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

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OR  
Join the session by opening the session link in a browser on your mobile device.**

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(866) 814-1914
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• If you are listening by phone you will be instructed by the Operator on how to ask a question.
• Webinar participants may type and submit questions in the Chat Area Text Box or press Control M and enter text in the Chat Area. You will not be able to see the question after you submit it but it will be viewable by the presenters.
• If you are connected via a mobile device you may submit questions in the chat area within the App.
• Questions may also be emailed to webinars@adaudio.org

Please note: This webinar is being recorded and can be accessed on the ADA Audio Conference Series website at www.adaaudio.org within 24 hours after the conclusion of the session. The edited written transcript will be posted at this same site within 7 business days following the conclusion of the session.
Customize Your View

Resize the whiteboard where the presentation slides are shown to make it smaller or larger, by choosing from the drop down menu located above and to the left of the whiteboard. The default is "fit page".

Customize Your View, continued

• Resize/Reposition the Chat, Participant and Audio & Video panels by "detaching" and using your mouse to reposition or "stretch/shrink".
• Each panel may be detached using the icon in the upper right corner of each panel.

Technical Assistance

• If you experience any technical difficulties during today’s session:
  • 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; or
  • Call 877-232-1990 (V/TTY)
Setting Preferences

- 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)

Presented By: Amanda Motyka
Equal Opportunity Specialist, Office of Fair Housing
U.S. Department of Housing and Urban Development

WHAT IS FAIR HOUSING?

The right for all people to live where they choose, to have access to housing (buy, purchase, rent, 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 person.
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”

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

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

DO YOU STILL LIKE ME?
PROTECTED CLASSES FOR FHA

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

<table>
<thead>
<tr>
<th>Federal</th>
<th>State</th>
<th>County</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race, color</td>
<td>Sexual Orientation</td>
<td>Disability</td>
<td>Race (color), sex, national origin, physical and mental disability, familial status</td>
</tr>
</tbody>
</table>

Deadline:
- One year after the date the claim is filed or two years after the last discriminatory action
- One year after the date the claim is filed or two years after the last discriminatory action
- 100 days
- 100 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

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

Prepared by: Fairfield Housing Authority (FHA)
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.

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

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

**ADDITIONAL PROTECTIONS FOR PEOPLE WITH DISABILITIES**

- Public or subsidized housing is covered by the FHA and Section 504 of the Rehabilitation Act.
- Landlords 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.

**FEDERAL FAIR HOUSING ACT ACCESSIBILITY GUIDELINES**

- New buildings with 4 or more units first occupied on or after March 13, 1991.
- If the building does not have an elevator, all ground floor units must be usable by people with disabilities.
- If the building has an elevator, the 2nd floor becomes the floor that must be accessible to persons with disabilities.
- (Single family homes and detached duplexes are not covered.)
FEDERAL FAIR HOUSING ACT ACCESSIBILITY GUIDELINES

- At least one accessible building entrance.
- The accessible route to the building main entrance shall be 36” wide.
- 36” wide doors throughout the unit.
- All common areas must be accessible. (Roof top decks, party rooms, laundries, and mailboxes)
- Doors shall be more than 32” wide.
- Accessible parking spaces, ramps, and cross slopes should be provided.
- All common areas must be accessible. (Roof top decks, party rooms, laundries, and mailboxes)
- Doors shall be more than 32” wide.

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

RESOURCES

<table>
<thead>
<tr>
<th>Laws</th>
<th>Standards and Technical Guidance</th>
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<tbody>
<tr>
<td>Fair Housing Act as amended and its implementing regulations</td>
<td>Fair Housing Act Accessibility Guidelines (FHAG) and Supplemental Notice</td>
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<tr>
<td>(24 CFR 100.205)</td>
<td>Fair Housing Act Design Manual (FHAG)</td>
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<tr>
<td>Title III of the ADA</td>
<td>ADA Standards for Accessible Design (ADAAC)</td>
</tr>
<tr>
<td>Section 504 of the Rehabilitation Act of 1973</td>
<td>ADA Accessibility Guidelines (ADAAC)</td>
</tr>
<tr>
<td>Architectural Barriers Act of 1968</td>
<td>Uniform Federal Accessibility Standards (GFAS)</td>
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<td>Uniform Federal Accessibility Standards (GFAS)</td>
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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.

**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?

**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.
FILING A FAIR HOUSING 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.

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 or call 877-232-1990 V/TTY