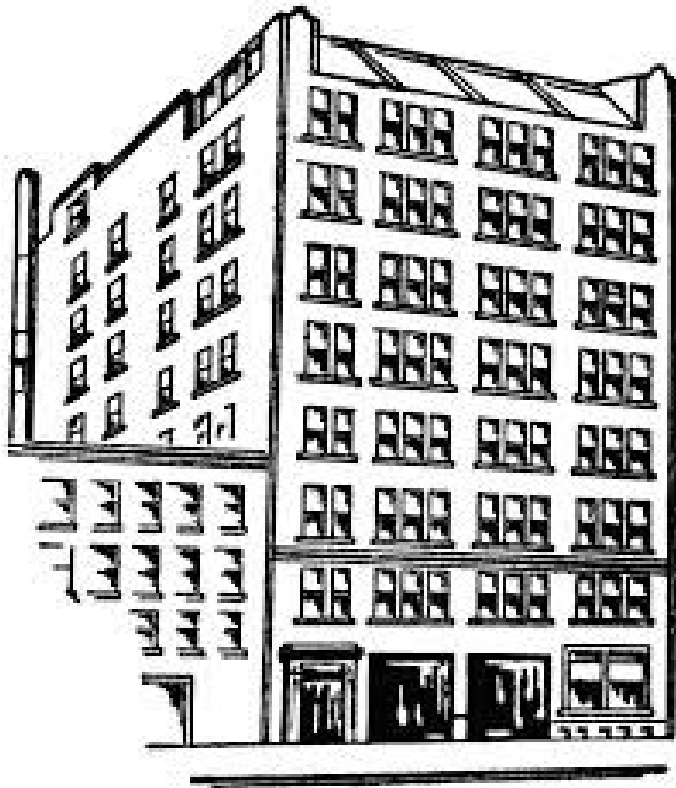


Self-Advocacy in Fair Housing: From the Start to the Finish Line When You Need a Reasonable Accommodation or Modification



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NOTE: *This publication is designed to serve as a useful guide on reasonable accommodations and modifications under two federal laws, the Fair Housing Act and Section 504 of the Rehabilitation Act. It is meant to help you be your own advocate and protect your rights. This outline is not and should not be considered legal advice as it is for general information only. Each person's situation is different and the law may change at any time through Congressional or court actions. For specific questions, please ask for assistance from a lawyer or call Access Living. This publication was supported, in part, with funding from the U.S. Department of Housing and Urban Development. Access Living thanks Jessie DeWeese, our law clerk during the summer of 2014, for her work on this publication.*

Fair Housing Act

The federal **Fair Housing Act** says it is against the law to discriminate against people with disabilities in the sale, rental, management, or administration of housing



Under the Fair Housing Act, it is **illegal**:

- To not sell or rent housing to someone **because of the person's disability**
- To not sell or rent to a person because **someone else with a disability will be living** in the house or apartment with that person
- To not sell or rent housing to someone, whether disabled or non-disabled, because she is **friends with or related to** someone who has a disability

What “housing” does the Fair Housing Act cover?

- **Private homes** (houses and apartments), including government supported housing, **are covered**
- **Shelters** and other temporary housing **are covered**

What isn't covered?

- **Housing with four or less apartments when the owner lives in the building**
- **Hotels** -- however, hotels are covered by the Americans with Disabilities Act

Reasonable Accommodations and Modifications

What does the Fair Housing Act require?

- The Fair Housing Act says housing providers must make **reasonable accommodations and allow modifications** to give people with disabilities the equal chance to use and enjoy a house or apartment.

What is an accommodation or modification?

- An **accommodation** is a change to a general rule, practice or service that a person with a disability needs in order to live in the house or apartment.

Example: If an apartment complex has a “no pets” policy, someone who is blind can ask to have it overlooked so she can have her service dog live with her.

- A **modification** is the removal of a physical barrier or the setting up of a device that allows access by a person with a disability.

Example: If the entrance to an apartment building has stairs, someone in a wheelchair may ask to be allowed to put in a ramp.



When is an accommodation or modification “reasonable”?

