DISABILITY RIGHTS IN HOUSING

An individual has a right to housing free from discrimination based on race, color, national origin, religion, sex, familial status or disability.

If you feel you've been discriminated against in housing, make sure you take these steps:

- Keep a record of the names, dates, addresses, phone numbers and other important information, which can assist in the investigation of your complaint.
- Don't forget to be as specific as possible about the incident. Get the names and addresses of any witnesses to the incident whenever possible.
- Following the incident, you have one year to file an administrative complaint or two years to file a lawsuit.

Regardless of whether you live in private or public housing, federal and local laws provide rights to persons with disabilities.

DEFINING DISABILITY

The Fair Housing Act defines a person with a disability as an individual 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.

A physical or mental impairment could include any of the following:

- Hearing, mobility or visual impairment
- Alcoholism or drug abuse
- Mental illness
- AIDS and AIDS-related complex
- Any disability that substantially limits one or more major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for one's self.

FAIR HOUSING IS NOT AN OPTION; FAIR HOUSING IS THE LAW

Charlotte-Mecklenburg Community Relations has jurisdiction to accept and investigate complaints of housing discrimination in Charlotte and the unincorporated areas of Mecklenburg County. Anyone who feels they have been a victim of housing discrimination based on race, color, national origin, religion, sex, familial status or disability should call 704-336-5160.

Community Relations empowers, collaborates, engages and promotes opportunities to create positive outcomes.

Community Relations Mission Statement

The City of Charlotte does not discriminate on the basis of disability. We will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request. To make a request, please call 704-336-1297.

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CHARLOTTE-MECKLENBURG
COMMUNITY RELATIONS

FAIR HOUSING AND INDIVIDUALS WITH DISABILITIES

RIGHTS FOR INDIVIDUALS WITH DISABILITIES

It is unlawful for a housing provider to refuse to rent or sell to individuals due to a disability. In addition, a housing provider may not require or subject individuals with disabilities to different terms or conditions than those required of or provided to individuals who do not have disabilities.

Even if a landlord does not refuse to rent to someone, they may still violate the law by asking illegal questions about one's disability. Generally, a landlord may not ask an individual if they have a disability or general information about that relates to disability. For example, it is illegal for a landlord to ask if someone is "capable of independent living." A landlord may ask questions related to a disability in only two circumstances: (1) If an individual is applying for housing designed or designated for individuals with disabilities, and (2) If the housing is designated for people with a particular disability, such as intellectual disability or HIV/AIDS. In these cases, it is permissible to ask if an individual qualifies for such a unit.

A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because they are uncomfortable with the individual's disability. This is in direct violation of the City of Charlotte and Mecklenburg County Fair Housing Ordinances because it denies a person housing solely on the basis of their disability.

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

The local Fair Housing Ordinances state that *reasonable accommodations and modifications* must be made for individuals 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 their housing.

A "reasonable modification" is a structural modification that is made to allow individuals with disabilities full enjoyment and access to housing and related facilities.

MAKING A REQUEST

The tenant is responsible for making reasonable modification or accommodation requests to the housing provider. The tenant may need to supply supporting documentation as proof of a covered disability. A request can be made at any time.

Examples of Reasonable Requests:

- Allowing a service or emotional support animal (even with a "no pet" policy)
- Reserved parking for tenants with disabilities
- Allowing a tenant to move from one unit to another without charging a fee

Examples of Reasonable Modifications:

- Widening doorways
- Installing grab bars or ramps
- Lowering the height of cabinets
- Installing automatic faucet shutoff

DENIAL OF REQUEST

There are only two reasons a housing provider may deny a request for a reasonable accommodation:

- The request creates an undue financial and administrative burden; and/or
- The request would fundamentally alter the nature of the provider's operations.

ACCESSIBILITY REQUIREMENTS

In covered multi-family housing consisting of four or more units built for first occupancy after March 13, 1991, all units must comply with all construction requirements as defined by the Fair Housing Amendments Act, the Americans with Disabilities Act and local building codes. Requirements under the FHA are: (1) Accessible entrance on an accessible route; (2) Accessible public and common-use areas; (3) Usable doors; (4) Accessible route into and throughout the dwelling unit; (5) Accessible light switches, electrical outlets, thermostats and environmental controls; (6) Reinforced walls in bathrooms; and (7) Usable kitchens and bathrooms.