

# Fair Housing is Your Right!

Fair Housing for  
Persons with  
Disabilities

Feel free to contact our office  
with questions:



Neighborhood Improvement Services  
Human Relations Division

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## What else should I know?

- Your landlord should not ask specific questions about your disability such as your diagnosis. The landlord may ask for clarification to discover whether the requested accommodation/modification has a nexus (or a related connection) with your disability if the need is not readily apparent;
- Your landlord may not deny your rental application based on his/her concern that you will request an accommodation/modification, or based on his/her assumption that you do not have the ability to live in your home without assistance;
- Service animals do not have to be formally trained. You should be able to describe to your landlord what your animal does to assist you, such as helping you cross the street, etc.;
- You should put your requests for an accommodation/modification in writing and retain a copy of that request;
- Multi-family buildings (apartments) built after March 13, 1991 should have been built with certain features to accommodate persons with disabilities. Therefore, the financial responsibility to make modifications might be the property owner's.

### Certification of Status as a Person with a Disability

If your disability is not readily apparent, ask your doctor, a medical professional, a peer support group, a non-medical service agency, or a reliable third party to complete the form.

This comes to certify or otherwise inform you that \_\_\_\_\_ is a person with a disability as defined by the federal Fair Housing Act. The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Signature of Certifying Individual

Relationship with Tenant



Regardless of whether you live in private or public housing, the federal Fair Housing Act and the Durham Fair Housing Ordinance provide rights to persons with disabilities.

Am I entitled to changes needed to live in my rented apartment or house?

If you or a person living with you has a disability, you may request a reasonable accommodation or a reasonable modification if such is necessary for you to use and enjoy your home.

- **Reasonable Accommodation** is a change in a rule, policy, procedure or practice. For example, if you have a mobility impairment, you may ask the landlord to amend the “first come-first serve” policy for parking in the lot and assign you a parking space close to the entryway of your unit. The landlord or property provider is responsible for the cost associated with providing a reasonable accommodation.
- **Reasonable Modification** is a structural change to your home. For example, you may ask permission to have your front door widened if it is not wide enough for your wheelchair. The tenant is responsible for the cost of a reasonable modification.

What if I have a Service Animal or an Emotional Support Animal?

If your dwelling has a “no pet” policy, you can request a reasonable accommodation to permit your service or emotional support animal. After all, your animal is not a pet. If you have a service or an emotional support animal, your landlord should not charge you a pet deposit and should not limit the size or the breed of your service animal.

My landlord denied my request; now what?

A landlord may deny your request if the accommodation or modification you requested is not “reasonable.” For example, if you are a wheelchair user it might not be reasonable to have a ramp installed that reaches the third floor. However, it might be reasonable for your landlord to transfer you to a lower level without a transfer fee; or allow you to break your lease to move to a community that has accessible units. Also, if you request to have a service animal with a documented history of being threatening or causing damage, it might be reasonable for your landlord to deny your request. You and your landlord should engage in communication to discover whether there are reasonable alternatives to your request.



You can file a housing discrimination complaint if you were denied a reasonable accommodation or reasonable modification.

Request for an Accommodation/Modification

I \_\_\_\_\_ am a person with a disability as defined by the federal Fair Housing Act. The following request is being made because I need an accommodation (or modification) that would allow me to use and enjoy my dwelling: *[enter the accommodation/modification requested]*

Please respond in writing within 10 working days to the above request. Thank you for your attention to this matter.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_