

Rights of Deaf Individuals in Private Housing

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The Fair Housing Act prohibits landlords, real estate sellers, condominium management companies and homeowners' associations from discrimination based on disability. No one may refuse to rent or sell housing, or make housing unavailable, or set different rules or conditions for sale or rental or use of housing, because of disability. Fair Housing Act, 42 U.S.C. §3604(f).

The regulations to the Act identify two main responsibilities for landlords and building owners.

Reasonable Modifications to the Buildings

First, landlords and condominium managers must allow tenants to modify the premises of their own rental unit or condominium.

- (a) It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted....24 C.F.R. §100.203.**

For example, deaf tenants are permitted to install visible doorbells. The tenant must pay for the modifications, and may have to restore the property to its original condition later, but the landlord cannot forbid the tenant from installing the special equipment.

Reasonable Accommodations in Policies and Services

The law also requires landlords, homeowner associations and condominium management companies to make reasonable accommodations in the rules of the building or community or in services where necessary to accommodate an individual's disability.

It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit. 24 C.F.R. §100.204(a).

The following examples illustrate the requirement to make reasonable accommodations:

*A building with a “no pets” policy must allow deaf or blind tenants to keep trained assistance dogs.

*A building with unassigned parking must honor a request for an assigned parking space from a tenant who has mobility impairments, to assure that she has access to her unit.

*A building or community that has an intercom or other coded entry system must provide an equally effective alternative for deaf visitors or tenants to enter.

*A condominium or homeowner’s association must provide interpreters to enable deaf people to participate in the association meetings.

New Construction

New buildings with more than four units must be designed and constructed to be accessible to persons with disabilities, including common use areas such as building entrances, recreation areas, and laundry areas. These special rules apply to buildings that were first ready for occupancy after March 13, 1991.

Public Housing

Public housing projects have even greater obligations to tenants with disabilities. Landlords in housing projects that receive any funding from the Section 8 housing program or other programs of the U.S. Department of Housing and Urban Development (HUD) must pay for the installation of flashing doorbells and visual notification systems and other modifications. Qualified interpreters must be provided when necessary for effective communication. 24 C.F.R. 8.6

State/local Smoke Detector Laws

Some states also have laws that provide protection from discrimination in housing. Also, many states and counties require landlords to provide free visual smoke detection alarms for deaf or hard of hearing tenants, at no cost to the tenant. For more information on whether your state places this requirement on landlords, and for more information on these devices, you may want to contact:

Mr. Don Sievers
D.E. Sievers & Assoc.
6309 Bradley Blvd.
Bethesda, MD 20817-3243
(301) 469-0278

Complaints About Housing Discrimination

Complaints about housing discrimination under federal law can be filed with HUD, the U.S. Department of Housing and Urban Development. To contact HUD or to find the name of the closest regional HUD office, call 1-800-669-9777 or 202-708-0836. For TTY calls, call 1-800-927-9275 or 202-708-0836. You may also file suit, at your expense, in state or federal courts.

For more information, visit www.nad.org/housing.

The National Association of the Deaf (NAD) Law and Advocacy Center prepared this material as informal guidance. This is not legal advice. The NAD assumes no liability for this material.

For additional information or technical assistance about how laws against disability discrimination apply to you, contact the NAD Law and Advocacy Center, 301-587-7730 (Voice/TTY), 301-587-0234 (FAX), nadlaw@nad.org; a local attorney (for more information, see *Get a Lawyer*); or an enforcement agency, see list at www.ada.gov or call 800-514-0301 (Voice) or 800-514-0383 (TTY).