

FAIR HOUSING RIGHTS OF PEOPLE WITH DISABILITIES

TRAINING FOR HOUSING PROVIDERS

January 14, 2016



Access Living? What is it?



FAIR HOUSING ACT OF 1968



FAIR HOUSING AMENDMENTS ACT OF 1988



FAIR HOUSING AMENDMENTS ACT OF 1988

THOU SHALL NOT

AND

THOU SHALL

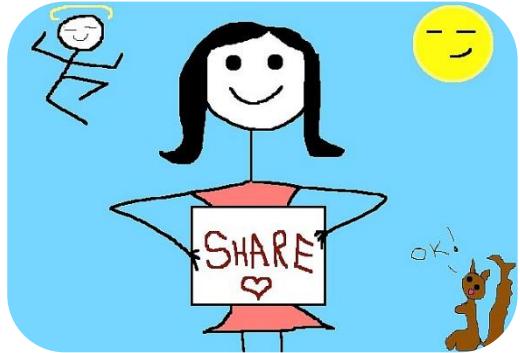
Hypothetical Time – Whoopee!!!



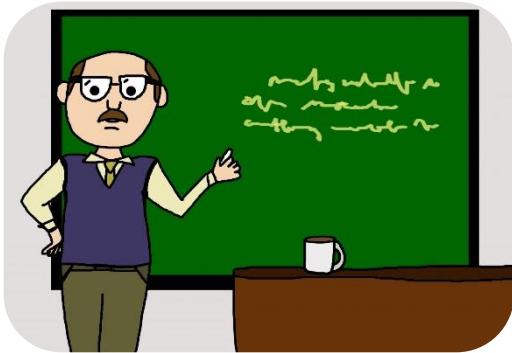
Peter

Peter shares custody of a dog with his ex-wife. Peter lives alone in an apartment building that has a “no pets” policy. The building has told Peter he cannot keep the dog. Peter states that he has Obsessive Compulsive and Generalized Anxiety Disorder. He claims he needs the dog because it provides emotional support that diffuses his anxiety and obsessive thinking, especially at night. Peter is a teacher at a suburban high school. He is also a part-time actor who has appeared in plays throughout Chicagoland. He states that he does not take his dog to work or when he is acting. Peter wants to keep the dog.

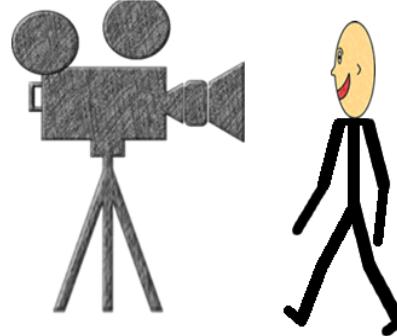
But ...



