

# ODR NEWS

## April is Fair Housing Month!

On April 11, 1968, President Lyndon B. Johnson signed the Fair Housing Act of 1968, which followed the Civil Rights Act of 1964.

**Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act)** prohibits discrimination in the sale, rental, and financing of housing based on:

- Race
- Color
- National Origin
- Religion
- Sex (Gender)

In 1988, the Fair Housing Act was amended, and it became illegal to discriminate in the sale, rental, or financing of housing based on:

- Familial Status
- Disability

No one may commit any of the following actions based on an individual's membership in one or more of the above protected classes:

- Refuse to rent or sell housing.
- Refuse to negotiate for housing.
- Make housing unavailable.
- Deny a dwelling.
- Set different terms, conditions or privileges for sale or rental of a dwelling.
- Provide different housing services or facilities.
- Falsely deny that housing is available for inspection, sale, or rental.
- For profit, persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.



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## Fair Housing Rights for Persons with Disabilities

The Fair Housing Amendments Act (FHAA) provides protections to persons with disabilities and the persons associated with them. This federal law defines disability as:

- A physical or mental impairment (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, specific learning disabilities and developmental disabilities) that substantially limits one or more major life activities.
- Having a record of such a disability (This may include records of a previous diagnosis of cancer or special education records.)
- Being regarded as having such a disability (e.g., a person with facial burns from an accident.) Such a person actually has no disability but is treated differently based on his appearance or actions.

According to the Fair Housing Amendments Act, it is illegal to:

- Refuse to let a person with a disability make reasonable modifications to their dwelling or common use areas, at their expense, if necessary for the person with a disability to use and enjoy their housing.
- Refuse to make reasonable accommodations in rules, policies, practices or services, if necessary for the person with a disability to use and enjoy their housing.

It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

A housing provider may request reliable disability-related information that:

- Is necessary to verify that the person meets the law's definition of disability
- Describes the requested accommodation or modification and
- Describes the relationship between the person's disability and the need for the requested modification or accommodation.

**Note: This documentation may not be needed if the disability and modification or accommodation requested is obvious. (Example: Someone using a wheelchair needs a ramp instead of using the stairs).**

The following sources may be used to verify a disability if needed:

- Social Security Administration Award Letter;
- A doctor or other medical professional;
- Membership in a peer support group;
- A non-medical service agency (Example: vocational rehabilitation agency); or
- A reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.

**The reasonable modification request process is confidential!**

## Tips for Requesting a Modification or Accommodation under the FHAA

If you are a person with a disability who needs to request a reasonable accommodation or modification, here are suggestions to make the process easier:

- Think about the accommodation or modification you may need in order to use and enjoy your housing. Consider different ways to handle the situation. There may be more than one way to address your needs. It may be helpful to draw from past experiences and similar situations you have encountered.
- Obtain documentation about your disability and the need for the request if necessary.
- Put your request in writing. Note that the law does not require that a request be in writing, but it may be helpful to put the request in writing. Photos may also be useful.
- Communicate with your housing provider about your request. This may be done verbally, using e-mail, or in writing. Make sure you record dates and times of communications including specific dates for work to begin or end, if needed. If mailing or faxing documents, get verification that they reached the right person.
- Keep records with dates and times of all communication; if you have difficulty writing, consider using an audio recorder for your records.
- Get help from an advocate, case manager, family member, or friend if needed. A third party may make a reasonable modification request on behalf of a qualified person with a disability.

### More Information and Help

#### DC Office of Disability Rights

Phone: 202-724-5055 (voice/TTY)

Web Site: <http://odr.dc.gov>

#### DC Office of Human Rights

Phone: 202-727-4559 (voice/TTY)

Web Site: <http://ohr.dc.gov>

#### US Department of Housing and Urban Development (HUD)

Phone: 202-708-1112 (voice)

202 708-1455 (TTY)

Web Site: <http://www.hud.gov>

#### US Department of Justice (DOJ)

Phone: 800-514-0301 (voice)

800-514-0383 (TTY)

Web Site: <http://ada.gov>

### Who Pays for the Costs of Reasonable Modifications?

If properties or housing providers receive funds from the federal, state or local government, the housing provider pays for reasonable modifications for qualified residents with disabilities.

If a housing provider does not receive federal, state, or local government funds, the tenant is responsible for costs associated with a reasonable modification or structural changes to a home.

### Service and Support Animals

Qualified persons with disabilities who use service and support animals are protected under the Fair Housing Act. Properties that have a “no pets” policy must modify that policy to allow persons with service or support animals. Under the Fair Housing Act, a service or support animal may be any type of animal and is **not** required to wear a vest or receive special training. However, the animal must provide assistance or support.

**DISTRICT OF COLUMBIA OFFICE OF  
DISABILITY RIGHTS**

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**Mission Statement:**

The mission of the District Office of Disability Rights (ODR) is to ensure that the programs, services, benefits, activities and facilities operated or funded by the District of Columbia are fully accessible to, and useable by people with disabilities. ODR is committed to inclusion, community-based services, and self-determination for people with disabilities. ODR is responsible for overseeing the implementation of the City's obligations under the Americans with Disabilities Act (ADA), as well as other disability rights laws.

**Visit us on the web:  
<http://odr.dc.gov>**