



Tenants With Disabilities

A Fair Housing Guide for Property Managers

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Table of Contents

Introduction 2

- The Federal Fair Housing Amendments Act of 1988
- Section 504 of the Rehabilitation Act of 1973
- The Architectural Barriers Act of 1968
- The Americans with Disabilities Act

Accessibility Guidelines 4

- Accessible entrance on an accessible route
- Accessible public and common-use areas
- Usable doors
- Accessible routes into and through dwelling units
- Accessible light switches, electrical outlets and environmental controls
- Reinforced walls in bathroom
- Usable kitchens and bathrooms

Reasonable Accommodation or Modification 8

Advertising Guidelines 10

Summary 11



Funding for this booklet was provided by the Community Development Block Grant Program. The information contained within is for reference purposes only. Specific questions should be directed to HUD, a disability specialist group, a fair housing agency, or an attorney.

Introduction

During the past two decades, Congress has enacted a series of statutes that focus on the wide range of problems faced by persons with disabilities and provide enforcement procedures. This booklet focuses on the basic types of accessibility requirements of each of these statutes and how they work together, and independently, of each other. Further, it will explain in general terms the different accessibility standards applicable under each law.

A “handicap” is defined as a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one’s self, performing normal tasks, walking, seeing, hearing, speaking, breathing, learning and working; a record of a physical impairment; or being regarded as having a physical or mental impairment.

Discriminatory housing practices are actions which do not make all wants, amenities, benefits and services in housing equally available to all persons, regardless of their protected class status. Housing practices which must be equally available to all include: property availability; rental rates; deposits; lease/rental terms; application requirements/processing; community rules/regulations; servicing maintenance requests; and advertising.

Discrimination occurs when a property owner/manager treats one applicant or tenant differently from another. Discrimination law suits can be avoided by the development and implementation of a written tenant selection system which applies the same criteria to all applicants. Such a system should not specify that income must come from employment, since it could have a disparate impact on a person whose income is derived from an entitlement benefit, such as social security, rather than employment.

There are four federal laws that protect persons with disabilities from experiencing discriminatory housing practices:

- **The Federal Fair Housing Amendments Act of 1988:**
The Ohio Civil Rights Act governs the enforcement of the Federal Fair Housing Amendments Act of 1988 which states that it is illegal to discriminate against any person due to race, color, religion, sex, national origin, handicap, or familial status. It prohibits discriminatory housing practices; requires reasonable accommodation to be made; and requires certain construction standards for multifamily dwellings built for first time occupancy after March 1991.
- **Section 504 of the Rehabilitation Act of 1973:**
Any public housing or public assisted housing provider that receives federal dollars is covered under the Rehabilitation Act of 1973.
- **The Architectural Barriers Act of 1968:**
This act requires that certain buildings financed with Federal fund be designed and constructed to be accessible to persons with disabilities including any building that is: constructed or altered by or on behalf of the United States; leased by the Federal government; or financed in whole or in part by a grant or loan made by the United States.
- **The Americans with Disabilities Act (ADA):**
Title II of the ADA covers all “public entries” (state and local governments) regardless of whether they receive federal funding. Examples include low income housing units managed by the state or city, public housing authorities, Section 8 certificate or voucher programs, or any city or county sponsored single room occupancy building.

This booklet addresses some of the issues disabled/handicapped persons and their families may face when seeking housing. The information provided herein is not meant to be all inclusive. Specific questions may be addressed by calling you local fair housing office, civil rights office, or an attorney

Accessibility Guidelines

The Fair Housing Act, as amended:

- Prohibits housing discrimination on the basis of race, color religion, sex, national origin, familiar status or disability.
- Set certain requirements for accessible design in new construction.
- Covers residential multi-family dwellings with four or more units for first occupancy after March 31, 1991.
- Includes condos, single story townhouses, garden apartments, vacation timeshare, dormitories, and homeless shelters.
- Requires covered buildings with an elevator to make all units in the building accessible.
- Requires covered buildings without an elevator to make all ground floor units (including ground-floors at different levels in the same building) accessible.



According to the Fair Housing Act, there are seven technical requirements for residential multifamily dwellings with four or more units built and occupied after March 31, 1991:

1. Accessible entrance on an accessible route:
 - ✓ If there are separate entrances for ground floor units, each entrance must be accessible.