- An accommodation or modification is usually reasonable **unless** it would cost the housing provider a large amount of money or change how the provider conducts business.

Who Has to Pay?

Who has to pay for the reasonable accommodation?

- Often a reasonable accommodation costs **nothing**
- If there is a cost, a **housing provider must pay**, as long as it does not cost an extreme amount.

Who has to pay for a reasonable modification?

- The housing provider must allow the modification, but **you must pay for it.**

Before allowing a modification, what can the housing provider ask for?

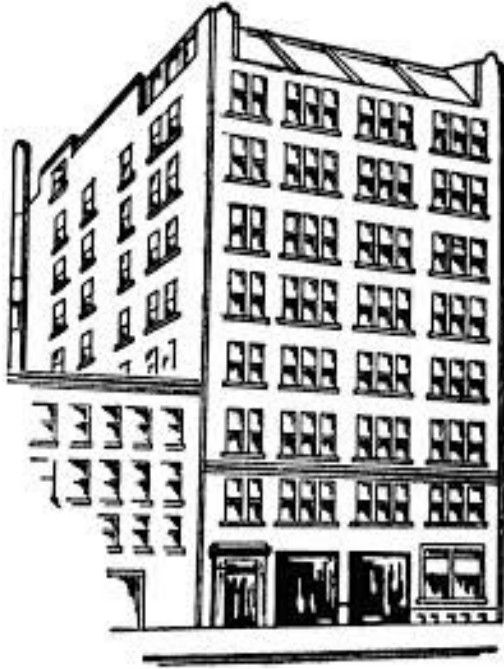
- That you provide papers that describe the modification,
- That you **get any needed permits**, and
- That the work be done in a **professional manner.**

What if your building gets federal funding?

Normally, you have to pay for the modification. However, if your building receives federal funding, the housing provider has to pay for the modification, unless it costs too much.



How do you ask your housing provider for a reasonable accommodation or modification?



• If you need a reasonable accommodation or modification, **you should ask for one.** You do not need to ask for it in any particular way, but here are some hints:

1. Say your disability,
2. Say that you need a reasonable accommodation or modification because of your disability,
3. Explain the accommodation or modification you need, and
4. Explain how the accommodation or modification will help you.

How should you ask?

• It is usually helpful for both you and the housing provider **if the request is made in writing**, but you can also ask out loud. If you ask in writing it will help avoid misunderstandings. Always be sure to **write the date on the paper and keep a copy for yourself!**

If you write a letter (which is what we suggest), what should it say?

- **The letter should show why you need an accommodation or modification. Here is a design you can follow when writing a letter:**
 - A. Write your name and where you live.** Be sure to put down basic information, like your address and building name.
 - B. Say that you have a disability.** You can use general terms, for example: “I have a physical disability and use a wheelchair.”
 - C. List everyday actions that your disability stops or limits you from doing.** These should be basic things. For example, a person with a physical disability might say, “I cannot walk up or down stairs.”
 - D. Say what you need.** Be as clear as you can when saying what you need. For example, do you need to be allowed to build something, like a ramp? Do you need a rule overlooked?
 - E. Explain how the requested accommodation or modification will help with your disability.** Say why you need the accommodation or modification. For example, if you need a service animal in your home, explain why you need the animal.
 - F. Write that you are ready to talk about what you are asking for.**
 - H. Ask for an answer.** Ask for a written answer from the housing provider and, unless it is an emergency, give them a fair amount of time to answer (for example, 10 days).
 - I. Date the letter.** Write down the date of when you mailed, hand-delivered, or faxed the letter.
 - J. Sign the letter and *keep a copy for yourself.***

SAMPLE LETTER

Jane Doe
5565 Road Street
Chicago, IL 60610

June 10, 2014

John Smith
XYZ Apartments
3744 Woodlawn Ave.
Chicago, IL 60611

Dear Mr. Smith,

I write to ask you to change your pet policy for me as an accommodation to my disability. On March 1, 2014, I moved into Unit 5B at XYZ Apartments at 3744 Woodlawn Ave., Chicago, IL 60611.

