

The Fair Housing Act And Reasonable Accommodations

Building and
Neighborhood
Services

City of Franklin,
Tennessee



FAIR HOUSING LAWS

- ◆ TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
- ◆ FAIR HOUSING ACT WAS ESTABLISHED IN 1968, TO PROHIBIT DISCRIMINATION
- ◆ THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)
- ◆ SECTION 504 OF THE REHABILITATION ACT PROHIBITS DISCRIMINATION ON THE BASIS OF DISABILITY IN ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE



The Fair Housing Act

- ◆ **Fair Housing Act** – Includes Seven Federally Protected Classes:
- ◆ RACE
- ◆ COLOR
- ◆ RELIGION
- ◆ NATIONAL ORIGIN
- ◆ FAMILILAL STATUS
- ◆ DISABILITY
- ◆ SEX

Discrimination

Simply put, discrimination means treating someone differently based on **x**, **y** or **z**.






**Treat everyone
equally**





PROTECTED CLASSES

- ◆ RACE
 - ◆ COLOR
 - ◆ RELIGION
 - ◆ NATIONAL ORIGIN
 - ◆ SEX
 - ◆ FAMILIAL STATUS
 - ◆ DISABILITY
- 

Discrimination Based on National Origin

- ◆ The Fair Housing Act prohibits discrimination based on **national origin**.
- ◆ Discrimination is prohibited based either upon the country of an individual's birth or from where his or her ancestors originated.

Common issues:

- Limited English proficiency
- Citizenship, legal resident, and immigration



Familial Status

- ◆ Persons under the age of 18 living with:
 - A parent or legal custodian
 - The designee of a parent or custodian with written permission
- ◆ Pregnant women
- ◆ Persons in the process of securing legal custody





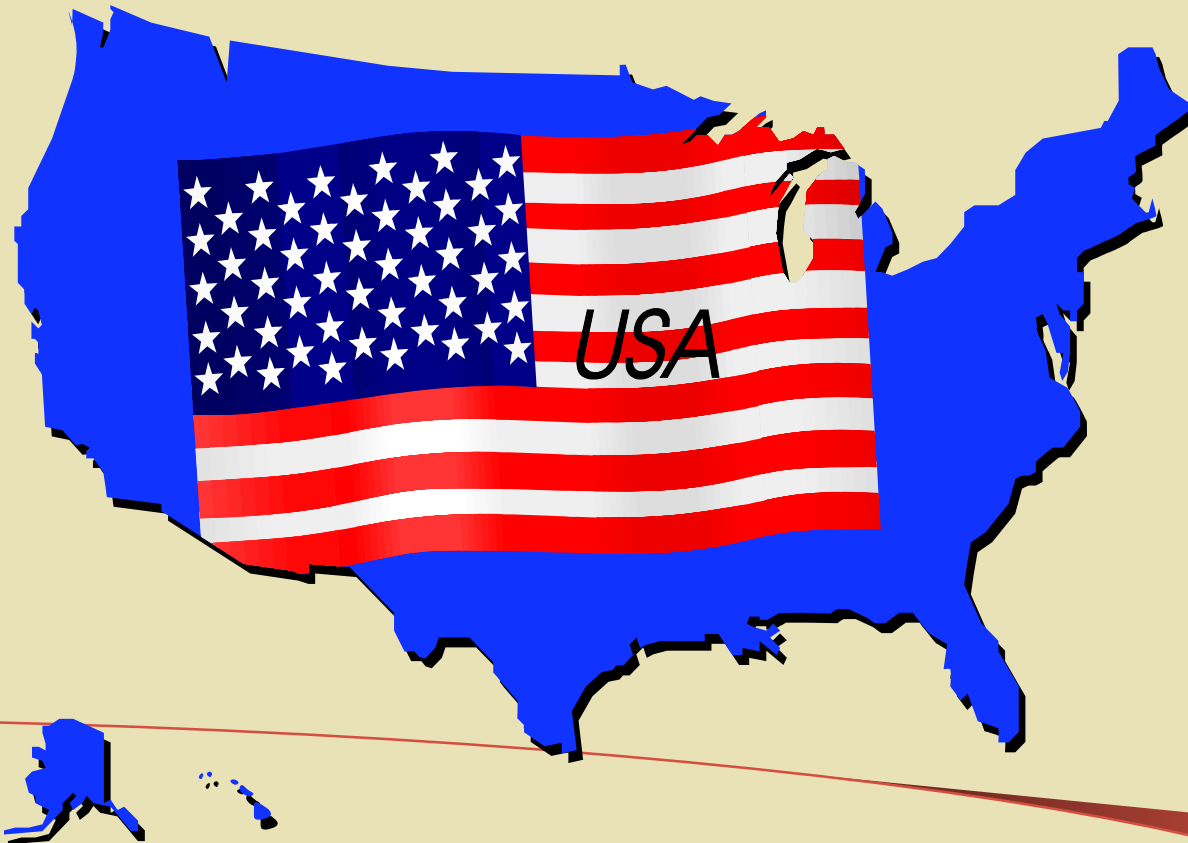
Discrimination Based on Familial Status

- ◆ The Fair Housing Act prohibits discrimination in housing against **families with children** under 18.
- ◆ This means it is unlawful to:
 - Outright deny housing to families with children
 - Impose any special requirements or conditions on tenants with children

