



**TRANSITION BOOTCAMP OCTOBER 16, 2017:
TENANTS' RIGHT TO REASONABLE ACCOMMODATIONS
UNDER THE FAIR HOUSING ACT**

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A Few Relevant Laws

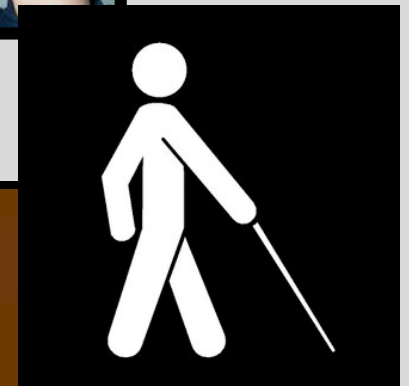
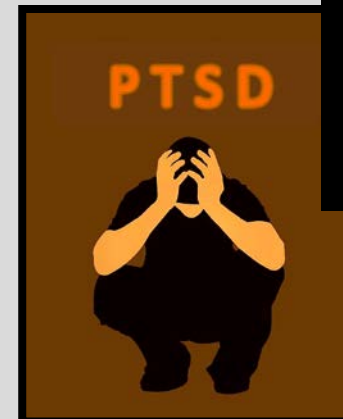
- Fair Housing Act Amendments of 1988 (FHAA)
- Ohio Revised Code 4112 (tracks FHAA)
- Title III of the Americans with Disabilities Act of 1990 (ADA) – applies to “public accommodations” (for example, rental office, swimming pool, club house)

Fair Housing Act Disability Definition

- An individual with a disability is any person who has a **physical or mental impairment** that **substantially limits** one or more **major life activities**
- Person who has a record of such impairment
- Person regarded as having such an impairment

Physical or Mental Impairment

- Visual or Hearing Impairment
- Mobility Impairment
- Mental Illness
- Emotional Impairment
- Intellectual Disability
- Alcoholism & **Past** Abuse of Illegal Substances
- Chronic Disease: muscular dystrophy, multiple sclerosis, HIV, Cancer, Autism, ADHD, asthma, etc. (must “substantially limit...”)



Major Life Activities

Including, but not limited to:

Seeing

Hearing

Walking

Breathing

Performing Manual Tasks

Caring for oneself (Bathing, etc.)

Speaking

Thinking

Reasonable Accommodations

Fair Housing Act requirement

Landlords may not refuse to make ***reasonable accommodations*** regarding rules, policies, practices, or services where tenant has a ***disability-related need***.

Accommodation Examples

Accessible Parking Spaces – reserved space with signage

Assistance or Support Animals

Adjusting due date of rent payments (SS check comes late)

Trash pickup (e.g., wheelchair-using tenant & dumpsters)



Accommodation Example

Fair Housing Act: Support or Assistance Animals

- NOT the same as service animals – much broader definition
- NO training is required. “Disability-related need”
- NOT pets under the law. No deposit or fees are allowed, but tenant may be responsible for actual damages caused by the animal
- Not limited to dogs

Accommodation Example

- ADA (Service Animals)
- Trained to perform a specific disability-related task
- Dogs or miniature horses only
- Certification is NOT required and there is NO official registry! (Two common myths)
- **All service animals are support or assistance animals under the Fair Housing Act, but FHAA is more broad**

Other examples of accommodations

- Live-in aide for people with disabilities who rely on others to care for them;
- Ground-floor apartment for someone who has a mobility impairment and can't use stairs (if one is available);
- Effective communication for people who are deaf or blind.

Submitting a Request

- Determining “reasonableness”
 - 1. Does the person have a disability?
 - 2. Will the accommodation or modification fix the problem?
 - 3. Will it be an undue burden (for example, prohibitively expensive or difficult)?
 - **MAKE REQUESTS IN WRITING AND WITH BRIEF DOCUMENTATION FROM DOCTOR, THERAPIST....**
 - **Note: No special form for a request can be required by a housing provider**

Reasonable Modifications

- May not “refuse to permit, ***at the expense of the handicapped person***, reasonable modifications of existing premises occupied or intended to be occupied by such person”
- [Subsidized landlords may have to pay.]

Modification

A structural change (interior or exterior) made to existing premises, occupied or to be occupied by a person with a disability – e.g., a wheelchair ramp.



Modification Example

Adding Grab Bars in the Shower



“Reasonable” Definition

1. Economically and architecturally *feasible*
2. Does not “unduly burden” the landlord
3. Each request must be considered on case-by-case basis: what’s reasonable?



Documentation: Disability

Landlord may ask for documentation of an individual's disability related to the request

- NOT medical records or detailed info about disability
- Duty to keep information confidential
- Some disabilities are obvious (e.g., quadriplegia)

Interactive Process

“...Both sides must communicate directly, exchange essential information and neither side can delay or obstruct the process...”

-Marilyn Tobocman

Assistant Attorney General for Civil Rights Issues



- Landlord has affirmative duty to participate in Interactive Process

Enforcement Provisions

- Discrimination complaint to Ohio Civil Rights Commission or HUD
- Agency investigates: may try mediation
- Private right of action (federal or state civil lawsuit), if you can get an attorney

WHERE TO GET HELP

- Disability Rights Ohio (800-282-9181)
- Local Fair Housing Organization
- Legal Aid (866-LAW-OHIO)(866-529-6446)
- COHHIO (tenant information line—888-485-7999)
- Ohio Civil Rights Commission (OCRC)
(888-278-7101)