

FAIR HOUSING for Persons with Disabilities....What you can be asked by a housing provider

By: Sharon Langer

At Disability Independence Group, we receive many inquiries from tenants or persons who live in condominiums or neighborhood associations about overly intrusive questions about disabilities, and why the person would need an accommodation because of his or her disability.

The underlying rule is that a person with a disability or a person associated with a person with a disability (such as a child with a disability) has the right to apply for and live in any housing unit regardless of their disability, and are entitled to an accommodation because of their disability. The only exceptions is where the disability poses a direct threat to the community or the accommodation would be a fundamental alteration to the development. When a housing provider rejects a tenant with a disability based on something related to their disability, it has violated the law.

A person with a disability is defined as a person who lives with a mental or physical disability that substantially limits their ability to perform one or more life activities; a person that has a record of the disability; or a person that is considered by others to have a disability. A housing provider may not ask you questions about the nature or extent of a disability when you apply to rent or buy an apartment or house.

Further, a housing provider cannot ask you questions about your disability or need for an accommodation if the disability or need for an accommodation is obvious. An example of an obviously reasonable request would be the need of a person who uses a wheelchair or a walker to have a designated accessible parking space by the entrance to the apartment.

In some cases a landlord may be able to ask for proof of the disability or proof of the relationship between the disability and the requested accommodation. If the disability is not obvious or the need for an accommodation or modification is not obvious, the landlord may only ask for necessary disability-related information. A person with a disability may offer verification of their impairment by:

- Offering a finding from the Social Security Administration of Disability

- Offering a doctor, medical provider, peer support group, non-medical service agency or reliable third party's information about their disability.

Further, for need for a certain accommodation, where the need is not obvious, you should offer a statement from a medical professional.

If you need a structural change at you home (such as grab bars in a bathroom), or even the common areas of a condominium (such as ramping steps, or a pool lift), in most circumstances, you will be responsible for the costs of providing the structural element. However, in some jurisdictions, and in all federally funded apartment complexes, the housing provider would be responsible for the costs in installing the accessible structural element.

If you have any questions, or need more information, please go to our website at www.justdigit.org, or call us at (305) 669-2822.