Shared Custody



High School
Teacher



Actor

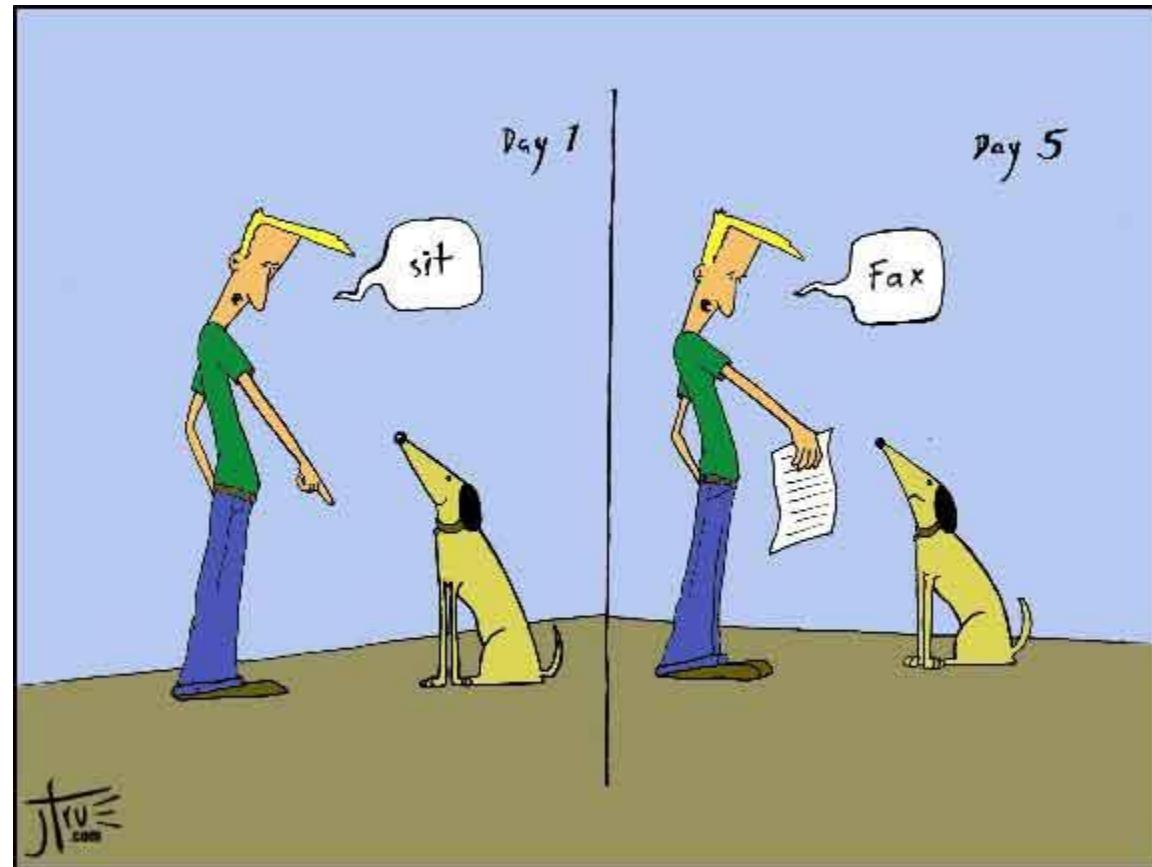


Needs Dog at
Night

Peter's Word vs. Documentation



Harvard School for Dogs?



Pet fees? Additional deposit? Increased rent?

Special liability insurance?



Any restrictions on the dog?



What if the dog is a guide dog?



What about other animals?



Keisha

Keisha has a physical disability. She has lived in her apartment building for several years. Until recently, Keisha relied on a cane or walker to move about. However, her condition has worsened over time and she now uses a wheelchair. As such, she has great difficulty getting through the main front entrance because it has a couple steps.

Who pays?



Any paperwork required?



Who maintains the ramp?



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



Maria

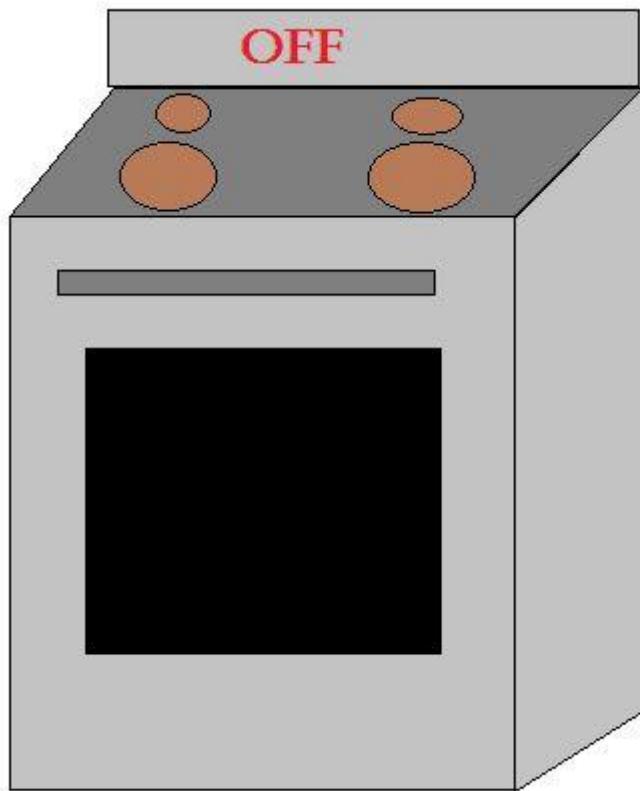
Maria has an autoimmune disability. To treat her condition, Maria takes medication. She lives in an apartment building. One of Maria's medications makes her sleepy. Recently, due to this medication, Maria fell asleep while cooking something in her oven, which caused a small fire. Maria woke up in time to call the fire department, which put out the fire. However, the oven was damaged and there is smoke damage on the walls and ceiling of the kitchen. Due to this incident, management sent a notice to Maria that states it intends to evict her for breach of the lease.

