



## ADA Audio Conference Series September 17, 2019 The Fair Housing Act and Persons with Disabilities

This session is scheduled to begin at  
2:00pm Eastern Time

Real-Time Captioning and the PowerPoint Presentation are available through the Webinar Platform.  
Audio Connection is available through the webinar platform/telephone/Mobile App.

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\*\*The accessibility of the mobile app is limited for voice over users and no captioning is displayed.

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**(866) 814-1914**

**Verbal Pass Code:**

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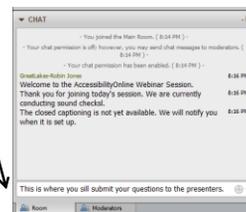


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- If you are connected via a mobile device you may submit questions in the chat area within the App
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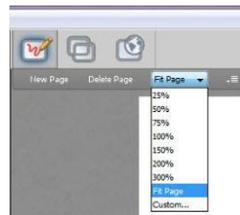


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## Customize Your View



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## Customize Your View, *continued*



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  - In webinar platform: Send a private chat message to the host by double clicking "Great Lakes ADA" in the participant list. A tab titled "Great Lakes ADA" will appear in the chat panel. Type your comment in the text box and "enter" (Keyboard - F6, Arrow up or down to locate "Great Lakes ADA" and select to send a message ); or
  - By Email [webinars@ada-audio.org](mailto:webinars@ada-audio.org) ; or
  - Call 877-232-1990 (V/TTY)

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- Depending on your system settings you may receive visual and audible notifications when individuals enter/leave the webinar room or when other actions are taken by participants. This can be distracting.
- To turn off notifications (audible/visual)
  - Select "Edit" from the tool bar at the top of your screen
  - From the drop down menu select "Preferences"
  - Scroll down to "General"
    - select "Audible Notifications" Uncheck anything you don't want to receive and "apply"
    - Select "Visual Notifications" Uncheck anything you don't want to receive and "apply"
  - For Screen Reader User – Set preferences through the setting options within the Activity Window (Ctrl+slash opens the activity window)

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Great Lakes ADA Conference  
The Fair Housing Act and People with Disabilities

Presented By: **Amanda Motyka**

Equal Opportunity Specialist, Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development

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## WHAT IS FAIR HOUSING?

The right for all people to live where they choose, to have access to housing (seek, purchase, sell, or rent) and enjoy the full use of their homes without unlawful discrimination, interference, coercion, threats, or intimidation by owners, landlords or real estate agents or any other persons.

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## OVERVIEW OF FAIR HOUSING'S BEGINNINGS

- Federal Fair Housing Act of 1968:
  - Passed in 1968 in the wake of the assassination of Dr. Martin Luther King Jr.
  - One of the most aggressive and powerful civil rights laws
  - Contains unique language requiring HUD and government recipients of HUD money to "Affirmatively Further Fair Housing"

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## FHA AMENDMENT ACT 1988

**Added protections for people with disabilities and families with children in the sale or rental of housing.**

As of 2007, disability surpassed race as the most frequently cited protected class in HUD complaints.

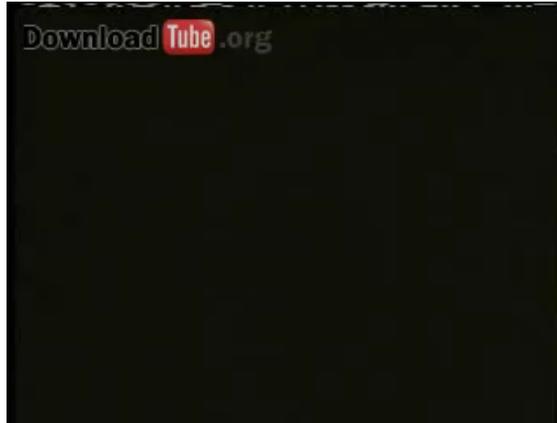
A person has a "disability" if he or she:

- Has a physical or mental impairment
- OR a record of such impairment AND
- This impairment substantially limits one or more major life activities.

This includes people who use wheelchairs and those who are **hearing or visually impaired**, and also people with AIDS/HIV and who are obese. People in recovery from alcohol or drug abuse are covered.

