

FAIR HOUSING FOR PEOPLE WITH DISABILITIES

Everyone has a right to fair housing. The right to live where one chooses with dignity and without fear of discrimination is a basic right guaranteed to all people. The Fairfax County Office of Human Rights and Equity Programs enforces the Fairfax County Human Rights Ordinance, which prohibits discrimination in housing. If you are a person with a disability, you have the right to equal access to housing, including full enjoyment of your housing. If you believe that you, or someone you know, have experienced housing discrimination in Fairfax County, you have the right to file a fair housing complaint with the Fairfax County Office of Human Rights and Equity Programs but you must do so within 365 days after the alleged discriminatory housing practice occurred or terminated.

THE RIGHT TO FAIR HOUSING

Federal, state and local laws all prohibit housing discrimination against people with disabilities. In particular, the federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, national origin, gender, disability and familial status. In addition, the Fairfax County Human Rights Ordinance prohibits housing discrimination on the basis of elderliness (age 55 and older) and marital status. Under both the federal Fair Housing Act and the Fairfax County Ordinance, people with disabilities are entitled to enjoy the same housing opportunities as other tenants. For example, housing providers may not:

- Refuse to rent, sell or negotiate for housing;
- Set different terms, conditions, or privileges for sale or rental;
- Falsely deny that housing is available;
- Discourage a person from seeking housing in a particularly community;
- Deny access to, or membership in, a facility or service related to the sale of housing;
- Refuse to allow for a reasonable accommodation or reasonable modification (explained below);
- Threaten or interfere with anyone making a fair housing complaint;
- Harass a tenant or housing applicant; or
- Otherwise make housing unavailable.

WHAT IS A DISABILITY?

The federal Fair Housing Act defines a disability to include a physical or mental impairment that substantially limits one or more major life activities. Major life activities are central activities to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for oneself or speaking. A disability can include a hearing, visual or mobility impairment, a medical condition, or an emotional illness.

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

People with disabilities are entitled to reasonable accommodations and reasonable modifications that are needed for them to enjoy full use of a residence.

A Reasonable Accommodation is a change in a rule, policy, practice, or service in order to give a person with a disability equal choice and opportunity. Examples include: assigning an accessible parking spot to someone with a mobility impairment or allowing a service animal in a “no pets” building. In addition, a housing provider cannot require a pet fee for a service animal.

A Reasonable Modification is a structural change that affords a person with a disability full use and enjoyment of the facility. Examples include: installing a ramp to an entrance door, widening doorways, lowering countertops, or installing grab

bars. Who pays depends; if the property is covered under new building accessibility requirements, the housing provider may be liable for any reasonable modification costs incurred. If the property is not covered, the resident may be responsible for associated costs.

FAIR HOUSING ACCESSIBILITY REQUIREMENTS

Apartments and other multi-family housing first occupied after March 13, 1991 must also meet certain basic levels of accessibility. The accessibility requirements apply to all units in buildings with four or more units, and that have an elevator. If a building with four or more units has no elevator and was first occupied after March 13, 1991, these standards apply to ground floor units only.

WHAT CAN A HOUSING PROVIDER ASK?

Housing providers may inquire into an applicant's ability to meet tenancy requirements. This means that a landlord may ask whether you have sufficient income to be able to pay the rent, whether you are willing to comply with the required rules (unless a reasonable accommodation is made), and other questions relating directly to tenancy. A housing provider may also adopt and apply uniform, objective and nondiscriminatory criteria designed to evaluate a prospective tenant's credit worthiness, such as requiring credit or criminal background checks.

If you have a disability, you cannot be treated differently just because you are disabled, nor can you have your housing choice limited because of a disability. Reasonable accommodations and reasonable modifications have to be just that, reasonable. When a reasonable accommodation or modification request is made, a landlord has the right to examine the relationship between the request being made and the disability. However, the person making the request remains entitled to privacy.

Even when a request for a reasonable accommodation or modification is made, the landlord is only entitled to know that a disability exists, and that the request is related to that disability. The individual making the request is not required to share the nature and full extent of the disability. Questions like "Can you walk at all?" or "How did you lose your leg?" or "How long have you had to use that wheelchair?" are all illegal.

A landlord cannot talk to other tenants in the building about your disability. Your disability is no one's business but your own.

GET HELP!

If you feel that you have experienced housing discrimination in Fairfax County because of a disability, file a complaint with the Fairfax County Office of Human Rights and Equity Programs.

To file a complaint, you can contact the agency at 703-324-2953, TTY 711 or complete a questionnaire online at: <http://www.fairfaxcounty.gov/ohrep/hrd/complaints1.htm> and a member of the OHREP staff will contact you. (Note: A complaint is not officially filed until you are contacted by agency staff, and the complaint is written up by an OHREP staff member, signed by you, and date-stamped by the agency.)

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Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services, and activities and will provide reasonable accommodations/alternative information formats upon request.



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The Fairfax County Office of Human Rights and Equity Programs produced this publication in conjunction with the Equal Rights Center, a national non-profit organization dedicated to advancing civil rights for all. To learn more about the Equal Rights Center, visit: www.equalrightscenter.org

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