
The purpose of this brochure is to inform and educate landlords, owners, managers, lenders and real estate agents of their responsibilities under the federal laws about the rights of individuals with disabilities.

The laws are:

The Fair Housing Amendments Act

- States it is unlawful for anyone to discriminate based on an individual's disability in the selling or renting of housing; in the terms; conditions or privileges of the sale or rental of a dwelling; or in the provision of services
- Establishes accessibility guidelines for new multifamily dwellings and
- Describes accommodation(s) and modification(s) that must be made

The Americans with Disabilities Act

- Provides civil rights protections
- Guarantees equal access in places of public accommodations
- Requires equal access to newly constructed public accommodations such as parking, management offices, common areas, apartment complexes, townhouse communities, etc.
- Must be readily achievable (easily accomplished)
- Requires barrier removals for existing facilities and includes common areas when rented to the public to be accessible where readily achievable

The Rehabilitation Act of 1973

Section 504 covers the rights of qualified individuals with disabilities living in federally funded properties from being excluded from participation in, denied benefits of, or be subjected to, discrimination under any program or activity.

To avoid blame, treat everyone the same!

Ignorance of these laws does not excuse compliance. For further clarification, please contact the appropriate federal agency.

Definition of Disability

The federal laws define an individual as having a disability if he/she:

- Has a physical or mental disability that substantially limits one or more major life activities such as walking, learning, seeing, hearing, working, breathing, and caring for oneself, Examples of disabilities may include chronic alcoholism, chronic mental illness, AIDS, mental retardation, epilepsy, etc.
- Has a record of such a disability
- Is regarded by others as having a disability

The Right to Reasonable Accommodation(s)

These laws require housing providers to make reasonable accommodation(s) in rules, policies, practices or services when such accommodation(s) may be necessary to allow individuals with disabilities an equal opportunity to have full benefits in the use of his/her dwelling unit.

The Right to Reasonable Modification(s)

No one may prevent an individual with a disability from making reasonable modification(s) to his/her dwelling, at his/her own expense.

The Right to Accessible and Adaptable Design in New Construction

The Fair Housing Amendment has guidelines that cover specific accessibility/adaptable features for occupancy after March 13, 1991.

Questions and Answers

May I ask whether a person has a disability or is able to live independently?

The general rule is, no. Questions may not be asked as to whether a person has a disability or the nature or extent of any disability. However, if an individual is asking you to provide reasonable accommodation(s) or modification(s), you may ask the individual to verify that he/she has a disability and the need for the requested accommodation(s).

What are considered reasonable accommodation(s) or reasonable modification(s) for a person with a disability?

A reasonable accommodation includes the landlord's responsibility to make changes in policies and procedures, such as allowing a person with a disability to park next to his/her unit. Reasonable modification(s) include the installation of grab bars in the bathroom, widening doors, building a ramp to accommodate a wheelchair, installing a signal light for the hearing impaired, etc.

Who is required to pay for these modifications?

The resident must pay for them. At the time a person makes the request, you can agree on the modification(s) in writing: what is to be done; what is to be restored to its original state on the interior when the person vacates; work must be done with permits and according to code, etc. Restoration is generally reserved for changes that interfere with the next resident's ability to live there. You may not require restoration for the exterior.

Can I require that an escrow account be established to return the unit to its original form when the resident vacates?

Yes, but only for major renovations on the interior, such as restoring cabinets to their original height. Any interest earned belongs to the resident.

When may an individual request a reasonable accommodation?

At any time.

If a person discloses a disability must I keep the information confidential?

Yes.

May I require an individual with a disability to live in certain units or only on the ground floor?

No. He/she is to have the same choices as everyone else in selecting where to live.

Can I charge a higher deposit or rent to an individual with a disability when he/she has a wheelchair or wishes to make a modification to the unit he/she wants to rent?

In both cases, no.

Can I refuse to rent to individuals who have AIDS or are HIV positive? If I have already rented to them, can I evict them because I consider them to be a threat to others?

No, to both questions. Neither can you restrict them from use of the pool or spa.

Questions and Answers

(continued)

Can I refuse to rent to an individual who has a service or companion animal if I have a "no pet" policy?

