

FACT SHEET: FAIR HOUSING FOR PERSONS WITH DISABILITIES: ENSURING ACCESSIBILITY



Fair Housing Center
of West Michigan

What is fair housing?

Fair housing is the right to choose housing free from unlawful discrimination. Fair housing laws protect people from discrimination in housing based on race, color, religion, sex, national origin, familial status, **disability**, marital status, and age. Discrimination is illegal in housing transactions such as rentals, sales, lending, and insurance. One type of discrimination prohibited by the law is the refusal to make reasonable modifications or accommodations that allow for a person with a disability the equal opportunity to access, use and fully enjoy a dwelling.

What qualifies as a disability?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment. Major life activities include caring for yourself, performing manual tasks, walking, seeing, hearing, speaking, breathing, and working.

What are reasonable modifications?

Reasonable *modifications* are physical changes to an apartment or house that make the unit accessible to someone with a disability, such as ramps or grab bars. A person with a disability must be permitted to make reasonable modifications to their dwelling unit or to the public and common use areas if necessary for equal access. Reasonable modifications are critical for equal housing opportunity, especially in meeting the demand for accessible housing from a growing senior population.

What are reasonable accommodations?

Reasonable *accommodations* are changes in any rule, policy, procedure or service needed in order for a person with a disability to have equal access to and enjoyment of their home. Examples of reasonable accommodations include allowing an overnight caregiver despite a policy prohibiting overnight guests or allowing a service animal despite a “no pets” policy.

What does reasonable mean?

Reasonable is not defined by law so each request should be determined on a case-by-case basis. To show that a requested accommodation or modification may be necessary, there must be an identifiable relationship, or nexus, between the request and the individual’s disability. A request may be denied if providing the accommodation or modification is not reasonable – i.e., if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations.

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What are assistance animals?

Assistance animals include service and companion animals that perform tasks or provide support to assist people with physical or mental disabilities in daily living activities under fair housing laws. These animals are **not** considered to be pets, and are **not** subject to pet fees or “no pet” policies. They do **not** have to be certified or licensed by any government or training program.

What kinds of assistance animals are there?

The most recognizable assistance animals are those that assist people with obvious physical disabilities, such as guide or seeing-eye dogs. Other common assistance animals include hearing animals, mobility animals and seizure response animals. However, companion or emotional support animals also qualify as assistance animals under the Federal Fair Housing Act. Companion animals can help persons with psychological disabilities alleviate symptoms such as depression, anxiety, and stress thereby enhancing the person’s ability to live independently and enjoy their home.

Are dogs the only animals that can be assistance animals?

No. Any animal prescribed by a doctor or other medical professional to assist a person with a disability can be an assistance animal.

How do I request an accommodation?

Though not required, it is recommended the request for an accommodation is in writing. The requester should keep a copy of the request and any supporting attachments. An individual is not required to disclose the disability to the housing provider, but may be asked to provide information to show a connection between the nature of the disability and the requested accommodation. The individual should also describe the specific policy or rule which limits the opportunity for the individual to live in or fully enjoy the housing. The individual then needs to state the specific change in the policy he or she is requesting.

Where can I find more information?

If you have additional questions about reasonable modifications or reasonable accommodations, or if you would like assistance in requesting a reasonable modification or accommodation, please contact the Fair Housing Center office.

SIGNS OF POSSIBLE DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

- Refusing to rent or sell to you because of your disability or a relative’s disability
- Being charged extra fees, such as a higher deposit, or higher rent
- Being told the unit just rented, even though it has an “available unit” sign
- Refusal to allow assistance animals because of a “no pets” policy
- Refusal to permit reasonable modifications, such as wheelchair ramps or grab bars
- Being asked for a medical history to prove you have a disability or to prove you can live independently
- Being told you won’t be safe, neighbors won’t want you there, or the neighborhood is not “right” for you
- Terms, conditions, or availability change between phone contact and an in-person visit
- Filling out an application and waiting an unreasonable time for a decision