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# DO YOU STILL LIKE ME?



## PROTECTED CLASSES FOR FHA

RACE (COLOR), SEX, RELIGION, NATIONAL ORIGIN, PHYSICAL AND/OR MENTAL DISABILITY, AND FAMILIAL STATUS

<b>Federal</b>	<b>State</b>	<b>County</b>	<b>City</b>
<ul style="list-style-type: none"> <li>- Race, color</li> <li>- Religion</li> <li>- Sex</li> <li>- National origin</li> <li>- Physical and mental disability</li> <li>- Familial status</li> </ul>	<i>Federal plus:</i> <ul style="list-style-type: none"> <li>-Sexual Orientation</li> <li>-Ancestry</li> <li>-Age (40+)</li> <li>-Marital Status</li> <li>-Military Discharge Status</li> <li>-Order of Protection Status – new in 2010 – only Illinois</li> </ul>	<i>Federal and State plus:</i> <ul style="list-style-type: none"> <li>-Source of Income (not including Section 8)</li> </ul>	<i>Federal, State, and county plus:</i> <ul style="list-style-type: none"> <li>-Source of income (including Section 8)</li> </ul>
<b>Deadlines</b>			
One year to file with HUD, two years to file in court	One year to file with IDHR, two years to file in court	180 days	180 days

## WHAT SOMEONE CAN'T DO TO YOU



Refusing to sell or rent a dwelling



Refusing to negotiate for the sale or rental of a dwelling



Discriminating in the terms, conditions, or privileges of the sale or rental of a dwelling



Discriminating in the services or facilities in connection with the sale or rental of a dwelling

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## WHAT ELSE?



Making, printing, or publishing a notice, statement, or advertisement that indicates a preference, limitation or discrimination



Discriminating in lending or appraisal



Misrepresenting the availability of property



Steering



Refusing to allow reasonable accommodations or modifications for people with disabilities



Retaliating against someone for exercising their fair housing rights

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## ARE THERE EXEMPTIONS?

### Under some statutes, certain housing is exempt:

- Small, owner-occupied buildings
- Individuals who own three single family homes, or less at any one time
- Senior housing (62 or older; 55 or older), but only from familial status and age protections
- Religious organizations and private clubs

The laws differ on this; consult the statutes.

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## DISCRIMINATION IN ADVERTISING



The law prohibits making, printing, or publishing ads that indicate a preference, limitation, or discrimination based on a "protected class."

This law applies to:

- o Persons or entities placing ads (landlords, home sellers, realtors, lenders, etc.)
- o Advertising agencies preparing ads
- o Newspapers (and other media), directories, and multiple listing services publishing ads

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## COULD THIS AD BE ILLEGAL?

Apartment for Rent –Couple Preferred

2 Bedrooms / 2 Baths     \$1500/mo.

Living room has fireplace, master bedroom has walk-in closet, second bedroom makes for a great office. Hardwood floors. Located in a quiet 10-story building. Walking distance to Brown Line. Historical architecture requiring neat renters who will maintain unit's appearance.

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## FEDERAL HOUSING PROTECTIONS FOR PEOPLE WITH DISABILITIES

Landlord must:

-Allow **reasonable accommodations** in rules, policies, practices, or services so a person with a disability can use the housing.

*Examples:* Allow a support animal in a building that does not allow pets.

-Allow a person with a disability to make **reasonable modifications** to their unit and common areas so he or she can use the housing.

*Examples:* Installing a ramp, grab bars, removing a sink cabinet or enlarging a doorway.



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## ADDITIONAL PROTECTIONS FOR PEOPLE WITH DISABILITIES



- oPublic or subsidized housing is covered by the FHA and Section 504 of the Rehabilitation Act.
- oLandlords receiving federal assistance (public housing and private owners) are required to make and pay for reasonable modifications to the common areas and the individual units of tenants with disabilities.

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## FEDERAL FAIR HOUSING ACT ACCESSIBILITY GUIDELINES

New buildings with 4 or more units first occupied on or after March 13, 1991.

(Single family homes and townhomes are not covered.)

In buildings with elevators, all units must be usable by people with disabilities.