The Fair Housing Act says that reasonable accommodations must be made to rules and policies of residential buildings if needed for a person with a disability. I am legally blind and need the help of a service animal to get around. I recently found out that I am able to get a service dog.

The pet policy at my building says dogs are not allowed. I ask that you waive the pet policy for me so that I can have a service animal. I would be happy to talk to you about this.

Thank you for your attention. Please respond by June 20, 2014.

Sincerely,

Jane Doe

Do you need to give the housing provider any medical papers to show why you need an accommodation or modification?

- If your disability and need for the accommodation or modification is known or obvious, you do not have to provide any medical papers
- If your disability and need for the accommodation or modification is not known or obvious, then you probably need to provide medical papers. In this situation, you should get a letter from your doctor, psychologist, social worker, or therapist that:
 - Says you have a disability,
 - Says how your disability affects you, and
 - Says why you need the accommodation or modification to live in your home.



What can you do if your housing provider says “no?” (There are lots of options!)

You can file a complaint with the U.S. Department of Housing & Urban Development (HUD)

- You have one (1) year from when the provider said “no” to file with HUD
- You can file a complaint online by going to the HUD website at: http://portal.hud.gov/hudportal/HUD?src=topics/housing_discrimination or via HUD’s fair housing app for iPhone and iPad
- You can contact HUD at their building:
 - 77 W. Jackson Street Suite 2101
Chicago, IL
60604
- Or you can call HUD at:
 - 312-353-5680
 - 1-800-669-9777 (toll free)
 - 312-353-7143 (TTY)
- HUD Office Hours:
 - Monday through Friday 8:30am-5:00pm
 - Intake Hours: Monday- Friday 9:00am- 3:00pm

If you live in the *City of Chicago*, you can file a complaint with the Chicago Commission on Human Relations (CCHR)

- You have 180 days from when the provider said “no” to file with CCHR
- You can get information on how to file a complaint and what is needed from the City of Chicago’s website at: http://www.cityofchicago.org/city/en/depts/cchr/provdrs/discrim/svcs/file_a_discriminationcomplaint.html

- You can contact CCHR at:
 - Chicago Commission on Human Relations
740 N. Sedgwick
4th Floor
Chicago, IL
60654
- Or you can call CCHR at:
 - 312-744-4111
312-744-1088 (TTY)
- CCHR Office Hours:
 - Monday through Friday 9:00am-5:00pm
 - Intake Hours: Monday- Friday 8:30am-5:00pm

If you live in *Cook County*, you can file a complaint with the Cook County Commission on Human Rights

- You have 180 days from when the provider said “no” to file with the Commission
- You can get paperwork to fill out from the Cook County Human Rights website at: <http://www.cookcountyil.gov/wp-content/uploads/2014/06/Housing-CIS1.pdf>
- You can contact the Commission at:
 - Cook County Commission on Human Rights
69 W. Washington St.
Suite 3040
Chicago, IL
60602
- Or you can call the Commission at:
 - 312-603-1100
312-603-1101 (TDD)
- Commission Office Hours:
 - Monday through Friday 9:00am-4:00pm
 - Intake Hours: Monday- Thursday 8:30am-3:00pm

If you live in *Illinois*, you can file a complaint with the Illinois Department of Human Rights (IDHR)

- You have one (1) year from when the provider said “no” to file with IDHR
- You can file a complaint online by going to the IDHR website at: <http://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx>
- You can contact IDHR at:
 - Illinois Department of Human Rights
100 W. Randolph St.
10th Floor
Chicago, IL
60601
- Or you can call IDHR at:
 - 312-814-6229
 - 1-800-662-3942 (tollfree)
 - 866-740-3953 (TDD)
- IDHR Office Hours:
 - Monday through Friday 8:30am-5:00pm
 - Intake Hours: Monday- Thursday 8:30am-3:00pm

You can also file a complaint in federal court or state court. You have (2) years from when the housing provider said “no” to file in court.

Final point. If you ask for an accommodation or modification and your housing provider does not respond or ignores you, that is the same as saying “no” and you can file a complaint.

YOU ARE NOW READY TO ADVOCATE FOR YOURSELF. GOOD LUCK!