

Fair Housing Rights and Reasonable Accommodations

Do you know you have rights under the Fair Housing Act?

[Pictures: Mother and child, family on porch, man with prosthesis]

Fair Housing aims to equalize housing opportunities for all Texans – by making it illegal to deny a person housing solely on the basis of:

color

race

religion

sex

national origin

disability

and familial status

These groups are protected classes under Fair Housing Law.

“Disability” refers to a person with a physical or mental impairment that substantially limits one or more major life activities; has a record of impairment or is regarded as having an impairment, and

“familial status” means a family with children under 18 or a pregnant woman.

[Onscreen text: Terri Richard, TDHCA, Coordinator, Housing and Health Services Coordination Council]

TERRI: It's about equal rights. Everyone should have the right to choose where they want to live. It shouldn't matter what your color is. It shouldn't matter what religion or faith you practice. It shouldn't matter that you might be a woman who's expecting a baby or a family that might have four or five children. It matters whether you're eligible – you can afford the property.

TERRI CONT: I think we still have – and I do see this and I've seen it over the years – it's improved some. There are still so many misunderstandings and misinformation particularly about people with disabilities.

[Video: Link to Fair Housing Act
http://www.justice.gov/crt/about/hce/housing_coverage.php]

[Onscreen text: Cameron Dorsey, TDHCA, Deputy Executive Director, Multifamily Finance and Fair Housing]

CAMERON: The Fair Housing Act is also about being more proactive in eliminating discrimination. Providing choice in housing opportunities so that folks don't just have access to affordable housing in one part of town but they have access to housing in all parts of a town, so that they have access to the jobs that they may be qualified for, access to good schools for their children.

Examples of illegal discrimination based solely on protected classes include:

Telling you that housing is not available when it actually is

Refusing to make a mortgage loan or rent a home to you even though you qualify

Directing you to a specific neighborhood, otherwise known as "steering"

Refusing to make reasonable accommodations or allow necessary modifications if you are a person with a disability

[Pictures: Property with accessible entrances, person measuring width of door opening, person measuring height of a light switch on the wall, person measuring height of thermostat on the wall, person measuring height of sink in the kitchen]

Multifamily housing built after 1991 must be accessible for persons with disabilities with usable entrances, doors, common areas, light switches, outlets, thermostats, kitchens, and bathrooms.

Owners and landlords are required to make reasonable accommodations including changes in policies and services, and modifications to housing as long as it doesn't cause undue financial and administrative burden.

[Onscreen text: Michael Goodwin, member, Housing and Health Services Coordination Council]

MICHAEL: Even today the education of staff of the rights of persons with disabilities and the desire to have those residents in your property still needs education.

[Onscreen text: Felix Briones, Jr., member, Housing and Health Services Coordination Council]

FELIX: I went through the interview and I filled out all the paperwork and I found out that I was eligible with my income. Once I saw this place I said, Sounds good. It's homey. I'm close to bus stops. And I like the people. When I first moved in here, I met some really cool neighbors and it's just the way it worked out.

[Video: Felix moving in his apartment in his wheelchair to his bathroom]

FELIX CONT: What I like about the bathroom here is you can actually go in there with a wheelchair cause it's wide enough and the sink and the mirror are just at the right height. Because I can go in there and I can actually shave sitting in my chair. You actually need a little help shaving your head, you got to be able to see it so it's perfect for somebody in a wheelchair like myself to be able to shave.

[Video: Person assisting a rental housing applicant]

If you are a person with a disability you may, for example, request help filling out a rental application or ask to move a service animal into a property with a "no pets" policy.

[Picture: Wheelchair ramp to a home]

You may request reasonable accommodations to your home, including structural modifications such as a ramp to your front door.

[Picture: Community room with sign in Braille]

Persons with disabilities may also request reasonable accommodations to common areas and facilities to allow full enjoyment of the property.

This may be at your expense in non-government funded properties and it may be necessary to return the unit to its original condition when vacating.

There are different guidelines for property owners who receive government funding.

In this case, landlords and owners are usually required to provide and pay for reasonable accommodation – as long as it doesn't cause undue financial and administrative burden.

This includes Texas Department of Housing and Community Affairs' properties that received Housing Tax Credits and were built after 2001.

