Landlord Obligations Under the Fair Housing Act

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 in protected classes from being treated differently than others in housing situations. Under the FHA, people with disabilities have the right to ask for changes to their residences.

\(^1\)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.)

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

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.

disabilitylawcenter.org
Rights of Landlords under the FHA

A housing provider, or landlord, also has rights under the FHA. If a tenant asks a landlord to make a change that is very difficult, or expensive to provide, the landlord may be able to deny the requested accommodation. If this happens, the landlord and the tenant should try to compromise, if at all possible. Reaching a mutually acceptable compromise may allow both parties to avoid the expense, and inconvenience, of litigation or administrative complaints. A negotiated compromise is often the fastest, most effective way to resolve fair housing issues.

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

A Landlord May Ask for More Information Regarding Your Disability

When considering a request for a reasonable accommodation, a landlord may request more information from a tenant’s doctor, therapist, or other professional who is familiar with the tenant’s disability that:

• explains how the disability affects the tenant’s life;
• explains the relationship between the tenant’s disability and the need for the requested modification;
• explains why the tenant needs rules/policies altered in order to have an equal opportunity to use and enjoy the dwelling.

It is important to know that a request for a reasonable accommodation does not need to be made on any particular form. For example, a tenant may use a landlord-prepared form, but cannot be required to use such a form. Landlords should also understand that they cannot require a tenant to execute a general Health Insurance Portability and Accountability Act (HIPPA) release as part of a request for a reasonable accommodation.

If a tenant provides a landlord with a medical letter or prescription relating to a reasonable accommodation, a landlord may contact the medical provider to obtain only the information necessary to determine that the request is genuine (e.g., that the doctor listed on the letter did indeed write the letter).

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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.

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