

WHAT IS A DISABILITY?

The law defines disability as:

- A physical or mental impairment which substantially limits one or more of a person's major life activities;
- Having a record of such an impairment; or,
- Being regarded as having such an impairment.

Major life activities include:

- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Caring for yourself
- Performing a manual task

WHAT TYPES OF DISCRIMINATORY HOUSING PRACTICES ARE ILLEGAL?

It is against the law to:

- Ask a tenant if she or he is disabled
- Ask if a disabled tenant can live unassisted
- Ask what medication or treatment a disabled tenant requires
- Refuse to rent to a tenant based on his/her disability
- Charge a higher security deposit to disabled tenants

- Deny access to recreational facilities to disabled tenants
- Segregate disabled tenants to a certain area of the complex

WHAT DOES THE LAW REQUIRE LANDLORDS DO FOR DISABLED TENANTS?

A landlord must modify the rules, policies, practices, or services of the complex if:

- Requested (*requests should be in writing & sent certified mail*)
- Necessary for full use and enjoyment of the premises
- Practical
- Not an undue financial or administrative burden for landlord
- Not a fundamental alteration in the nature of the landlord's business

Examples of accommodations include:

- Allowing a sight-impaired tenant to have a service animal, even if the complex has a "no pets" policy
- Giving a mobility-impaired tenant a convenient parking space
- Allowing a mobility impaired tenant to pay rent

with a personal check rather than a money order

A landlord must allow a disabled tenant to make reasonable physical changes to a rental unit or the common areas, if necessary for full use and enjoyment of the premises.

Some examples of reasonable physical changes are:

- Lowering light switches
- Installing grab bars
- Installing an access ramp
- Widening doorways

The tenant must:

- Pay for the changes unless it is public housing or a federally subsidized complex
- Provide the landlord with a reasonable description of the proposed changes, assurances of professional workmanship and work permits
- Restore the premises to the previous condition after moving out (*unless the changes would not interfere with use and enjoyment of the unit by a subsequent tenant*)

**NEW MULTI-FAMILY
HOUSING MUST BE
ACCESSIBLE TO DISABLED
PERSONS**

The law covers buildings that:

- Have 4 or more units and an elevator or ground floor units; and,
- Were first occupied after March 13, 1991 or had a building permit issued after June 15, 1990, whichever was later.

**These buildings must meet 6
accessibility standards:**

- Access through common areas
- Access through doorways
- Accessible route throughout apartment
- Accessible environmental controls
- Grab bars (installed, or walls reinforced to allow installation)
- Maneuvering room in bathroom and kitchen

If you have been treated unfairly with applying for housing or as an in-place tenant, The South Bay Fair Housing Project provides *free* legal assistance with:

- Making a complaint to a government agency
- Investigating the unfair treatment
- Preventing the discriminatory treatment with convincing the landlord to comply with the law
- Enforcing the law through court litigation

BAY AREA LEGAL AID

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A program of

**Bay Area Legal Aid and the U.S. Department
of Housing & Urban Development Fair
Housing Initiative Program**

In collaboration with

**Mid Peninsula Citizens for Fair Housing
and Project Sentinel**

**HOUSING
DISCRIMINATION:**

DISABILITY



For help, call the

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