CAMERON: The common areas must be constructed to be accessible. We also have certain visitability standards.

[Video: Felix moving towards front door in his wheelchair]

[Onscreen text: Paula Margeson, member, Housing and Health Services Coordination Council]

PAULA: People with disabilities not only need to live in accessible housing, but hey, we might want to visit other people. And we'd like to get into their houses as well you know. So it's about just making housing that universally for all and making it so that people who use wheelchairs can get in there. So that's kind of the underlying concept of it. So there are some adaptations that if you do that from the ground up when you're building the property, the cost is minimal.

[Picture: Property with swimming pool that has wheelchair ramp going down to water]

MICHAEL: If you're developing with any sort of federal funding, you must make at least 5% of your units available to persons with mobility disabilities and then 2% would be for persons with hearing or sight impairments.

What if a resident requests an accessible parking space that will accommodate her wheelchair-equipped van?

[Picture: Property with designated accessible parking spot]

A reasonable accommodation request might include enlarging the existing space to fit her van.

[Pictures: Mother reading a book to her young child, mother playing with Legos with young child]

What if a family with a child with Asthma moves to a home where chemicals known to trigger the child's symptoms are used?

Some cleaning products can be harmful to children with Asthma.

For the health of the child, the landlord should determine alternative chemicals to use in and around the family's unit and other common use areas.

[Pictures: Bathroom with accessible shower, bathroom with grab bars next to toilet]
What if a resident needs bars near the toilet in his bathroom?

The owner or property manager must allow the installation of grab bars to meet the resident's safety need. This would be at the owner's expense in government-funded properties.

[Pictures: Woman in wheelchair in front of her computer on a stand while attendant is at the kitchen sink]

And keep in mind that an applicant may qualify for a unit with an extra bedroom in order to accommodate a personal attendant or medical equipment.

[Onscreen text: Craig, tenant, Service-Enriched Housing]

CRAIG: It was real dispiriting as I was sitting in my bed in the nursing home calling around, hearing, We're full, we don't have a waiting list, you can be on our waiting list... and then I called here and Laura said, I have one apartment and it's going to be available the first of April. This was the only apartment I found available in 110 phone calls.

CRAIG CONT: My primary thing is the shower chair in the shower and they're going to install a grab bar on the left wall by the toilet.

[Video: Craig walking with cane to kitchen]

CRAIG CONT: But it's got a big bathroom. The kitchen's a good size. If I'm having a wheelchair day I can do that without panicking that I'm not going to be able to get out of the bedroom or out that door. So it's set up to meet all of my needs.

Here are a few guidelines if you need to request a reasonable accommodation.

You can make the request in person, but to prevent misunderstandings it's a good idea to put it in writing and ask the landlord to get back to you by a specific date.

Clearly state that you are requesting a "reasonable accommodation" for an exception or change to a rule, policy, or service because of a disability.

You can make requests personally, or someone can make a request on your behalf.

If the request is denied or ignored, you have the right to file a complaint.

To file a complaint, contact the Civil Rights Division of the Texas Workforce Commission.

Go to their website: <http://www.twc.state.tx.us/crd/housing-discrimination.html#complaintProcess> or call: 1-888-452-4778.

You can also file a complaint with the U.S. Department of Housing and Urban Development.

Go to their website: <http://www.twc.state.tx.us/crd/housing-discrimination.html#complaintProcess> or call 1-800-669-9777.

In Texas, Fair Housing organizations advocate for tenant rights, assist with filing complaints, and help with legal advice.

These include:

The Austin Tenants' Council, www.housing-rights.org

The Greater Houston Fair Housing Center,
<http://greaterhoustonfairhousingcenter.cfsites.org>

The Fair Housing Council of Greater San Antonio, www.myfairhousing.org

The North Texas Fair Housing Center, www.northtexasfairhousing.org

The U.S. Department of Housing and Urban Development website can provide information about Fair Housing.

Go to their website:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp

The National Fair Housing Alliance website is another good source of information. This website has a map to help you find local fair housing assistance,
<http://www.nationalfairhousing.org/>.

Finally, the Texas Law Help website can be a good resource for legal information, <http://texaslawhelp.org/>.