

Reasonable Accommodations, Reasonable Modifications, and the Fair Housing Rights of People with Disabilities

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Agenda

- Fair Housing Act and Section 504 Basics
- Hypotheticals
- Guidebook on Accommodations and Modifications
- Bonus Hypos
- Resources
- Number One Best Practice

Fair Housing Act Protections for People with Disabilities – The Basics

□1968: Original Act

□1988: Amendments - usual prohibitions
PLUS affirmative requirements

Fair Housing Act Amendments

- What a housing provider cannot do
- What a housing provider must do –

Accommodations

Modifications

New Construction – Seven Basic Attributes

Section 504 of the Rehabilitation Act – The Basics

5%/2% Rule

Special Rule Re: Modifications



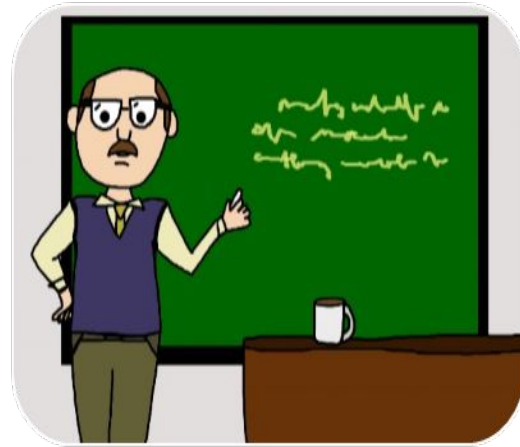
Peter

Peter shares custody of a dog with his ex-wife. He lives alone in a building with a “no pets” policy. The building told Peter he cannot keep the dog. Peter claims the dog provides emotional support that diffuses his anxiety and obsessive thinking, especially at night. Peter is a teacher and a part-time actor. He does not take his dog to work or when he is acting.

Thoughts?



