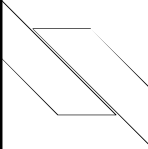





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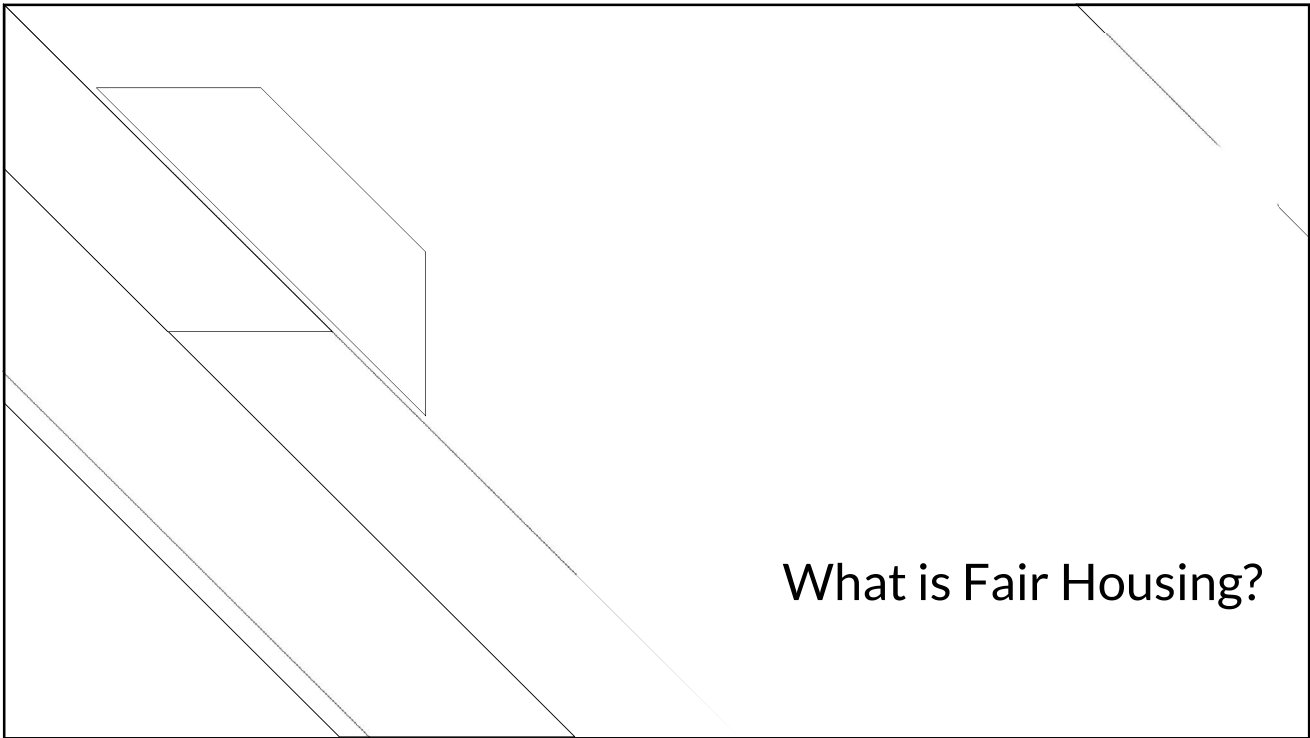


Lexington Fair Housing Council

- Investigate claims of housing discrimination
- Legal representation & advocacy
- Serve the entire state of Kentucky
- Discrimination testing
- Resource for the housing industry
- Training & outreach



2



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Definition of Fair Housing, Part 1

Doing any of these prohibited actions...