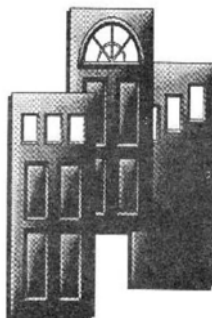
- ✓ Common entrances to a multiunit building must be accessible.
- ✓ An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations (parking, public transportation, other building in the complex, or common areas such as laundry rooms and recreational facilities)

2. Accessible public and common-use areas -

- ✓ Parking areas, curb ramps, passenger loading areas, building lobbies, lounges, hall and corridors, elevators, public restrooms, and rental or sales offices must be accessible to people with disabilities.
- ✓ Other amenities, including drinking fountains, eater coolers, mailboxes, laundry rooms, community and exercise rooms, swimming pools, playgrounds, recreation facilities, and nature trails must be accessible.

3. Usable Doors -

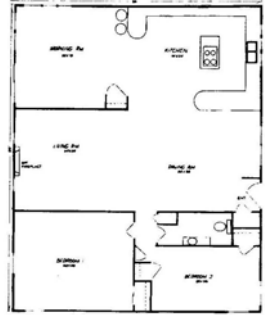
- ✓ Doors must be wide enough to enable a person in a wheelchair to maneuver through them easily, including all public and common use doors, doors leading into an individual dwelling unit, and all doors within the unit itself.
- ✓ For wheelchairs, doors must have a minimum clear opening width of 32”.
- ✓ All types of doors are included (hinged, sliding, and folding doors).



- ✓ Doors leading to any outdoor amenities the dwelling may have (balcony, patio, deck) are included. If a deck or patio has doorways leading into two or more separate doors, all these doors must be usable.

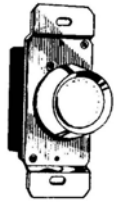
4. Accessible routes into and through dwelling unit:

- ✓ Thresholds of unit's exterior doors may not exceed 3/4" (also applies to sliding door tracks).
- ✓ In a single-story unit, changes in height of 1/4" to 1/2" must be beveled. Those greater than 1/2" must be ramped or have other means of access.
- ✓ Minimum clear width for accessible route inside the unit is 36".
- ✓ Hallways, passages, and corridors must be wide enough to maneuver a wheelchair throughout the unit.



5. Accessible light switched, electrical outlets, and environmental controls

- ✓ Operable parts of controls must be no lower than 15" and no higher than 48".
- ✓ Switches, outlets, thermostats, and controls must be accessible to people in wheelchairs.



6. Reinforced walls in bathroom:

- ✓ Walls in bathrooms must be reinforced so that grab bars near the toilet, tub, shower, and shower seat, if provided, can be added later.

7. Usable kitchens and bathrooms:

✓ A minimum of 40” of clear floor space is required in kitchens to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances or walls.

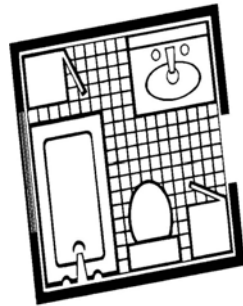
✓ A U-shaped design requires a minimum of 5’ in diameter clear space, or removable cabinets at the base of the “U”.



✓ Appliances must be located so that they can be used by a person in a wheelchair. A 30” x 48” clear floor space is required for a parallel or forward approach.

✓ Adequate maneuvering space is required in bathrooms so that a person in a wheelchair can easily, close the door, use the facilities and fixtures, and exit.

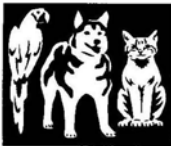
✓ HUD Guidelines provide two sets of specifications for usable bathrooms: Option A specifies that all bathrooms must provide a basic degree of maneuverability; Option B states that only one bathroom must be accessible, with a stricter degree of maneuverability, while other bathrooms must have usable doors, reinforced walls, switched and outlets in accessible locations, and must be on an accessible route.



Reasonable Accommodation or Modification

Reasonable accommodations was first established under section 504 of the Rehabilitation Act. Prior to tenancy, or anytime thereafter, a person with a disability may request a modification to their housing unit in order to enjoy full use of it. Examples of modifications include:

- ✓ building/installing a ramp for entry into the unit;
- ✓ widening a doorway to the kitchen, bedroom or bathroom;
- ✓ installing reinforced wall mounted grab bars in the bathroom
- ✓ removing a piece of carpeting or other physical obstruction;
- ✓ installing a visual door bell or fire alarm
- ✓ removing a bathtub to install a roll-in shower; and
- ✓ provide reserved parking spaces close to an accessible route.



HOUSE PETS

Permitting a tenant to have a Service Animal or Companion Animal when there is a “No Pets” policy is another example of a reasonable accommodation. This would include any guide dog, signal dog or cat, or other animal trained to do work or perform tasks for the benefit of an individual with impaired vision or other forms of physical disability, alerting individuals with impaired vision or impaired hearing, providing minimal protection or rescue work, pulling a wheelchair, assisting with mobility, or fetching dropped items.