Can Maria stay?

Must the housing provider talk with her?



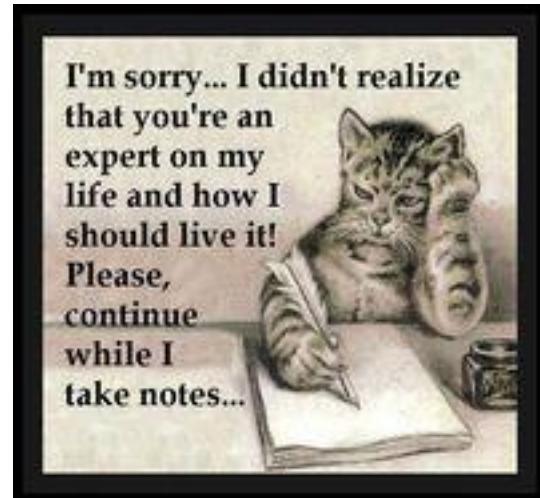
Solutions?



Amber

Amber, who is blind, is interested in a third floor apartment in a building that does not have an elevator. When Amber shows up to view the unit, the landlord notices Amber's disability. The landlord is concerned that Amber may hurt herself walking up or down three flights of stairs or be unable to exit quickly in an emergency. The landlord is also worried that she may be liable if Amber gets injured. Therefore, the landlord refuses to rent the apartment to Amber.

Can the landlord do this?



Leticia

Leticia has a physical disability. She lives in an apartment building. She usually relies on a cane or walker to move about, but sometimes uses a wheelchair. The apartment building has a parking lot for residents, which includes three accessible spaces. Residents are assigned parking spaces. Leticia needs an accessible parking space, but her assigned space is not accessible. Two of the accessible spaces are used by residents who use a wheelchair and the remaining accessible space is reserved for guests who have a disability.

Can Leticia get the accessible
space reserved for guests?



Assume there are only two accessible spaces in the lot and both are used by residents who use wheelchairs. What then?

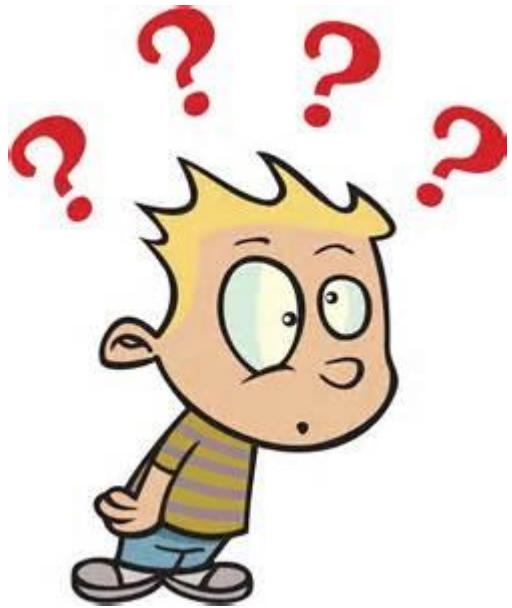
thinking



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 plans to attend. He asks management to provide a sign language interpreter for the party.

Equal access?



vs



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Getitright Real Estate

Getitright Real Estate is developing a new apartment building in Chicago. It will have five floors and 40 units. Getitright understands the design and construction of the building must comply with federal, state, and local laws regarding accessibility.

How can Getitright “get it right?”

Architect with Expertise –
Fair Housing Act,
Section 504 of the Rehabilitation Act (if federal funding
involved)
Illinois Accessibility Code,
Local Code (e.g. Chicago Building Code)



Fair Housing Act – New Construction Provisions

What is covered?



4



Elevator Required?



An elevator is not required.

However, if there is an elevator, all units on all floors must be accessible.

If there is not an elevator, then only the ground floor units must be accessible.

