

The Housing Research & Advocacy Center is a not-for-profit fair housing agency whose mission is to promote fair housing and diverse communities, and to eliminate housing discrimination in Northeast Ohio by providing effective research, education and advocacy.



Housing Research & Advocacy Center  
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Housing Research & Advocacy Center

***FAIR HOUSING FOR PEOPLE  
WITH MENTAL HEALTH  
DISABILITIES***



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## What is “fair housing”?

Fair Housing is a civil right protected by federal and state laws. Fair Housing means you may choose a place to live, regardless of your race, color, sex, religion, national origin, familial status or disability. The Federal Fair Housing Act (FHA) applies to housing providers in all forms, including property owners, landlords, housing managers, neighborhood and condominium associations, real estate agents and brokerage service agencies. Additionally, anyone else who “otherwise makes housing unavailable” can be found in violation of the FHA. Housing discrimination against people with disabilities is also protected under other laws, including Section 504 of the Rehabilitation Act of 1973 (referred to as Section 504) and Title II of the Americans with Disabilities Act (commonly referred to as ADA or Title II). Often, these laws overlap in their coverage, but some housing may be covered by only one of the laws, while other housing may be subject to two or all three of them.

## Who is considered “disabled”?

- Chronic mental illness
- Hearing, mobility, and visual impairments
- Cancer
- AIDS/HIV
- Mental development challenges
- Alcoholism or past drug abuse

There are certain groups of people the Fair Housing Act does not protect. This includes current illegal drug users and anyone who poses a direct threat to the health and safety of others or causes substantial physical damage to the property.

You can also contact the Ohio Civil Rights Commission at 1-888-278-7101 or online at [www.crc.ohio.gov](http://www.crc.ohio.gov), or the U.S. Department of Housing and Urban Development (HUD) at 1-800-669-9777, or online at [www.hud.gov](http://www.hud.gov). For hearing impaired, call 1-800-927-9275. HUD also offers assistance with reading and completing HUD forms through interpreters, tapes and Braille materials.

## Fair Housing Resources

Housing Research & Advocacy Center

Telephone: 216-361-9240

Ohio Civil Rights Commission

Telephone: 888-278-7101

U.S. Department of Housing and Urban Development (HUD)

Telephone: 800-669-9777

The Legal Aid Society of Greater Cleveland

Telephone: 216-687-1900

## Mental Health Resources

Alcohol, Drug Addiction & Mental Health Services (ADAMHS) Board of Cuyahoga County

Telephone: 216-241-3400

TDD/TTY: 216-241-3983

NAMI Greater Cleveland (National Alliance on Mental Illness)

Telephone: 216-875-7776

EDEN, Inc.

Telephone: 216-961-9690

The Bazelon Center for Mental Health Law

Telephone: 202-514-4713

## **How do I request a reasonable accommodation or modification?**

It is the responsibility of the tenant to make a specific request. A request for a reasonable accommodation or reasonable modification should be made in writing to a housing provider. You may need to show proof that you have a covered disability, which can be information provided by a medical professional or by a nonmedical service agency. The request must be related to your disability. The request can be made at any time and the law does not limit the number of accommodations you may request. You also are not required to accept any accommodation if you do not want or need it.

## **What should I do if I am denied a reasonable accommodation or modification?**

You may want to contact a lawyer or other advocate to determine if your request would create an undue burden on your landlord or result in a fundamental alteration of the housing being provided (the only two reasons a housing provider can deny an accommodation or modification). You may also need the help of a doctor or other medical professional, a peer-support group or a nonmedical service agency to prove that the request is necessary to allow you the full enjoyment of the housing.

## **What do I do if I'm being discriminated against? Where do I go for help?**

If you suspect you are being treated differently based on your disability, you should contact the Housing Research & Advocacy Center as soon as possible. You can also challenge an act of discrimination by filing a complaint with the Ohio Civil Rights Commission or the U.S. Department of Housing and Urban Development.

If you think you have been a victim of housing discrimination because of your race, national origin, religion, sex, color, familial status, disability, military status, ancestry or any other reason, please contact the Housing Research & Advocacy Center for assistance at (216) 361-9240.

## **How does the Fair Housing Act protect you?**

The Fair Housing Act offers several protections against discrimination for people with mental disabilities. It is illegal to do any of the following actions based on someone's disability:

- Refuse to rent, sell, or negotiate for housing
- Set different terms, conditions, privileges, or provide different services or access to facilities
- Make housing unavailable or otherwise restrict someone's choice
- Discriminate in advertising
- Refuse to make or purchase a loan
- Refuse to provide information regarding mortgage loans or homeowners' insurance
- Refuse to provide homeowners or renters insurance
- Impose different terms or conditions on a loan, such as different interest rates or fees.

In addition, the FHA offers other protections. A housing provider cannot inquire about the existence or nature of your disability. For example, a landlord is not permitted to ask the following questions:

- Do you have a disability?
- How severe is your disability?
- Have you ever been in a rehabilitation program?
- Are you on any medication?
- Do you receive SSI payments?
- May I see your medical records?

The Fair Housing Act also provides additional protections to persons with disabilities, such as reasonable accommodations and reasonable modifications.

### **What is a reasonable accommodation?**

A “reasonable accommodation” is a change in rules, policies or practices or a change in the way services are provided. Under federal fair housing laws, landlords are required to grant reasonable accommodations in order to enable a person with a disability to have an equal opportunity to use and enjoy a their housing. Reasonable accommodations can be requested when someone is applying for housing, during tenancy or to prevent eviction. At the time of the request, a landlord or housing provider can require proof of a covered disability, e.g. a doctor’s note. The accommodation must be related to the person’s disability. The law does not require that a landlord grant the reasonable accommodation request if it poses an “undue burden” on the landlord or is a fundamental alteration of the provision of housing.

Some examples of a reasonable accommodation request might be:

- Allowing a service animal despite “no pet” policy
- Giving a tenant a reserved parking space
- Allowing a tenant to have a live-in aide
- Allowing a non-tenant to use laundry room
- Allowing a move from 1 unit to another (without fee)
- Changing rent due date
- Informing others (family, social worker, etc.) of new policies
- Because a rent applicant has no recent rent history due to being in a hospital or mental facility for an extended time, the landlord accepts a reference by the applicant’s employer or social worker
- Notifying a tenant with multiple chemical sensitivity in advance of painting and pest treatments
- A landlord waiving “guest fees” and parking fees for a disabled tenant’s home health aide

### **What is a reasonable modification?**

A reasonable modification is a physical change to the interior of your own unit or to the common areas that allows the person the full enjoyment of their housing. The tenant must make the request to the landlord, and once approved, the tenant must also pay any expenses associated with the modification. As long as the request is reasonable, the landlord must grant it. A landlord can require proof of the existence of a disability (without specifics on the nature of the disability), and they can also require that the modification be returned to the original condition upon termination of residency.

Some examples of reasonable modifications include:

- Widening doorways
- Installing grab bars
- Lower heights of kitchen cabinets
- Installing a ramp
- Installing automatic water faucet shut-off
- Installing or remove carpeting
- Lowering/raising height of switches, outlets, thermostats
- Installing lever door handles
- Installing pictures, color-coded signs or pathways for people whose cognitive disabilities make written signs impossible to use