to:

- ◆ Get 3 references on jobs similar to yours
- ◆ Ask to see the contractor’s liability policy
- ◆ Never pay for the entire job in advance
- ◆ Ask for a separation of labor and material in the estimate and bill

Making a Request

If you are requesting permission to make a modification to the premises at your expense, be sure to provide the following with your request:

- ◆ A full description of the intended modification(s)
- ◆ Assurance that required building permits will be obtained
- ◆ Assurance that the modifications will be done in a professional manner
- ◆ An agreement to return the premises to their original state, unless the modification will not interfere with the next tenant's use and enjoyment of the premises
- ◆ An agreement (in some cases) to pay into an interest-bearing escrow account, over a reasonable period, an amount of money not to exceed the cost of the restorations

Verification and Documentation

The verification and documentation requirements and processes are the same for reasonable modifications as for reasonable accommodation. *See page 6.3 for details.*

Things to Remember

- ◆ The property owner must permit, at the expense of the person with a disability, a reasonable modification of the unit that is being occupied by the person.
- ◆ The property owner may require the tenant to return the dwelling to its original condition.
- ◆ When the tenant is paying for modifications, the tenant is responsible for obtaining any needed building permits, and ensuring that the work is done properly.
- ◆ The property owner may ask the tenant to set aside a reasonable amount of money over a period of time in an interest bearing escrow account to pay for the restoration of the unit.

Much of the information in this chapter was adapted from materials provided by the U.S. Office of Civil Rights.

SAMPLE

**Sample Letter from Tenant
Reasonable Modification Request**

Date

Property Name
Address
City, State, Zip Code

Dear Mr. Blank:

My name is (tenant name) and I live at the Hillside apartment at 1510 Bills Road, Apartment C. I (or a member of my household) use a wheelchair. As an accommodation for my disability, I request your permission to install grab bars in the bathroom of my unit, near the toilet and inside the bath stall, at my expense.

I intend to hire Able Carpenters Company to do the installation, which will include wall reinforcement to current state building codes. John Brown at C&B Incorporation is willing to discuss this project with you, show you the blueprints and discuss any concerns you may have. If you wish, I will have the grab bars removed when I vacate my unit.

Please respond in writing to my request for a reasonable modification within ten days. I look forward to your response and appreciate your attention to this matter.

Sincerely,

Tenant Name