For example, a landlord may not:

- Locate families with children in any single portion of a complex
- Place an unreasonable restriction on the total number of persons who may reside in a dwelling
- Limit their access to recreational services provided to other tenants

NO NATIONAL OCCUPANCY POLICY





Family Status:
OCCUPANCY STANDARDS

**adopt reasonable
occupancy standards**



**to limit the number of
persons who can
reside in a unit**



Family Status: OCCUPANCY STANDARDS

**adopt occupancy standards
(1) to exclude families
with children.**



**(2) unreasonably limit
the ability of families
with children to obtain
housing.**



Occupancy Scenario

Policy states:

- ◆ Two persons per bedroom
- ◆ Studios – 1 person
- ◆ Children over the Age of 5 of the opposite sex must have separate bedrooms.
- ◆ Children and parents cannot share rooms
- ◆ What's wrong?



Fair Housing Unlawful Activity

- ◆ Failure to rent or sell a dwelling when a bona fide offer has been made, where the refusal is based on one of the protected classes
- ◆ Discriminatory Terms and Conditions
- ◆ Discriminatory Advertising
- ◆ Falsely Denying Housing is Available



Definition of a Person with Disability

- ◆ A person who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such an impairment, or regarded as having such impairment.
- ◆ Doesn't include - Current drug and alcohol abuse.

Persons with Disabilities

Major Life Activities:

- ❖ Seeing
- ❖ Walking
- ❖ Learning
- ❖ Performing Manual Tasks
- Hearing
- Breathing
- Speaking
- Taking Care of one's Self



**REASONABLE ACCOMMODATIONS
&
REASONABLE MODIFICATIONS**





Reasonable Accommodations

- ◆ A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.



Requesting an Accommodation

- ◆ A reasonable accommodation must be requested.
- ◆ Requests can be made at any time, by person with disability, family member or by someone else who is acting on their behalf.
- ◆ A request does not have to be in writing it can be orally or by any other effective method.
- ◆ Housing provider should place request in writing and document outcome.

Applying the principles ...

- **An oral request is enough – A written request may not be required.**
- **The process should be quick and easy and should involve determining the answers to two questions:**
 - 1.) **Does the requester have a disability?**
 - 2.) **Does the requester have a disability-related need for the reasonable accommodation?**
- **Determinations should be made on a case-by-case basis.**



EVALUATING REASONABLE ACCOMMODATION REQUESTS

Housing providers must evaluate all requests for reasonable accommodations by applying the general principals.





Housing Providers Responsibility

Engaging in an interactive dialogue:

It is necessary, when an applicant or a tenant requests an accommodation or modification, to engage in an interactive dialogue. One cannot simply refuse a request for a reasonable accommodation or modification. The interactive dialogue is an opportunity to become educated about the requester's needs and to find an effective and reasonable solution for the issue at hand.



Verifying Reasonable Accommodations

- ◆ May request documentation of the need – only to extent necessary to verify they have a disability and if the requested accommodation is needed.
- ◆ Apparent vs. non-apparent disability.
- ◆ May not acquire confidential medical records or inquire into the nature or severity of persons disability.



Verifying Reasonable Accommodations

- ◆ Verification of disability and need for accommodation can be from any qualified professional cannot require a medical doctor.
- ◆ The professional can be: medical provider; Health Care provider; professional representing a social service agency; disability agency or rehab clinic or any other reliable source who is familiar with the individual and his or her disability related needs.



What is Reasonable?

- ◆ For an accommodation to be reasonable there must be an identifiable relationship or nexus between the requested accommodation and the individual's disability.
- ◆ The requested accommodation should allow the individual with disabilities to use and enjoy the dwelling unit.



What is Reasonable Cont.

- ◆ The requested accommodation must be reasonable:
 - *Does not impose an undue financial and administrative burden on housing provider.
 - *Does not fundamentally alter the nature of the housing providers operations.

Reasonable Accommodation & Modification Examples

- ◆ A tenant with a mental disability is being evicted for violating community rules – request for accommodation to stop eviction to allow for time to acquire medical treatment.
- ◆ A tenant becomes disabled and requests installation of a ramp.



Fair Housing:

It's Not an Option

Its the Law!



QUESTIONS?

