Fair Housing Rights of People with Disabilities

The Fair Housing Act

The Fair Housing Act (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 (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.
The Disability Law Center (DLC) is a private, non-profit organization, designated by the governor as Utah's Protection and Advocacy agency. The DLC believes in a society where abilities, rather than disabilities, are recognized; all people have an equal opportunity to participate; and where all people are treated with equity, dignity, and respect. We work toward our vision by enforcing and advancing the legal rights, choices, and opportunities of Utahns with disabilities. DLC services are available free of charge statewide, regardless of income, legal status, language, or place of residence.

If you have further questions, please contact us. Even though our focus is on cases that can help as many people as possible - because time and resources are limited - we at least offer information and/or referral options to everyone who contacts us. Materials are also available in alternative formats such as audio, large-print, Braille and Spanish. Call (800) 662-9080 or apply for help online, and our staff will contact you within 1-3 business days.

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