Seven Requirements -

Number 1



Seven Requirements -

Number 2



Seven Requirements -

Number 3



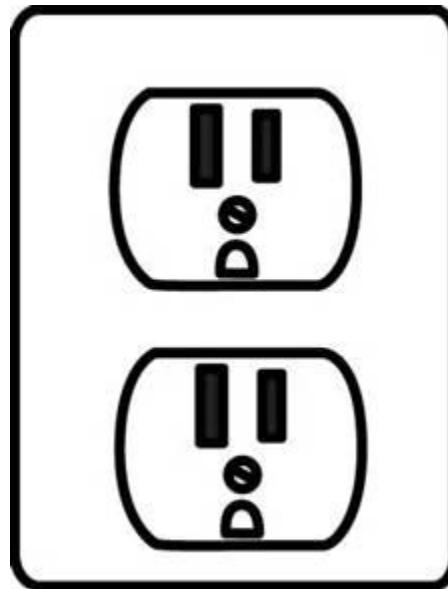
Seven Requirements -

Number 4



Seven Requirements -

Number 5



Seven Requirements -

Number 6



Seven Requirements -

Number 7



What Standards Apply for FHA Compliance?



The most common safe harbors relied upon include:

- The Guidelines and Supplemental Notice;
- The Design Manual; and
- American National Standards Institute (ANSI) A117.1, used in conjunction with the Act, the Act's regulations, and the Guidelines.

Section 504 – New Construction Provisions

What is covered? Part 1 – New Public Housing and Government-Subsidized Housing



Section 504 – New Construction Provisions

What is covered? Part 2 -- Newly Renovated Public Housing and Government- Subsidized Housing (Substantial Alterations)



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Section 504 – New Construction Provisions

What is covered? Part 3 – Newly Renovated Public Housing and Government-Subsidized Housing (Alterations Not Substantial)



5

5% and 2% Requirements – Accessible and Usable

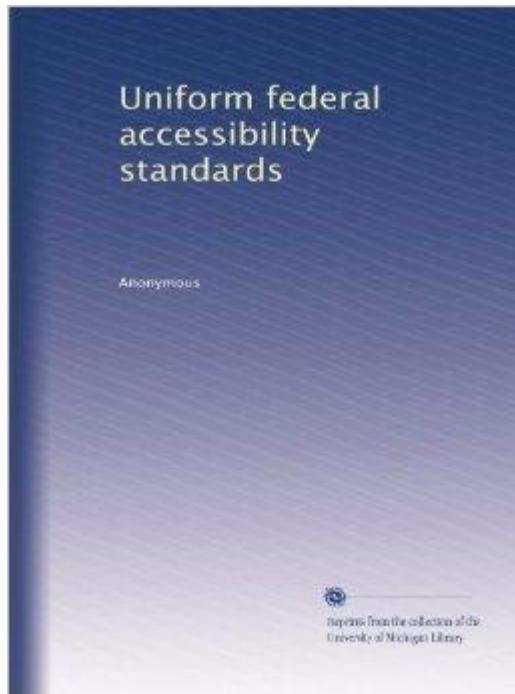
Mobility Disabilities

5%

Hearing or Vision Disabilities

2%

What Standards Apply for Section 504 Compliance?



Makenomistake Real Estate

Makenomistake Real Estate is developing a new apartment building in Chicago. It will have five floors, 40 units, and two elevators.

Makenomistake is receiving federal funds to ensure a number of the units are affordable for persons of low-income. Makenomistake understands the design and construction of the building must comply with federal, state, and local laws regarding accessibility.

How can Makenomistake “make no mistake?”

Here's the math --

All units (here, 40) must comply with the seven general requirements of the Fair Housing Act;

5% (here, 2) of the units must be accessible to and usable by persons with mobility disabilities; and

2% (here, 1) of the units must be accessible to and usable by persons with hearing or vision disabilities.

But Don't Forget ...

Makenomistake must also comply with --
the Illinois Accessibility Code, and
any relevant local codes, such as the Chicago Building Code.



Architect with Expertise –
Fair Housing Act,
Section 504 of the Rehabilitation Act (if federal funding
involved)
Illinois Accessibility Code,
Local Code (e.g. Chicago Building Code)



THANK YOU FOR ATTENDING THE TRAINING!



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