



Tenants with a Disability

Best Practices for Property Owners and Landlords

Who Is Independence Alliance?

Non-profit organization that provides services for people with disabilities in Greater Cincinnati and Northern Kentucky.

Independence Alliance is governed, managed and staffed by a majority of professionals with disabilities who have an insight into the issues experienced by people with disabilities. We empower people with disabilities to lead independent and inclusive lives in the community.

Why is Independence Alliance qualified to speak about this topic?

www.IndependenceAlliance.org



Why Does This Matter

- Housing Opportunities Made Equal (HOME) reports that about **70%** of its fair housing intakes are **alleging disability discrimination**.
- The disability community faces economic barriers making us more likely to be “low income”, this means that people with disabilities are **more likely to rely on subsidies like the Housing Choice Voucher program**.
 - “In 2021, about **1 in 5 disabled people had extremely low incomes**, compared with about 1 in 12 nondisabled people.” ([The Kelsey](#))
- One-in-six Ohio adults (**17%**) were **disabled in 2021**. The prevalence of disability in Ohio has increased slightly over the past ten years (16% in 2011) and has consistently been above the national average (15% in 2021).
 - Due in part to the age of Ohio's housing stock, **62% of housing units in the state are in a building that requires steps to enter—much higher than the national average (47%)**. This is a problem for those living with an **ambulatory difficulty, which is experienced by 51%** of Ohio adults with a disability. ([OH Housing Finance Agency](#))

What Can Landlords & Property Managers Do to Help?

- **Know The Rights of Your Tenants and Your Responsibilities**
- **Make Properties as Physically Accessible as Possible**
- **Create Policies and Processes with Disability in Mind**
- **Affirmatively Market Your Accessible Units to People with Disabilities**

The Fair Housing Act

Who is considered a person with a disability?

The Fair Housing 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. Under fair housing laws, the definition of disability is very broad and does not just apply to someone with a physical disability or someone who receives Social Security Disability Income.

LL's and PM's can help by not questioning someone's disability + avoiding asking for unnecessary proof.

LL = Landlord PM = Property Manager

Reasonable Accommodations

A reasonable accommodation is a **change in rules, policies, practices, or services** that enables a person with a disability an **equal opportunity to use and enjoy** a dwelling.

What if there is a cost to the accommodation?

- Changes to rules, policies, procedures or practices usually do not cost anything. If there is a cost associated with the reasonable accommodation, then **the cost is the landlord's responsibility**. It is one of the costs of doing business as a housing provider.

Accommodations are considered “reasonable” when they are practical and feasible. Courts have interpreted this to mean that a landlord does not have to grant a request for an accommodation if it would impose an “**undue burden**” on the landlord or result in a “**fundamental alteration**” of the landlord’s provision of housing. **An undue burden is an unreasonable financial or administrative cost.**

Reasonable Accommodations

You can help by inviting tenants/applicants to submit requests for accommodations on websites/listings. Initiating the conversation can take some anxiety off of disabled people who may have had negative past experiences bringing up accommodations with a LL or PM. It also helps tenants to know who they should contact for these requests.

Example: “If you need a reasonable accommodation due to a disability, please don’t hesitate to contact Property Manager Jane Doe at 513-999-999 or JaneDoe@gmail.com. You can also come in person to the office on weekdays from 8:00-5:00pm located at 999 CMHA Avenue.”

- Offer multiple ways to contact you in case a person has a disability that affects their ability to use a phone or computer.**
- Respond to requests as promptly as possible.**
- If you and the tenant initially disagree on the type of accommodation necessary, ensure the decision-making process is interactive and fully includes the tenant and their perspectives.**

Housing Modifications

A reasonable modification is a change in the physical structure of a dwelling that enables a person with a disability an equal opportunity to use and enjoy that dwelling.

- This includes the interior and exterior of a building or a unit, including public and common-use areas.

What if there is a cost to the modification?