Shared Custody



High School
Teacher



Actor

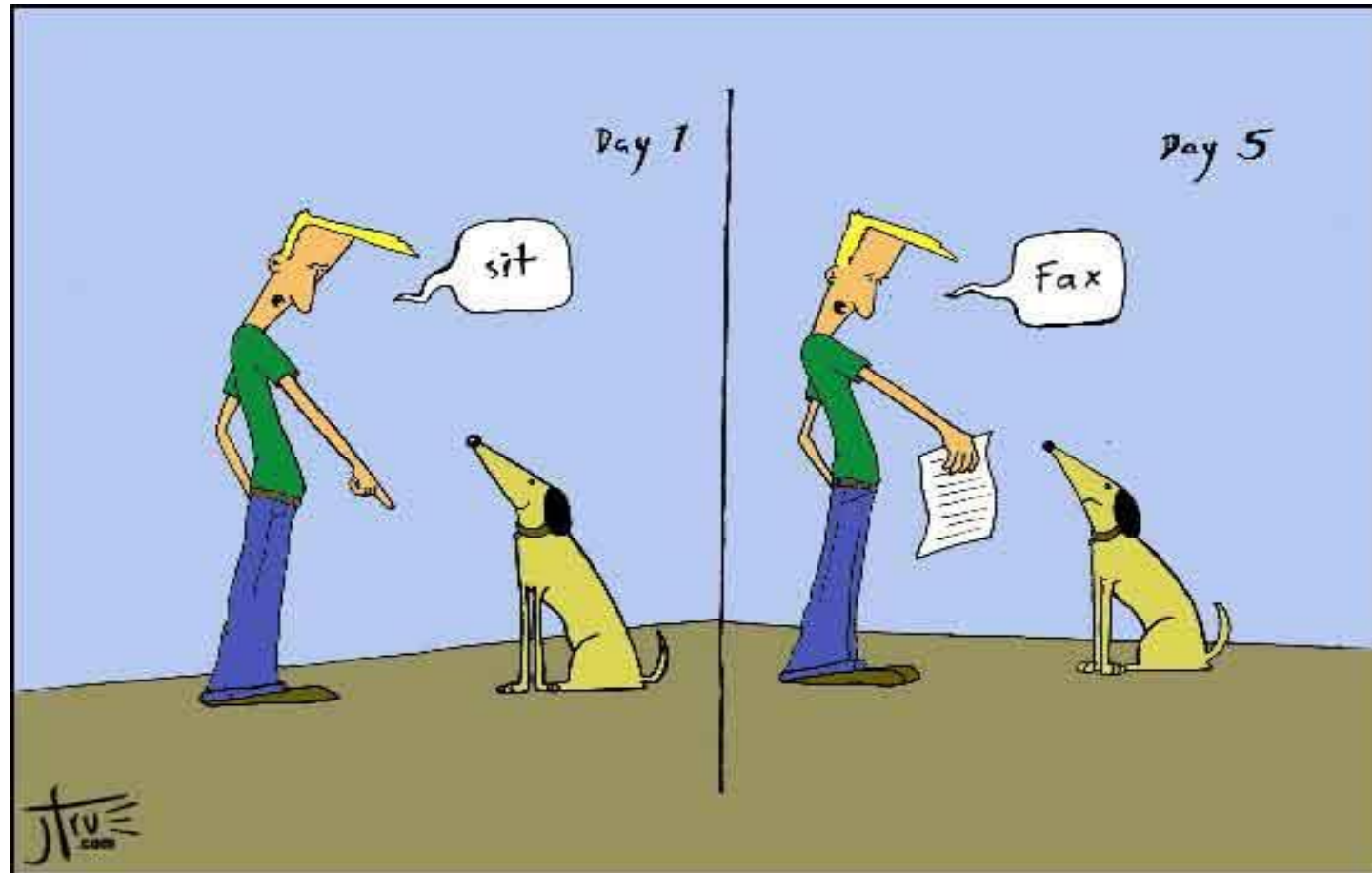


Needs Dog at
Night

Peter's Word vs. Documentation



Harvard School for Dogs?



Pet fees? Additional deposit? Increased rent? Special liability insurance?



Size or Breed Limits?



Any restrictions on the dog?



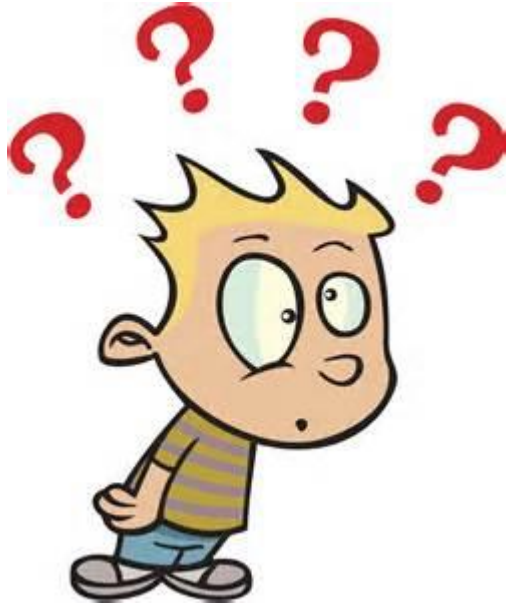
What about other animals?



Franklin

Franklin, who is Deaf, recently moved into an apartment building. He relies on sign language to communicate. Management has planned a “welcome to the building” party for new residents. Franklin asks management to provide a sign language interpreter for the party.

Equal Access?



VS



Questions About Reasonable Accommodations?



Keisha

Keisha has a physical disability. She has lived in her apartment building for several years. Until recently, Keisha relied on a walker to move about. However, her condition has worsened over time. Now, she uses a manual wheelchair and has difficulty getting through the front entrance to the building because it has a step.

Who pays?



Who maintains the ramp?



What if Keisha wants grab bars installed in her bathroom?



What if Keisha does not yet live in
the building? Same or different
answer?



