

Fair Housing

Rights for People with Disabilities

This guide is for informational purposes. It is not intended as legal advice and is not a substitute for seeking assistance from a qualified attorney. What documents, terms and provisions you need will depend on your individual circumstances. It is always best to consult an attorney for guidance.

What is a Disability?

The Fair Housing Act prohibits discrimination against individuals who have disabilities or who are associated with people with disabilities.

A disability is a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, working, or caring for oneself. Examples include:

- Hearing, mobility, and visual impairments
- Chronic mental illness
- Dementia
- AIDS/HIV+ status
- Developmental disabilities
- Past substance use disorders

Does Housing Have to be Accessible?

The federal Fair Housing Act requires that all multi-family housing built after March 13, 1991 have certain accessibility features. Other laws and local building codes may require accessibility features for some housing. People with disabilities may request reasonable accommodations and modifications to housing.

What is a Reasonable Accommodation?

A change in rule, policy, practice, or service that allows a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Examples include:

- Allowing a service or assistance animal, despite a no-pet policy
- Allowing a tenant to have a live-in aide who is not on the lease to assist with daily care
- Assigning a reserved parking space to a tenant with a disability, even if parking is typically “first come/first served.”

What is a Reasonable Modification?

A physical change to a housing unit or common area that allows a person with a disability to fully use and enjoy the premises. If renting from a private landlord, the person making the request generally must pay the cost of the modification.

Examples include:

- Installing a ramp
- Installing grab bars in the bathroom
- Widening doorways
- Installing lever door handles

Examples of Possible Discrimination

“You look fine to me. Why are you getting disability payments?”

“We don’t rent to people with AIDS.”

“You must obtain liability insurance because of your service animal.”

“We don’t allow tenants to install accessibility features because we have ‘ADA’ units.”

“Can you live independently?”

“I have to charge you a pet deposit for your assistance animal.”

May a Landlord Ask About a Person’s Disability?

Asking someone about the nature or existence of their disability is generally prohibited by the Fair Housing Act. Exceptions include:

- If someone requests a reasonable accommodation or modification and their disability is not obvious or otherwise known, the provider may ask for verification.
- If the housing is designed for people with disabilities, a landlord may ask about an applicant’s disability to determine if they are eligible for the housing.

Useful Tips

If you believe you have experienced housing discrimination:

- Keep a journal of incidents of discrimination.
- Write down what you experienced, including names, dates, addresses, rental terms, and any other details about your interaction.
- Keep any documents related to the discrimination, including all emails and text communications.
- Following the incident, you have one year to file a complaint with HUD or the NC Office of Administrative Hearings or two years to file a lawsuit in court.