- To refuse to sell or rent a dwelling (i.e., a home)
- Subjecting a person to different terms or conditions.
- Denying housing is available when it actually is.
- Retaliation for exercising fair housing rights
- Steering tenants to select properties.
- Advertising that discourages or denies opportunity to people

4



Definition of Fair Housing, Part 2

...because of that person's

- race
- skin color
- religion
- sex
- familial status
- national origin
- disability

5

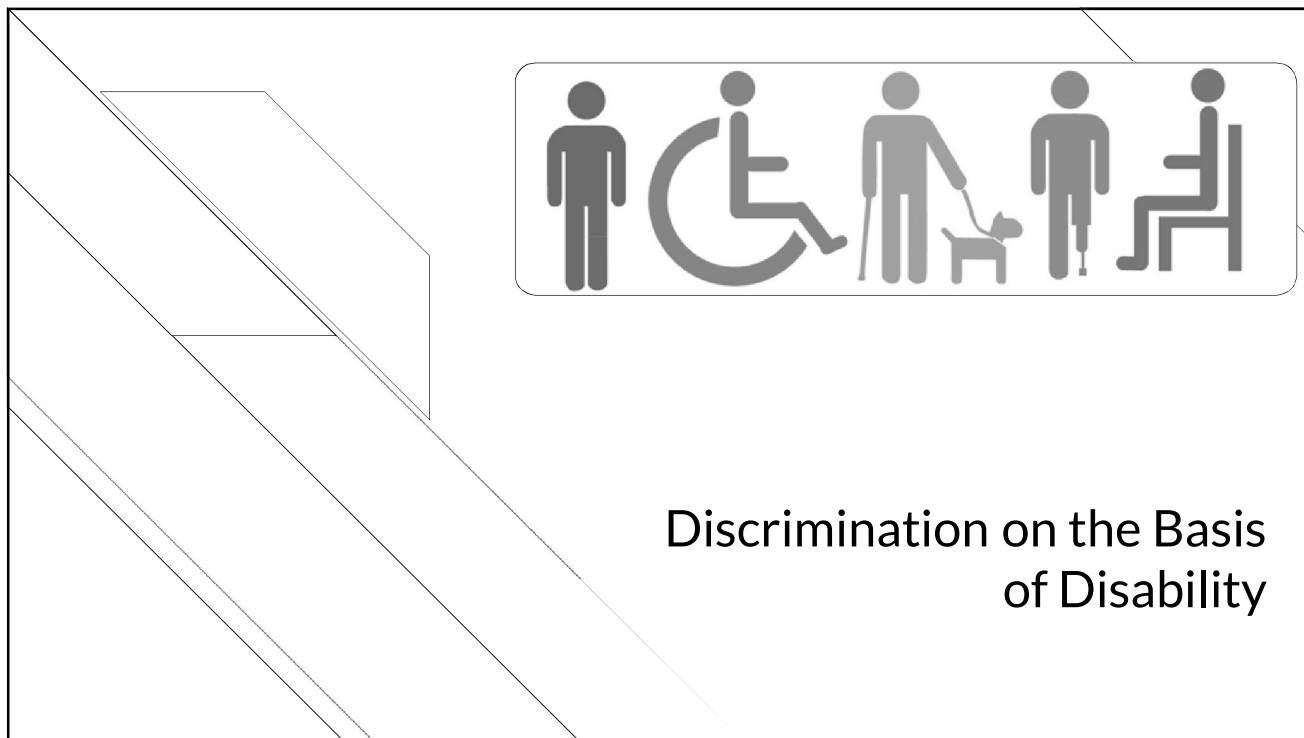


Definition of Fair Housing

Examples

- Deny a home is not for rent (when it actually is) because a prospective tenant is Black
- Charging a higher security deposit because a tenant has a toddler
- Only show first-floor apartments to a prospective tenant who uses a cane
- Evicting a tenant who contacted LFHC

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Disability Discrimination

Fair Housing Act (FHA)

- Applies to virtually all housing

Section 504 of the 1973 Rehabilitation Act

- Applies to recipients of federal financial assistance
- HUD has comprehensive regulations addressing housing funded by HUD
- Does NOT apply to landlords who **only** accept Section 8 Certificate or Voucher funds

The Americans with Disabilities Act (ADA)

- Title II applies to housing operated by state or local governments and is very similar to Section 504
- Title III applies to places that serve the general public, which includes rental offices, but not the housing itself