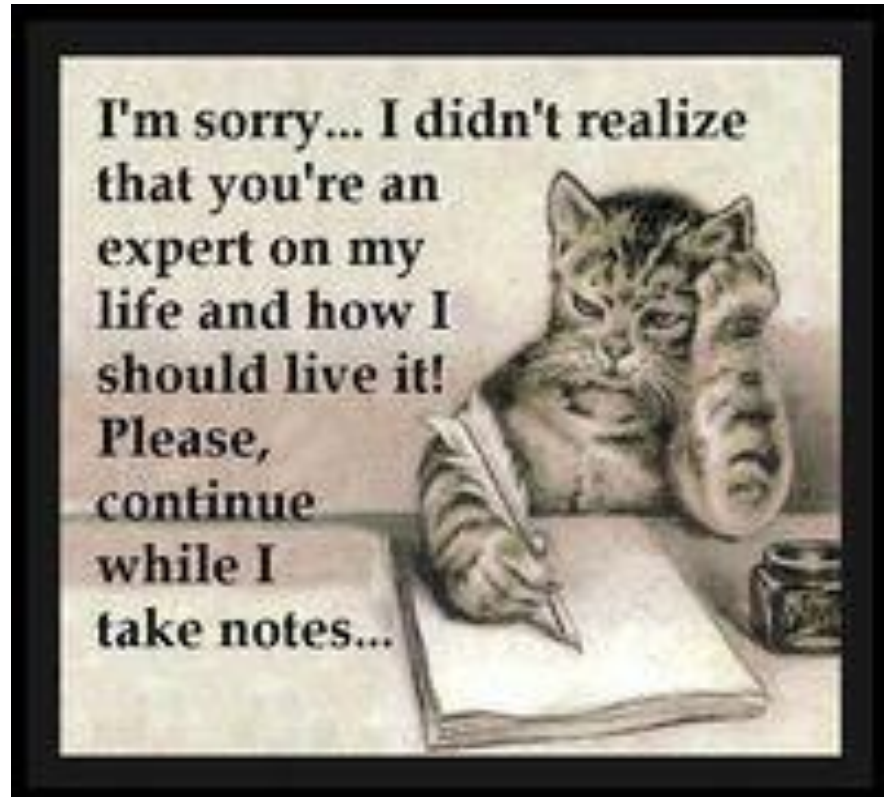
Questions About Reasonable Modifications?



Amber

Amber, who is blind, is interested in a third floor apartment in a building without an elevator. When Amber visits the unit, the landlord notices Amber's disability. The landlord is concerned Amber may hurt herself walking up or down the stairs, or be unable to exit quickly in an emergency. The landlord is also worried she may be liable if Amber gets injured. Therefore, the landlord refuses to rent to Amber.

Can the Landlord Do This?



Great Resource:
<https://www2.illinois.gov/dhr/Publications/Pages/RA-RMGuidebook.aspx>



State of Illinois
Department of Human Rights

**Reasonable Accommodations
and Modifications:**
A Guide for Housing Professionals



Bonus Hypos - Jared

Scenario 1: Jared has a disability and is searching for an apartment. A portion of his rent will be covered by a housing subsidy (e.g. Bridge Subsidy or Housing Choice Voucher). He applies for a unit, but the housing provider states it does not accept the subsidy.

Bonus Hypos - Jared

Scenario 2: Jared has a disability. He receives Supplemental SSI of \$914/month. He has a Housing Choice Voucher to help pay the rent. With the voucher, Jared must pay \$250/month toward the rent, and the rest will be covered by the voucher. He applies for a unit that rents for \$1200/month. The housing provider has a policy that tenants must have monthly income equal to at least 3x the rent. The housing provider denies Jared's application because he does not have income of \$3600/month ($\1200×3).

I've Been Discriminated Against – Now What?

- Legal Aid Chicago <https://legalaidchicago.org/>
- Prairie State Legal Services
<https://pslegal.org/>
- Land of Lincoln Legal Aid
<https://lincolnlegal.org/housing-law/>
- HOPE Fair Housing Center <https://hopefair.org/>

I've Been Discriminated Against – Now What?

- South Suburban Fair Housing Center
<https://southsuburbanhousingcenter.org/>
- Northside Housing
<https://www.northsidehousing.org/>
- Access Living <https://www.accessliving.org/>
- Law Center for Better Housing <https://lcbh.org/>

I've Been Discriminated Against – Now What?

- Chicago Area Fair Housing Alliance
<https://www.cafha.net/>
- UIC Chicago
<https://law.uic.edu/experiential-education/clinics/fairhousing/>
- Centers for Independent Living
<https://incil.org/>

I've Been Discriminated Against – Now What?

- Illinois Attorney General's Office
<https://ag.state.il.us/rights/disabilityrights.html>
- Illinois Department of Human Rights
<https://dhr.illinois.gov/>
- U.S. Department of Housing and Urban
Development
<https://www.hud.gov/states/illinois/offices>

Question: What is the Number One Best Practice A Policy Maker, A Housing Provider, An Advocate, or An Organization Can Employ to Protect and Advance Disability Rights?



THE Best Practice

“NOTHING ABOUT US
WITHOUT US”



FINAL QUESTIONS?