No. Service animals, such as guide dogs, are considered "auxiliary aids" not pets. A companion animal may be a reasonable accommodation for an individual with a disability. You may request verification of need, require immunizations, etc. You cannot refuse to rent to their owners or charge a pet deposit, nor may you increase the rent.

As a Realtor, what do I need to do to be sure I am not discriminating against an individual with a disability?

Treat an individual with a disability in the same way, with the same respect, you treat others. Ask what accommodations he/she needs in looking for a home? Ramps and special needs can be arranged by the Realtor. Ask what he/she needs in a home to purchase. Will he/she need to be close to shopping, transportation, schools, etc.? Point out the different financing programs available to individuals with disabilities.

Must a person disclose a "hidden" disability?

No. If he/she is not requesting a reasonable accommodation and the housing (housing program) you have is not for people with a particular disability, then you cannot ask about a disability and he/she is not required to disclose.

Can I evict that person if their disability is revealed in the future?

No. It is not automatic grounds for eviction. If he/she violates the lease and the cause of that violation is possibly related to the tenant's disability, then you must discuss a reasonable accommodation (possible solutions and/or remedies) prior to beginning eviction procedures. Failure to do so may invalidate the eviction procedure.

Is there a limit to the number of attempts to resolve these issues through reasonable accommodation?

Every effort should be made by both parties to resolve any issue. It would be wise to document those efforts (date, number of times, what the attempts were, etc.).

Can I refuse to rent to a person with a substance abuse disability?

As a rule, no. However, if he/she is currently using illegal substances, is not involved in a treatment program and has not completed a treatment program then you may refuse to rent.

★★★When in doubt check it out!★★★

Resources

The following resources are meant to help get you started and answer some of your questions in the rental process. This list is not inclusive of all of the assistance available to you.

FINANCIAL ASSISTANCE

CHRB (KIP Brochure) 303-964-2789
Colorado Coalition for Housing Counselors
Check the Phone Book

HOME IMPROVEMENT

Brothers Redevelopment 303-202-6340
Home Care Center (age 60+) 303-695-1460

TRANSLATION SERVICES

Support Services and interpreters for most languages, including AMESLAN, East Asian languages, Russian, Spanish, and more:
Asian-Pacific Center Human Development
1825 York, Denver, CO 80206 303-393-0304
or 303-355-0710
Colorado Relay (Voice) 1-(800)-659-3656
(TDD) 1-(800)-659-2656
(ASCII-Data) 1-(800)-659-4656

TRANSLATION SERVICES (cont)

National Federation for the Blind
(referrals for transcription in Braille) 303-778-1130

TECHNICAL AND LEGAL ASSISTANCE

Before filing or forcing a formal complaint, consider landlord/tenant mediation as an alternative.

Information and Assistance on Fair Housing, ADA, and Discrimination Issues:

• ADA Technical Assistance Center 1-(800)-949-4232

Landlord/Tenant Disputes

• Community Housing Service 303-831-1935
• Del Norte 303-477-4774
• Housing For All 303-863-7466
• Colorado Legal Services 303-837-1313
• Northeast Denver Housing Center 303-377-3334

Fair Housing

• Atlantis Community 303-733-9324
• Colorado Civil Rights Commission 303-8942997
(TDD) 303-866-3010
1-(800)-262-4845
• Colorado Division of Real Estate 303-894-2166
• Housing For All 303-863-7466
• HUD-Denver 303-863-7466
• Fair Housing & Equal Opportunity 303-672-5437
• Colorado Legal Services 303-837-1313
• Legal Center for People with Disabilities 303-722-0300
• Mental Health Corporation of Denver 303-504-6653
• Office of Fair Housing
U.S. Department of Housing &
Urban Development (HUD) 1-(800)-669-9777
(TDD) 1-(800)-543-8294
(TDD) 1-(202)-708-2333

This brochure is prepared by the Community Housing Resource Board. For further information, you may contact the CHRB at (303) 964-2789 or 303-725-8680

What are Reasonable Accommodations?

Answers for...



Landlords

Property Managers

Real Estate Brokers

Owners

Lenders

How to avoid discrimination when assisting individuals who have special needs

To avoid blame, treat everyone the same.



Contact the CHRB for other resources.
303-964-2789 or 303-725-8680
info@chrb.net • www.chrb.net