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Disability Discrimination

Pertains to a **physical or mental disability** that substantially limits one or more major life activities, including but not limited to:

- Hearing, mobility and visual access
- Cancer
- Chronic mental illness
- HIV/AIDS
- Intellectual & development disabilities
- Substance misuse or alcoholism
(EXCLUDES CURRENT MISUSE)
- Autism Spectrum Disorder
- Diabetes
- Epilepsy



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Disability Discrimination

Illegal inquiries by a housing provider

- Whether a person has a disability
- The nature or severity of the disability

Specific exceptions to this rule

- When disability is a requirement for housing eligibility (e.g., HOPWA, 202/811 Housing)
- Accessible units

It IS okay for landlords to ask...

- Whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance
- Whether an applicant is currently misusing/abusing a controlled substance
- Questions to whether or not the applicant meets the requirements for tenancy

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Reasonable Accommodations & Reasonable Modifications



11



Reasonable Accommodations

A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary to a person with a disability to achieve **full enjoyment** of their dwelling

- May include dwelling **and** common/public use spaces
- Housing providers may not require a person with a disability to pay extra fees or deposits as a condition of receiving the accommodation
- Landlords are required to allow accommodation as long as it is reasonable

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Reasonable Accommodations

Requirements

- Request must be made by or on behalf of a tenant
- Request can be made at any time and in no particular manner
- Accommodation must be related to tenant's disability
- Proper documentation may be requested to support need for the accommodation
- Accommodation must be reasonable & not cause undue financial or administrative burden, nor fundamentally alter nature of operation
- Housing provider must participate in an interactive process to address accommodation request

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Reasonable Accommodations

Examples

- Landlord with a "no pets" policy allows service animals
- Landlord assigns a parking spot to a tenant in a "first come, first serve" lot because that tenant uses a wheelchair
- Landlord makes an exception for tenant not having recent rental history due to time in a mental health in-patient facility by accepting reference letters
- Landlord lets tenant out of lease penalty-free after tenant gets into an accident and is medically deemed to have a disability because unit is no longer accessible to tenant

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Reasonable Modifications

Structural changes made to existing premises, occupied or to be occupied by a person with a disability, that are necessary to afford such person full enjoyment of premises

- Can include interior and exterior of a dwelling and common/public use areas
- Landlords are required to allow modification as long as it is reasonable
- Housing providers that receive federal funds are responsible for modification cost
- Tenant is responsible for cost if housing provider does not receive federal assistance

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Reasonable Modifications

Requirements

- Person is to live in the unit
- Landlord may require tenant to restore unit to pre-modification condition
- A reasonable deposit to cover restoration is permissible
- Request can be made at any time and in no particular manner
- Request for explanation of relationship between disability and modification may be made if necessary
- Tenant must receive landlord's permission before making the modification

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Reasonable Modifications

Examples

- Allowing a ramp to be built at a tenant's unit or entrance of apartment building
- Widening of doorways in a tenant's apartment or common area
- Putting a grab bar in a bath tub for a tenant
- Replacing doorknobs with levers due to tenant's arthritis

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Making Requests for Reasonable Modifications & Accommodations

- Highly recommend all requests be made in writing
- If the disability is not readily apparent, document the disability with requests for statements from tenant's physician, therapist, counselor, social worker, or a credible peer support group.
- The request must be related to the tenant's disability.
- Try to maintain an interactive process with the tenant

Retaliation for making such a reasonable modification or reasonable accommodation request is a violation of fair housing law.

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Service Animals & Emotional Support Animals

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Emotional Support Animals (ESAs)

Pets

- Variety of types
- **For companionship**
- **Pet fees/deposits are allowed**
- Can require vaccines
- Training not required
- Must clean up after
- Can charge for damage caused by animal

ESAs

- Variety of types
- **For disability-related need**
- **Cannot charge any fee/deposit**
- Can require vaccines
- Training not required
- Must clean up after
- Can charge for damage caused by animal

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