

Fair Housing for Persons with Disabilities

Fair housing means that all people have equal access to the housing of their choice that they can afford. Under state and federal laws, it is illegal to be discriminated against in housing rental, sales, or lending 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.

The Missouri Commission on Human Rights is a state agency that works to prevent and eliminate discrimination in housing. These commonly asked questions shed light on fair housing rights of persons with disabilities.

What is fair housing?

Fair housing means that all people have equal access to the housing of their choice that they can afford and that they won't be denied housing opportunity due to disability, sex, race, color, national origin, religion, or for having children in the household. State and federal laws exist to protect all of us from discrimination, including persons with disabilities.

According to discrimination law, who qualifies as a person with a disability?

Disability is defined in fair housing laws as a permanent physical or mental impairment that substantially limits a major life activity, such as walking, talking, seeing, hearing, or breathing. The definition also includes someone who has a record of such a condition or is regarded as having such a condition, whether they actually do or not.

What if a person with a disability wants to rent an apartment but needs some alterations to the property to live there safely, like a bathtub grab bar?

This tenant is asking for a property modification in order to accommodate her disability. Landlords must honor *reasonable* requests for modifications to property that enable a person with a disability the equal use and enjoyment of a dwelling or common space.

What is considered reasonable?

Housing providers should do everything they can to honor a request, but they are not required to make changes that would fundamentally alter the structure or create an undue financial burden.

What would be an undue financial burden?

These are case-by-case determinations. But if the landlord could offer a less expensive modification that creates the same result, even if it is not the exact modification the tenant wanted, that would be an acceptable modification under the law. The best way to insure something is reasonable is for the landlord and tenant to work together to find a mutually agreeable solution.

Who must pay for the modification?

That depends on who owns the property and when it was constructed. If the property is a HUD property or one that was built with government funds, like a USDA loan, then the landlord is responsible for making the modifications. If the property is privately owned and was built before March of 1991, then the landlord does not have to pay for the modification but cannot refuse a tenant's request to make the modification at the tenant's own expense. Landlords may require tenants restore property to its original condition when they move, again at the tenant's expense.

If you think you have been discriminated against in housing, contact the Missouri Commission on Human Rights (877-781-4236) or the U.S. Department of Housing and Urban Development (800-743-5323) to find out if you have grounds to file a complaint.

