

# Know Your Rights

## HOUSING

This fact sheet is designed to help people with disabilities understand their legal rights in the area of housing. It covers:

- (1) Nondiscrimination in Applying for Housing
- (2) Reasonable Accommodations and Modifications
- (3) Accessible Housing

### YOU HAVE THE RIGHT TO BE FREE FROM HOUSING DISCRIMINATION.

It is against the law to publish a statement relating to the sale or rental of a dwelling (e.g. house, apartment)<sup>i</sup> that indicates any discrimination based on disability.<sup>ii</sup> E.g. Landlord states “we don’t rent to wheelchair users” or posts a sign saying the same.

It is against the law to represent to any person, because of disability, that a dwelling is not available for inspection, sale, or rental when such dwelling is actually available.<sup>iii</sup> E.g. You make an appointment to go see a unit, and then upon seeing you use a service animal the landlord says that the unit has already been rented (when it has not).

It is against the law to deny a dwelling to a buyer or renter on the grounds that the buyer or renter, an associate of the buyer or renter, or someone else intending to live in the dwelling, has a disability.<sup>iv</sup> E.g. Once learning your child has Autism, a landlord states he can no longer rent to you.

It is against the law to discriminate against a person in the terms or conditions of sale or rental of a dwelling because that person, someone associated with that person, or someone intending to reside in the dwelling has a disability.<sup>v</sup> E.g. Based on liability concerns, a landlord prohibits a blind tenant from using the pool area at his apartment complex.

### YOU HAVE THE RIGHT TO REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS.

A housing provider’s refusal to provide reasonable accommodations is a form of discrimination.<sup>vi</sup>

Reasonable accommodations include changes to rules, policies, practices, or services to afford a person with a disability an equal opportunity to use and enjoy a dwelling.<sup>vii</sup>

EXAMPLES: Making an exception to a “no animals” policy to allow a service animal; allowing a wheelchair user to transfer to a first floor apartment; Provision of assigned, accessible parking space.

A housing provider’s failure to allow reasonable modifications is a form of discrimination.<sup>viii</sup>

This publication is a fact sheet for informational purposes only.  
This publication is not intended to be legal advice or a substitute for professional services.

Reasonable modifications include making structural changes to the existing premises, at the expense of the disabled person, to afford that person full and equal enjoyment of the premises.<sup>ix</sup>

**EXAMPLE:** Installing handrails in a bathtub for an individual who uses a cane, installing flashing doorbells, or replacing stairs with a ramp.

**BUT REMEMBER:**

- Requests for accommodations and modifications must be necessary and reasonable.

To be necessary, an accommodation or modification must have an identifiable relationship to the person's disability and allow him/her fully to access and enjoy the dwelling.<sup>x</sup>

To be reasonable, an accommodation or modification cannot create an undue financial and administrative burden on the housing provider or fundamentally alter the housing provider's operations.<sup>xi</sup>

**EXAMPLE:** Installing an elevator in a two-story building may be too costly.

- An applicant or resident is not entitled to receive a modification or accommodation unless s/he requests one.<sup>xii</sup> A request does not have to be made in a particular manner or at a particular time. It just needs to make clear to the housing provider that a reasonable accommodation or modification is being sought.<sup>xiii</sup> **PRACTICE TIP:** Make your request in writing, and provide a timeline within which you want a response.

With regard to modifications, a person with a disability must have the housing provider's approval before making the modification.<sup>xiv</sup> The housing provider may require that the work be done in a workman-like manner, and in limited circumstances may require restoration.

- If your request for accommodation or modification is denied because it would create an undue burden or fundamental alteration, your housing provider must engage in an "interactive process" with you to determine if other alternatives will meet your needs.

**YOU HAVE THE RIGHT TO ACCESSIBLE HOUSING.**

Government entities that provide housing and private providers who receive federal funds must ensure that 5% of their newly constructed units are accessible for those with mobility impairments and another 2% are acceptable for individuals with vision or hearing impairments.<sup>xv</sup>

Multifamily dwellings first occupied on or after March 13, 1991<sup>xvi</sup> must be built so that common areas are accessible and usable by handicapped persons, doors are wide enough to allow passage by people in wheelchairs, and certain features of adaptive design (e.g. grab bars) are present.<sup>xvii</sup>

**FILING A COMPLAINT:**

- (1) *U.S. Department of Housing and Urban Development (HUD)* Visit their website at: <http://www.hud.com> to fill out an online complaint form or call toll-free 1 (800) 669-9777 or you can mail it in—see our website.
- (2) *California: Department of Fair Employment and Housing (DFEH)* Visit their website at: <http://www.dfeh.ca.gov>. To file a complaint please call 1(800) 884-1684, videophone at (916) 226-5285 or TDD at (800) 700-2320 or e-mail the Department at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

This publication is a fact sheet for informational purposes only.  
This publication is not intended to be legal advice or a substitute for professional services.