- The cost of purchasing and installing reasonable modifications is the **responsibility of the tenant**. Private landlords who accept housing vouchers are also not responsible to pay for reasonable modifications.
- If the rental housing is federally funded then it is the owner's responsibility to pay for the reasonable modification. This would be buildings owned by CMHA.

Examples of reasonable modifications include **widening doorways** for individuals using wheelchairs, **adding a ramp** to make a primary entrance usable, **installing grab bars** in the bathroom or **lowering the cabinets** in the kitchen.

Housing Modifications

If you/your company has the financial means, you can **assist tenants in covering costs for modifications**. The same goes for **pro-actively making units more accessible** before receiving requests.

- This can actually benefit LL's and PM's because they can work toward making more and more units fully accessible. **Accessible units are always in high demand** and sometimes there are tax credits or other benefits available for going beyond the legal minimum on accessible units.
- Because of accessible unit scarcity, tenants with disabilities are often long-term once they find a unit that works, which can also benefit an LL or PM.

Use the separately provided document for a large list of ways to make your property and units more physically accessible. Access a digital copy here:

www.acl.gov/sites/default/files/news%202017-03/Home_Modification.pdf

Responding to Requests

Can housing providers require specific forms for reasonable accommodation/home modification requests?

- No. You can offer a form, but a request can be submitted in any format, including verbally.

What You Can Ask For:

- A simple statement from a qualified professional (e.g., doctor, therapist, or counselor) confirming the tenant has a disability and explaining the need for the requested accommodation.
- Basic information that connects the disability to the accommodation, without requesting a detailed diagnosis or sensitive medical records.

What You Can't Ask:

- Questions about the nature or severity of a disability.
- If a person is able to live independently.
- To see detailed medical records, test results, or personal health information unrelated to the accommodation.
- Questions that would require a person to waive their rights to confidentiality regarding their medical condition or history.

Animal Assistants

The first thing is that a request for an animal is **just like any other request for an accommodation**, and is judged by the same standard - **necessity**. There is no special regulation about animals in this context.

Nothing in fair housing law requires that any animal meet training or certification requirements. An emotional support animal, for example, could seldom meet such requirements. It can, however, **meet the standard of being determined by a physician to be psychologically necessary to enable a person to reside in a particular dwelling**. That should be the end of the inquiry. (Disability Rights Ohio)

Fees - cannot be charged to a tenant for their animal assistant.

No Pets Policy - cannot be applied to animal assistants.

Potential Damage to Property - paid for like any other damages.

Advertising, Steering, and Tenant Screening

Laws protecting disabled people are applicable throughout the entire rental process.

- Posting advertisements, showing units, screening tenants, managing rental applications must all be done without disability discrimination.

Advertising - cannot suggest a preference, limitation, discrimination, or discouragement against people with disabilities.

Steering - cannot influence or guide a person away from units, buildings, or neighborhoods based on their disability.

Tenant Screening - no disability-based denials, do not ask about a prospective tenant's disability or whether they can live alone.

Creating Policies with Disability in Mind

Accessibility is more than just physical changes to a unit. Some of the most important accessibility needs require a change in policy or process. LL's and PM's can help tenants with disabilities by reacting positively to these requests, rather than make the tenant feel as though they are asking for too much.

More Options Is Always Better. Be prepared in advance. Examples include:

- Various methods to communicate with any party associated with the property.
- Documents in alternate formats; braille/large print, plain language, PDF vs RTF vs Microsoft Word.
- Offer a virtual tour if someone's disability impacts finding transportation.

Create a welcoming, non-judgmental culture regarding disability and accessibility.

Policy Change as Reasonable Accommodation

Rent Payment Timing Flexibility

- A tenant with a disability may receive disability benefit payments from the government on the 5th of the month, preventing them from adhering to a rent payment due date on the 1st of the month. A **reasonable accommodation** to pay rent on the 5th should be allowed in this case.

