



THE FAIR HOUSING ACT: AN OVERVIEW FOR PEOPLE WITH DISABILITIES

In 1988, Congress extended the federal Fair Housing Act (FHA or the Act) to protect people with disabilities against housing-related discrimination. This factsheet provides a brief overview of the rights and remedies afforded by the Act to people with disabilities.

Am I Protected by the Fair Housing Act?

The Fair Housing Act prohibits discrimination against people with disabilities. A person is considered to have a disability if he has a physical or mental disability that substantially limits one or more major life activities (such as seeing, hearing, walking, breathing, and learning). People with histories of having a disability or who are regarded as having a disability also are protected the Act. The Fair Housing Act also protects people who live with or are associated with people with disabilities. The Fair Housing Act, however, does not require that housing be made available to persons who constitute a “direct threat” to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others.

What is Covered by the Fair Housing Act?

The Fair Housing Act covers most types of housing, including single-family homes and rental properties. In some cases, owner-occupied buildings with no more than four units, single-family housing sold or rented without a broker, and housing operated by religious organizations or private clubs are not covered.

What Types of General Conduct are Prohibited by the Fair Housing Act?

Discrimination in the Sale or Rental of Real Estate –

The Fair Housing Act prohibits a seller, landlord or real estate agent from taking into account a person's disability in: refusing to rent or sell housing; refusing to negotiate for housing; making a dwelling unavailable; setting different terms or conditions for the sale or rental of housing; providing different services or facilities; and, falsely denying that housing is available for sale, rental or inspection.

Discrimination in Mortgage Lending and Appraisals –

The Fair Housing Act prohibits mortgage lenders from taking into account a person's disability in refusing to make a mortgage loan or provide information on loans; imposing different terms or conditions on a loan; or in appraising property.

Discrimination in Advertising –

The Fair Housing Act prohibits people from threatening, coercing, intimidating or interfering with anyone who exercises his rights under the Fair Housing Act or assists others to exercise those rights.

What Other Protections Are Afforded to People with Disabilities?

In addition to the general prohibitions against discrimination, the Fair Housing Act includes specific provisions that assure that people with disabilities have equal access to housing.

Reasonable Modifications –

A landlord must allow a person with a disability to make reasonable modifications to the premises when necessary, such as the installation of grab bars or stair glides. These modifications though, must be paid for by the tenant. Also, where it is reasonable to do so, the landlord may condition permission for a modification on an agreement by the renter to restore the premises to the condition that existed before the modification.

Reasonable Accommodations –

A landlord must make reasonable accommodations in rules, policies or practices when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. For example, a landlord may have to waive a “no pets” policy to allow service animals or reserve a parking spot for a tenant with a disability.

Does the Fair Housing Act Require Dwellings to be Made Physically Accessible?

The Fair Housing Act includes only limited accessibility requirements. Buildings built after March 13, 1991 that have four or more units with an elevator must assure that public and common areas are accessible; that doors can accommodate wheelchairs, and that units have an accessible route and certain other features of adaptive design. Buildings built after March 13, 1991 that have four or more units but no elevator, must assure that the ground floor units comply with and meet these accessibility requirements.

Does the Fair Housing Act Apply to Zoning?

Yes. The Fair Housing Act applies to zoning laws and decisions by zoning officials and review boards. Zoning laws and decisions cannot discriminate against people with disabilities. For example, zoning laws that exclude group homes from residential districts or impose special requirements on groups homes would likely violate the Act. Additionally, zoning officers must grant reasonable accommodations by waiving certain zoning rules when necessary to allow people with disabilities equal opportunity to enjoy a dwelling. For example, a refusal to allow four unrelated people to live in a group home in a residential district because the zoning law does not allow more than three unrelated people to live together, would likely violate the Fair Housing Act.

Who can I Contact to File a Complaint About Housing Discrimination?

You can file an administrative complaint with the United States Department of Housing and Urban Development (HUD) by contacting HUD at 215-656-0663, ext. 3260 or 888-799-2085 (voice) or 215-656-3450 (TDD) or you by visiting HUD online at www.hud.gov.

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

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PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.