

DISABILITY RIGHTS IN HOUSING

Title VIII of the Civil Rights Act of 1968, Federal Fair Housing Law as amended, and the city of Canton Fair Housing Code makes it illegal to discriminate in housing based on disability. Discrimination is a very broad concept. It includes not only the refusal to rent or sell to persons with disabilities, but also the refusal to accommodate the needs of persons with disabilities so that they may live in the housing of their choice.

What exactly is a disability? According to the Fair Housing Act of 1988, a person is disabled if they have a record of a physical or mental disability that substantially limits one or more major life activities. This includes hearing, mobility, and visual impairments, chronic mental illness, AIDS/HIV, and mental retardation. The term disability does not include current legal use of or addiction to a controlled substance.

Persons who have disabilities are entitled to the same full enjoyment of their home as persons without disabilities. In order to fully enjoy their living situation, it may be necessary to have specific accommodations or modifications made to a dwelling unit. Accommodations are alterations in the services being provided by a landlord. There are times when the policies of a particular landlord prevent people with disabilities from utilizing the services they need. A landlord must make reasonable accommodations if their usual policies would discourage persons with disabilities from living in the dwelling unit. A landlord who fails or refuses to provide a reasonable accommodation is subject to the same penalties under the Fair Housing Act as a landlord who intentionally discriminates on the basis of disabilities. Some examples of reasonable accommodations include:

- Providing a parking space for a disabled person when the apartment doesn't have assigned parking;
- Contacting a caseworker or third party in case of behavior problems, rather than moving straight to an eviction;
- Adjusting rent due date to accommodate alternate forms of income;
- Issuing keys to visiting nurses or personal assistants;
- Keeping laundry room door closed so those fumes do not make someone ill who has multiple chemical sensitivity (MCS);
- Changing a no pet policy to permit a disabled person to have a service or therapeutic animal with no increase in security deposit.



Modifications are different from accommodations. A modification can be defined as any change to the public or common use areas of a building, or any change to a dwelling unit to make it accessible to those with mobility impairments. When a tenant needs modifications to the structure of a unit to make it accessible, it is not the landlord's responsibility to pay for the modifications. A landlord may even require the tenant to set up an escrow account to ensure that the modifications can be removed when the tenant moves out. However, a landlord may not refuse any request for reasonable modifications. It is often beneficial for the landlord to make such improvements and modifications, especially if the landlord plans to keep the improvements long-term. This way, the landlord can be assured of the quality of the workmanship.

Some examples of reasonable modifications include:

- Building ramps over or next to staircases;
- Removal of doors on kitchen cabinets;
- Putting grab bars in showers and bathrooms;
- Widening the doorway so a wheelchair may enter;
- Putting flashing lights in for doorbells and smoke alarms for those that are hearing impaired.



Frequently Asked Questions:

Must a housing provider always provide an accommodation or modification to disabled persons?

- A housing provider would be exempt from allowing an accommodation or modification if the request would cause undue hardship, a financial burden upon the housing provider, or pose a direct threat to the health or safety of others. It is important to note that all requests must be reasonable.

What can I do if I have been discriminated against?

- **KNOW YOUR RIGHTS!** You have a right to ask for reasonable accommodations or modifications. You have a right not to be denied housing based on your disability. You have a right to privacy. Landlords are not permitted to ask specific questions regarding your disability. You have a right to enjoy all aspects of your dwelling. The law clearly protects persons with disabilities.

Note: The information provided in this document is provided to assist you in understanding your rights. It is important to realize that none of this information is legal advice. For legal advice contact an attorney, Community Legal Aid, or the Stark County Bar Association.

Stark County Bar Association 330-453-0686

Community Legal Aid Services 330-456-8361

If you suspect that you or someone you know has been discriminated against, please contact the city of Canton Fair Housing Department at 330-438-4133. We are located at 218 CLEVELAND AVE SW, 5TH FL. CANTON, OH 44702



City of Canton Fair Housing Assistance Program



**EQUAL HOUSING
OPPORTUNITY**