



Fair Housing: Frequently Asked Questions

Will begin at 2:00 p.m. Eastern Time

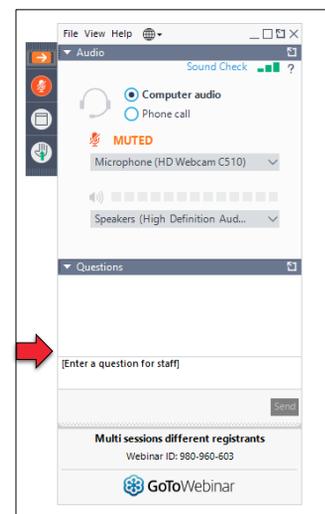
- Audio and visuals are provided through the online webinar platform
- Access to presentation handouts was included in the email reminder you received for this session
- This session will be open-captioned

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Technical Assistance

- If you experience technical difficulties
 - Use the QUESTIONS panel to let us know
 - Call 301-217-0124

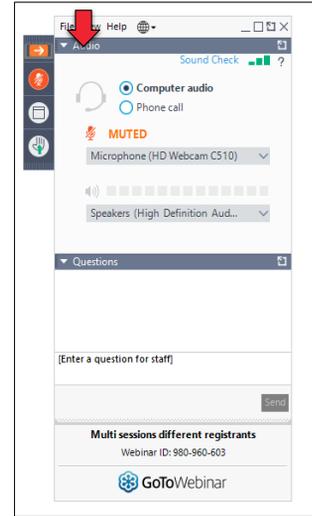


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Audio

- Expand the audio panel to select computer audio or phone call

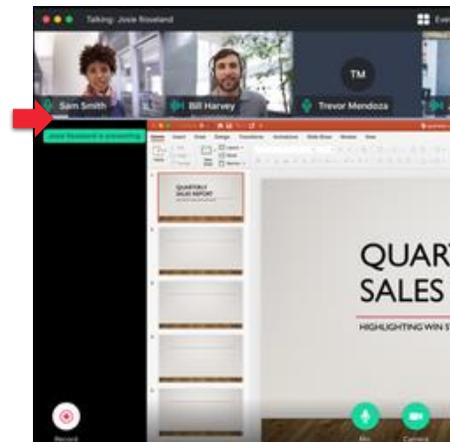


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Video

- Use the divider line to enlarge or reduce the video feed

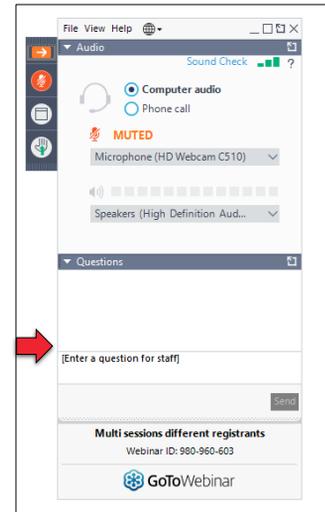


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Questions and Comments

- Use the QUESTIONS panel



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Archive

- This webinar is being recorded and can be accessed next week
 - You will receive an email with information on how to access the archive

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About Your Hosts...

TransCen, Inc.

- Improving the lives of people with disabilities through meaningful work and community inclusion

Mid-Atlantic ADA Center, a project of TransCen, Inc.

- Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services



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ADA National Network

- Ten regional centers provide guidance, training, and materials on the ADA
 - 1-800-949-4232
 - ADAta.org



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Fair Housing: Frequently Asked Questions

The Baltimore City Office of Equity and Civil Rights

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The Baltimore Office of Equity and Civil Rights

- The Office of Equity and Civil Rights is a city agency devoted to advancing equity and upholding the federal and local civil rights laws, the local living and prevailing wage laws ensuring access and equal opportunities for persons with disabilities, and providing oversight of local law enforcement. The mission of the Office of Equity and Civil Rights is to carry out activities to eliminate inequity, inequality, and discrimination.

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Agenda

- 10 Frequently Asked Questions
- How to file a fair housing complaint
- Q&A

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Ten Frequently Asked Questions About Housing

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Question 1

How do I get an accessible parking space in my apartment development? There are only a couple available for everyone with accessible tags.

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Answer:
Make a reasonable accommodation request

- A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service.
- Refusing to provide a reasonable accommodation is considered housing discrimination

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What is required when I make my request?

- That the request was made to the housing provider by or for a person with a disability
- That the request was supported by reliable disability-related information; the housing provider may request such information if the disability and the disability-related need for the parking space were not apparent

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What is required when I make my request? (cont.)

- In this scenario, a housing provider would need to see the nexus between your disability and the assigned parking spot; e.g., you have difficulty with mobility due to your disability, the only accessible parking spot is 100 yards from your front door and that distance is too far
- A housing provider **does not need** specific diagnosis or medical history

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When can you be denied a reasonable accommodation or modification?

- Only when providing them would be an undue financial and administrative burden or a fundamental alteration of the program

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Who pays for reasonable accommodations?

- The cost of reasonable accommodations typically falls on the housing provider

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Question 2

My condo association will not allow us to add a ramp to the front of our home because they say it won't look good. Can they have this restriction?

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Answer: No, a condo association cannot prevent you from installing a ramp

- Refusing to allow a tenant to install a reasonable modification is considered housing discrimination

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A condo association could require certain “aesthetics” for your ramp

- However, the condo association would be required to pay the additional costs for any more expensive features; e.g., if they require a brick ramp that cost \$2000, and you planned to use a metal ramp for \$1000, they would be expected to pay the additional \$1000

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A condo association may require that you return the unit to its original condition if it is reasonable to do so

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Question 3.1

We're a landlord and we have had many tenants ask to have emotional support animals. **Can we really not charge fees?**

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Answer:
No, you cannot charge fees for assistance animals

- Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities. There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities.