Sometimes, instead of making physical modifications to a unit, procedural changes may be made, such as providing a washer/ dryer in the unit for exclusive use of the disabled tenant/family when a central laundry area is not accessible, or having mail delivered to the unit or the management office on an accessible route when the central mailboxes are located in a non-accessible area.

In reaching a reasonable accommodation, property owners are NOT required to:

- Make structural alterations that require the removal or altering of a load bearing wall;
- Provide an elevator in any multifamily building solely for the purpose of locating accessible units above or below the grade level;
- Provide support services that are not already part of the housing program;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on the property owner.



The landlord is not financially responsible for any modification made to the unit. The cost of such modifications lies with the tenant. In cases where a tenant lives in public assisted housing, the owner assumes the cost of the modification. Under no circumstances is the landlord permitted to charge persons with disabilities an additional security deposit or sign a different lease. In cases where extensive modifications are made, the landlord may require the tenant to place enough money into an escrow account to cover the cost of restoring the premises to its original condition. The amount and terms of such an

account are determined on a case-by-case basis and should never be used to discourage someone from renting or modifying a dwelling unit to meet his or her needs.

Advertising Guidelines

It is unlawful to make, print, or publish any notice, statement or advertisement with respect to the sale, rental or financing of a dwelling which indicates preference, limitation or discrimination. Seemingly harmless words or pictures/illustrations can get an advertiser into trouble due to different interpretations by different audiences. In addition, under state and federal law, not only can civil suits be brought against the person who wrote and placed the ad, but also against the persons who accepted the ad, the owner and management company of the property advertised, plus the newspaper management, publisher and owner.

Any word can be construed as discriminatory depending upon its context and usage. Examples of potentially discriminatory words to avoid in writing an advertisement include:

- “male” or “female”
- “near church”
- “African” or “Asian” or “Hispanic”
- “Black” or “White”
- “Adult Community” or “Adults Only”
- “Able-bodied” or “Active” or “Fit”
- “No SSI”
- “Employed” or “Unemployed”
- “Exclusive” or “Executive”
- “Quiet”

A good rule of thumb is to use language or artwork that is inclusive, not exclusive. Advertisement should describe the property - not the seller, landlord, neighbors or anything indicating what is considered “appropriate” to the seller of landlord.

Summary

A property owner or manager CAN:

- ◇ Ask qualifying questions of all prospective tenants, as long as the same questions are asked of all applicants.
- ◇ Ask for and verify references.
- ◇ Verify an applicant's ability to pay rent.
- ◇ Create rules for the benefit of all building tenants, as long as the rules do not discriminate against a protected individual or class.
- ◇ Ask an applicant with a disability how to make reasonable accommodations, if requested, and require the tenant to provide proof of the need for the accommodations
- ◇ Require the tenant to pay into an interest bearing escrow account to be used to restore the property to its original state prior to making modifications.

A property owner or manager CANNOT:

- ◇ Refuse to rent or deal with an individual or their family because he/she has a disability.
- ◇ Apply different rules, deposits or extra rental charges.
- ◇ Make false statements about a particular unit's availability.
- ◇ Refuse to allow the tenant to make accommodations or modifications to the unit
- ◇ Intimidate or retaliate against someone who exercises their right to file a fair housing complaint.

If you have any further questions concerning housing and disabilities, please contact your local Fair Housing office or the Department of Housing and Urban Development (HUD).

Assistance

Medina County Fair Housing Office

330-722-9219

330-225-7100 ext. 9219

330-336-6657 ext. 9219

TTD/TTY: 330-725-9123

Ohio Civil Rights Commission

Akron Regional Office

330-643-3100

HUD

1-800-581-3247

1-800-669-9777

TTD: 1-800-927-9275

Medina County Community Legal Aid

330-723-5380

Medina Metropolitan Housing Authority

330-725-7531

United Way of Medina County

330-725-3926

Medina County Job & Family Services

330-722-9283

You have a nice
set of wheels but
can't find a place
to park them.



Landlords must allow you to make reasonable accommodations to ensure full use of your apartment. Telling you that you can't install grab bars and ramps is against the law. You can fight back.

If you suspect unfair housing practices, contact HUD
or your local Fair Housing Center.
Everyone deserves a fair chance.



EQUAL HOUSING
OPPORTUNITY

Fair Housing is the Law!

U.S. Department of Housing and Urban Development
1-800-669-9777 or TDD 1-800-927-9275

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