Reference/Credit Check Flexibility

- A person with a disability may request flexibility in screening criteria if a negative factor (such as a gap in credit or employment history) is directly related to the disability. Landlords are not required to approve every applicant, but they must consider reasonable accommodation requests on a case-by-case basis and cannot automatically deny an applicant for disability-related circumstances.”(i.e. time in a hospital, loss of job due to disability, inability to pay down high amounts of medical debt incurred as a result of their disability, etc.).

Eviction Flexibility

- Delaying eviction proceedings to allow a tenant to **obtain mental health treatment and counseling to change their behavior** where their disability resulted in lease violations such as disturbing other tenants or causing minor damage to the property. (The tenant would still be liable for paying to repair the damage.)

Policy Change as Reasonable Accommodation

Parking Policy Flexibility

- Making an exception to a first-come, first-served, parking policy. Create a **reserved parking space for a tenant who, because of their disability, needs to park close to the building**. You can also waive “guest fees” and parking fees for a disabled tenant’s home health care aide.

Direct Assistance Flexibility

- Assisting an applicant with an intellectual or developmental disability in **filling out the standard application form**.
- Agreeing to call or visit a tenant if she/he needs **oral reminders** to pay the rent each month.

Unit Flexibility

- Permitting a tenant with a mobility impairment to **move from a third-floor unit to the first floor**.
- Allowing a tenant to move to a different apartment **to get away from conditions** (e.g., loud noise) that amplify the effects of her/his disability.
- Permitting a tenant to move from a one-bedroom to a two-bedroom apartment to have **room for their live-in care provider. (CMHA pays for extra bedroom)**

Meaningfully and Affirmatively Market Your Accessible Units to People with Disabilities

Choose to strategically communicate to the disability community about your units that are accessible.

- There are different ways a unit can be accessible (physically accessible, sensory accessible). Be descriptive with how a unit is accessible!

Understand we are a diverse group that gets information from many sources. Develop relationships with these sources to assist with marketing to the disabled community:

- Centers for Independent Living (CILs) - Independence Alliance
- Community Centers for the Deaf
- Service Organizations for people who are blind or have low vision
- Opportunities for Ohioans with Disabilities
- Other Disability Service and Housing Organizations
 - LADD

Meaningfully and Affirmatively Market Your Accessible Units to People with Disabilities Cont.

Know the barriers disabled people face when searching for accessible units.

- **Lack of Availability**
 - In addition to lack of accessible housing in general, many accessible units are occupied by tenants who do not require those accessibility features.
- **Units Marketed Inaccurately**
 - An accessible unit might not be marketed as accessible, or an inaccessible unit might be marketed incorrectly as accessible.
- **Unit Advertisements Are Not Accessible**
 - Adverts might not be offered in accessible formats, which should include alternative-text to describe images of the unit. (on websites, rental apps, social media, etc.)
- **Lack of Accessible Transportation to Tour a Unit**
 - It might take a full day's effort for some people with disabilities to arrange for transportation and other assistance just to tour one unit in-person.

Disability and the Housing Choice Voucher (HCV) Process

- **Treat Every Case Individually**
- Some HCV applicants with disabilities work with organizations like Independence Alliance to navigate the process, while many others are navigating it on their own.
- The HCV process can present unique barriers for voucher-holders with disabilities, making flexibility and communication especially important.
- CMHA's new HCV Rental Portal is still evolving. While enhancements are in progress, some applicants may require an accommodation or alternate method for submitting documents and receiving information.
- Reasonable accommodation (RA) requests can take **up to 30 days** for CMHA to review and approve, which can delay the next step in the leasing process.
- **Property owners can help by allowing applicants reasonable time while they await CMHA's response to an RA request before finalizing the RTA.**
- After a voucher is issued, there are limited supports available to assist applicants with disabilities during their housing search. Your partnership can make a meaningful difference.

Questions and Comments

www.IndependenceAlliance.org