If the building does not have an elevator, all ground floor units must be usable by people with disabilities.

If the 1<sup>st</sup> floor has retail, the 2<sup>nd</sup> floor becomes the floor that must be accessible to persons with disabilities.

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# FEDERAL FAIR HOUSING ACT ACCESSIBILITY GUIDELINES

 -At least one accessible building entrance.

 -An accessible route to the building main entrance that has 36" wide doors and

 32" wide doors throughout the unit.

 -All common areas must be accessible. (Rooftop deck, party rooms, laundry room and mailboxes)

 -Accessible route into and through the unit.

 -Accessible light switches, thermostats and environmental controls installed no higher than 48 inches and electrical outlets no lower than 15".

 -Reinforced bathroom walls around tub and commode for future installation of grab bars.

 -Usable kitchens and bathrooms in which a person in a wheelchair can maneuver. (30" by 48" floor space for parallel wheelchair approach)

# COMMON VIOLATIONS IN DESIGN AND CONSTRUCTION



ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE-SLOPING RAMPS, ETC



ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS



USABLE DOORS THRESHOLD ISSUES



ACCESSIBLE ROUTE INTO AND THROUGH THE UNIT



LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS AND OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS



REINFORCING IN WALLS FOR GRAB BARS



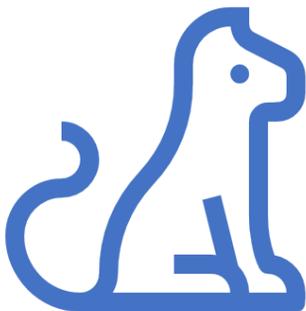
USABLE KITCHENS AND BATHROOMS

## RESOURCES

Laws	Standards and Technical Guidance
Fair Housing Act as amended and its implementing regulations (24 CFR 100.205)	Fair Housing Act Accessibility Guidelines (FHAAG) and Supplemental Notice Fair Housing Act Design Manual ANSI A117.1
Title III of the ADA	ADA Standards for Accessible Design ADA Accessibility Guidelines (ADAAG)
Section 504 of the Rehabilitation Act of 1973	Uniform Federal Accessibility Standards (UFAS)
Architectural Barriers Act of 1968	Uniform Federal Accessibility Standards (UFAS)

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## HOT HOUSING TOPICS- SERVICE ANIMALS



- Such animals are not subject to general rules and fees applicable to pets.
- Such animals may not be rejected because of a lack of specialized training.
- Such animals may be required to be inoculated and registered in compliance with state or local law.
- The animal's owner may be held responsible for ensuring that it is properly restrained, that its waste is properly disposed of, and that its noise level is controlled so that it does not interfere with others' right to quiet enjoyment, as well as for damage to the unit above and beyond normal wear and tear

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## HOT HOUSING TOPICS- DIRECT THREAT

- A determination- perform a direct threat assessment- that an individual poses a direct threat to others must be based on objective evidence such as current conduct or a recent history of overt acts.
- The assessment must consider the nature, duration and severity of the risk of injury, the probability that injury will occur, and whether any accommodation would eliminate the threat.
- Has the person received intervening treatment or medication to eliminate the threat?

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## HOT HOUSING TOPICS- LIVE-IN AIDES

HUD regulations define a live-in aide as, a person who resides with one or more elderly persons or near-elderly persons or persons with disabilities and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Tenants with live-in aides are subject to special rules:

- Exclusion of the aide's income from determination of household income
- Housing agencies must ensure that a live-in aide is necessary for the support of a person with a disability before excluding his or her income.
- The housing agency generally requires the applicant or tenant to document the necessity for a live-in aide.

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## FILING A FAIR HOUSING COMPLAINT



[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)



You can file a complaint online; by phone; by mail; and in-person at a local HUD office.



The telephone numbers to call are (800) 669-9777 or (800) 927-9275 TTY

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**Thank you for participating in today's  
ADA-Audio Conference Session**

**Next Session: October 8, 2019**  
*"Understanding the Disability Equality Index (DEI) used by Corporations"*

Register at: [www.ada-audio.org](http://www.ada-audio.org) or call 877-232-1990 V/TTY

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