

Fair Housing for Tenants with Disabilities

Census data indicates one in five Americans has a medical condition that qualifies as a disability. Legal protections exist for this major “minority” group; under state and federal law it is illegal to be discriminated against because you have a physical or mental disability, are perceived to have a disability, or live or associate with a person who has a disability. In recent years, complaints of disability-related discrimination in housing surpassed all other allegations filed with the Missouri Commission on Human Rights (MCHR), including those based on race, sex, and familial status.

Fair housing laws exist to expand housing choice for everyone, especially those who face frequent barriers. Oftentimes a person with a disability requires adjustments to policies or physical space in order to experience the full use and enjoyment of the property. But does a property owner have to make changes requested by a tenant with a disability? It depends. Here are some guidelines:

Reasonable modifications are physical changes to a housing unit built before March 13, 1991, that allow a person with a disability full use, access, and enjoyment of a dwelling. Typical reasonable modifications include widening a doorway, installing a wheelchair ramp, and adding grab bars in the bathroom. Landlords cannot deny a tenant’s request for reasonable modifications necessary to make the housing accessible to and usable by a person with a disability. In most cases, alterations to the property are at the tenant’s expense. A landlord may oversee modifications to the property and require the tenant return the unit to its original state when he or she vacates. The landlord does not have to make or allow the tenant to make overly burdensome changes.

The largest award in a housing case in MCHR history involved reasonable modifications. Mobility-impaired complainants won a \$300,000 judgment when a landlord twice removed a ramp which provided them access in and out of their apartment.

Landlords are also required to make *reasonable accommodations*, such as changes and exceptions to rules, policies, practices, and services, when the accommodation is necessary for a person with a disability to have the same opportunity as a person without a disability to use and enjoy housing. Accommodation requests must be reasonable; landlords do not have to make changes that are an undue burden. Reasonable accommodations can include reserving a close-up parking space for a tenant with limited mobility and changing a strict “no pets” policy to allow for service animals.

Learn more about fair housing rights for persons with disabilities by visiting MCHR’s website, www.labor.mo.gov/mohumanrights.

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