

Fair Housing Rights of People with Disabilities

Disability Rights Center - NH

In both private and public housing, federal and state laws protect the rights of people with disabilities.

Prohibited: discrimination against people with disabilities.

It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.

Example: A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because s/he is uncomfortable with the individual's disability. Such an act would violate the Fair Housing Act because it denies a person housing solely on the basis of their disability.

Required: housing providers must make reasonable accommodations for people with disabilities.

A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything s/he can to assist, but s/he is not required to make changes that would fundamentally alter the program or create an undue burden. Reasonable accommodations may be requested at all stages of the housing process, including application, tenancy, or to prevent eviction.



Example: A reasonable accommodation for a tenant with mobility impairment would be to fulfill a tenant's request for a reserved parking space in front of the entrance to their unit, even though all parking is unreserved.



Disability Rights Center - NH

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Disability Rights Center - NH is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities.

HOUSING RIGHTS



Required: housing providers must allow persons with disabilities to make reasonable modifications.

A reasonable modification is a structural modification that is made to allow people with disabilities the full enjoyment of the housing and related facilities.

Examples of a reasonable modification would include allowing a person with a disability to: *install a ramp into a building, lower the entry threshold of a unit, or install grab bars in a bathroom.*

Reasonable modifications are usually made at the resident's expense. However, there are resources available for helping fund building modifications. Additionally, if you live in Federally assisted housing the housing provider may be required to pay for the modification if it does not amount to an undue financial or administrative burden.

Are there exceptions under state and federal law?

Yes. Some housing is exempted from Fair Housing law. This includes owner-occupied buildings with no more than three units if the owner lives in one of the units. Single family housing that is sold or rented by the owner is also exempt, if the owner does not own more than one such single family home and if the owner does not go through a rental agent. There are also limited exemptions for religious organizations, private clubs, and nonprofit organizations.

Who qualifies as a person with a disability?

Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

Does DRC take housing cases?

DRC may be able to help if you are experiencing discrimination in housing due to a disability, such as:

- Your landlord refuses to make reasonable accommodations for your disability
- You are threatened with eviction due to your disability
- A landlord refuses to rent to you due to your disability or that of a family member

You may also contact:

New Hampshire Legal Assistance
Berlin: 1-800-698-8969
Claremont: 1-800-562-3994
Concord: 1-800-921-1115
Manchester: 1-800-562-3174
Portsmouth: 1-800-334-3135

More information about housing and your legal rights is on the DRC website:

www.drcnh.org