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Question 3.2

We're a landlord and we have had many tenants ask to have emotional support animals. **How many can they have at one time that are "emotional support?"**

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Answer:

Individuals can have as many assistance animals as reasonably supported by information provided regarding the accommodation request.

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Question 3.3

We're a landlord and we have had many tenants ask to have emotional support animals. **Can we ask for documentation?**

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Answer: Yes, for non-obvious disabilities, you can ask for documentation

- This documentation includes: Information that reasonably supports that the person seeking the accommodation has a disability, such as a determination of disability from a government agency, receipt of disability benefits or services, or information confirming disability from a health care professional

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- Reasonably supporting information often consists of information from a licensed healthcare professional, general to the condition but specific as to the individual with a disability and the assistance or therapeutic emotional support provided by the animal.

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Question 3.4

We're a landlord and we have had many tenants ask to have emotional support animals. **What if we advertise specifically that we are no pet, and the expectation of the other tenants is that they will not have to encounter dogs on the property. Do we still have to allow them?**

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Answer: Yes, you still have to allow assistance animals

- For more information, please refer to HUD's "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act"

<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

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Question 4

I was in a recent accident and will have to be using a wheelchair for at least a year, possibly more. The units in this complex are completely inaccessible for me now. Can they still charge to break the lease?

32



Answer: It would be a reasonable accommodation to allow you to break the lease

- However, this is a discussion you will have with your housing provider, where other solutions may also be discussed, such as moving into an accessible unit.

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Question 5

The elevator keeps breaking down in our building. What do we do?

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Answer: It is expected that a housing provider would address this in a reasonable amount of time

- What amount of time is reasonable is not defined by the FHA, but in a situation like this that could strand you in or out of your apartment, the repair should be addressed immediately.

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If the repair is not addressed immediately, you can file a fair housing complaint

- You can file with your local agency or with the U.S. Department of Housing and Urban Development.
- In areas with non-profit housing centers, they may also conduct testing for compliance.

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Question 6

There is no ramp into the building.
Shouldn't there be a ramp for all
buildings?

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Answer: All multifamily dwellings (4 or more units) built for first occupancy after March 13, 1991 should have an accessible entrance

- Prior to this date, private housing was not required to have accessible entrances. The FHA requires seven basic design and construction guidelines.

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- However, a tenant can request that a ramp be added as a reasonable modification.

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All housing that receives federal funding should also be accessible under Section 504 of the Rehabilitation Act

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Question 7

Why does it seem that there is so little accessible housing, isn't a legal requirement? Doesn't all housing have to be improved over time?

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Answer: The basic design and construction guidelines only apply to multi-family dwellings (4 units or more)

- The FHA design and construction guidelines do not require that during alterations or renovations buildings be made compliant if they were built for occupancy prior to March 13, 1991.

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Any housing that receives federal funding should be accessible under Section 504 of the Rehabilitation Act

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Question 8

We need to add safety rails in our bathroom. Who pays for this? (Or, we have a list of items we need for a unit to be accessible. Who is responsible for this?)

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Answer: The tenant pays for the cost of any modifications

- The only exception is if you are in housing that receives federal funding. Then the cost of modifications is on the housing provider.

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Question 9

There are no curb cuts in the development from the parking lot to the sidewalk. What do we do?

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Answer: You can request curb cuts be installed as a reasonable modification

- This cost will be on the tenant. However, since others will use them, the housing provider will be expected to pay for any maintenance or upkeep of this modification.

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- Any housing that receives federal funding and falls under Section 504 of the Rehabilitation Act, will be expected to cover the cost of any curb cuts.

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- However, in the case of needing a curb cut for an assigned, accessible parking space, then the housing provider will cover the cost, as it is considered part of the reasonable accommodation.

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- A housing provider can refuse this reasonable accommodation request if it would be shown to cause an undue financial or administrative burden.

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Question 10

- There is no pool lift at our community pool, isn't this required by law?

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Answer: The Fair Housing Act Design and Construction Guidelines require that the area around the pool be accessible, there is no set requirement for access into the pool itself (only to the edge).

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However, you could request a pool lift be installed as a reasonable modification.

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Filing a Fair Housing Complaint

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Jurisdictional requirements for filing a fair housing complaint

- To file with the CRC, the alleged discrimination must have taken place in the **past 180 days**.
- To file with HUD, the alleged discrimination must have taken place in the **past year**.
- To file a private lawsuit, the alleged discrimination must have taken place in the **past two years**.
- Cases of sexual harassment in housing and pattern and practice cases may be initiated at a later time.

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Complaints of housing discrimination occurring in Baltimore City should be directed to the Community Relations Commission:

<https://civilrights.baltimorecity.gov/community-relations-commission/file>

CRCIntake@baltimorecity.gov

410.396.3143

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Complaints of housing discrimination based on a federal protected class should be directed to the U.S. Department of Housing and Urban Development:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

1-800-669-9777

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Questions?

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Certificates and Credits: CODE

- If you paid for a certificate of participation or credits, check the reminder email you received about this session for instructions
- Please email the code above to ADAtraining@transcen.org by **5 PM E.T. on May 24, 2021**

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Thank You for Joining Us!

Mid-Atlantic ADA Center

Toll-free: **800-949-4232** (DE, DC, MD, PA, VA, WV)

Local: **301-217-0124**

ADAinfo@transcen.org

ADAinfo.org

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