Fair Housing Rights of People with Disabilities

This fact sheet has general information. It is not intended as legal advice. Only an attorney can give you legal advice to help you with a problem, or answer a question.

The Fair Housing Act

The Fair Housing Act\(^1\) (FHA) protects people with disabilities from being treated differently than others in housing situations. Under the FHA, people with disabilities also have the additional rights to ask for reasonable accommodations and reasonable modifications.

\(^1\)42 U.S.C. § 3601 et al. See also the Utah Fair Housing Act at Utah Code Ann. § 57-21-1 et al. The federal protected classes are race, color, sex, national origin, familial status, religion, and disability. Utah law also prohibits discrimination based on sexual orientation, gender identity, and source of income.

Reasonable Accommodations

Reasonable accommodations are changes in rules, policies, or services that allow a person with a disability to use and enjoy their home just like anyone else. If you ask for a change, and it is reasonable, the landlord should allow you to do it. Examples of reasonable accommodations include:

- **Changing a “no pets” policy** to allow a support animal for someone with a mental illness.
- **Giving notices in large print** to people who are blind or have poor eyesight.
- **Giving someone who uses a wheelchair an assigned parking space** even if the landlord has a “no assigned parking” rule.

Reasonable Modifications

Reasonable modifications are physical changes made to the structure of the dwelling unit and/or common areas. Some examples of reasonable modifications are:

- **Lowering cabinets**, light switches, and thermostats to a height usable by someone in a wheelchair.
- **Installing grab bars** in the bathroom when someone has limited mobility.
- **Widening doorways** for use by someone in a wheelchair.
- **Installing curb cuts** in front of an accessible parking space.

Reasonable modifications can be requested for facility common areas, i.e. the lobby, main entrance, or laundry room, as well as to individual units. If you make a request for a modification, you should expect to pay for the changes in most situations.

Granting Accommodations/Modifications

Under the FHA, landlords must allow accommodations or modifications if they help someone with a disability to use and enjoy their home and/or the common areas. You must obtain permission from your landlord before making any changes to your home or a common area, or if you want an exception to a rule or policy.
A Landlord May Ask for More Information Regarding Your Disability

Your landlord may request more information from your doctor, therapist, or other professional who is familiar with your disability that:

• explains how your disability affects your life;
• explains the relationship between your disability and the need for the requested modification;
• explains why you need to make changes in your housing.

You may consult an attorney to find out what type of information you’ll need to give your landlord.

What Disability Means Under the FHA

Under the FHA, a person has a disability if they:

• Have a physical or mental impairment that substantially limits one or more major life activities, which may include seeing, hearing, walking, breathing, learning, speaking, taking care of oneself or performing manual tasks;
• Is regarded as having such an impairment, and;
• Have a record of having such an impairment.

The FHA Applies, But is Not Limited To...

• Home Owners Associations (HOA)
• Apartment complexes with 4 or more units
• Condominiums, cooperatives, and time shares
• Emergency shelters
• Mobile homes and trailer parks
• State-owned, or subsidized, residential support facilities
• Rentals where the landlord uses a real estate agent, or management company, to manage.

For More Information

If you have further questions, or would like more information in general, please contact the Disability Law Center (DLC).

The Fair Housing Program at the DLC provides services to all protected classes throughout Utah, not just those with disabilities. Our services are offered statewide and free of charge. Materials are also available in alternative formats such as audio, large-print, Braille, and Spanish.

Call (800) 662-9080 or visit our office to speak confidentially with a Short Term Assistance Advocate. Office hours are Monday-Friday, 9:00 AM to 4:00 PM.

Disability Law Center
205 North 400 West
Salt Lake City, UT 84103
(800) 662-9080
TRS: dial 711

VRS Services available at: sorensonvrs.com
fairhousing@disabilitylawcenter.org
disabilitylawcenter.org/contact
disabilitylawcenter.org/housing

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

The federal Fair Housing Act prohibits discrimination on the basis of race, color, sex, national origin, familial status, religion, or disability. Utah law also prohibits discrimination based on source of income, sexual orientation, and gender identity in the rental, purchase, and sale of real property.

This publication was funded in part by the U.S. Department of Health and Human Services, the Center for Mental Health Services, the U.S. Department of Education, and the Social Security Administration. The contents of this publication are the sole responsibility of the authors and do not represent the official views of these agencies.