



Your Housing Rights

People with disabilities have the right to “fair housing,” meaning that landlords, sellers, and homeowner’s associations cannot discriminate against persons with disabilities. For example, a landlord cannot refuse to rent to you because you or your family member has a disability.

Laws Prohibiting Discrimination in Housing

The fair housing rights of people with disabilities are outlined in the following state and federal laws:

- The Fair Housing Act (FHA)
- The North Carolina Fair Housing Act
- The Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act of 1973
- The NC Persons with Disabilities Protection Act
- State and local building codes

These laws apply to the following types of rental housing:

- single and multi-family housing (homes, apartments, condominiums)
- public housing
- Section 8 housing
- mobile homes
- student housing
- group homes
- long-term transient lodging

If you are buying or own a home, these laws may protect you against discrimination by your real estate agent, mortgage broker, or homeowner’s association.

Types of housing NOT covered include:

- Buildings with four or fewer units where the landlord occupies one of the units
- Single-family housing sold or rented without a real estate broker or advertising
- Private clubs and religious organizations

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These laws provide protections for people with disabilities. Under these laws, you have a disability if you have a physical or mental impairment that substantially limits one or more major life activity. Major life activities include hearing, seeing, walking, working, learning, caring for yourself, speaking, etc. If you have a condition that flares up sometimes or has gone into remission, the laws may still protect you.

Current illegal drug use is not a protected disability. You may lose the protection of the laws if your actions pose a danger to others.

Reasonable Accommodations and Modifications

A **reasonable accommodation** is a change to a rule or how things are usually done. The need for the change must be connected to your disability.

Examples of reasonable accommodations include:

- allowing service/assistance animals in “no pet” housing
- assigning a parking space for a person with limited mobility
- allowing a tenant to move to a more accessible unit
- allowing a live-in aide
- accepting rent later in the month based on when a tenant’s monthly check arrives

A **reasonable modification** is a physical change to a structure or its surroundings that you need because of your disability. Landlords must allow reasonable modifications, but renters usually pay for the modification unless they live in federally subsidized housing. A landlord can ask for the unit to be returned to its original condition when the tenant moves out if the modification would limit his ability to rent the unit.

Examples of reasonable modifications include:

- installing visual-alerting fire alarms and doorbells
- installing ramps
- widening a doorway
- installing accessible door handles
- installing grab bars and a roll-in shower in a bathroom
- installing a lift for the community pool

Animals in “No Pet” Housing

You are allowed to have an **assistance animal** in your home, even if there is a “no pets” policy. These animals are often called **comfort, emotional support, or therapy animals**. Allowing you to keep these kinds of animals in “no pet” housing is a reasonable accommodation. Your landlord cannot charge you a pet deposit for your assistance animal. Service and assistance animals are not “pets.”

Your landlord is allowed to ask how your animal assists with your disability. It is helpful to have a doctor or therapist “prescribe” the animal. Their note should explain what symptoms you are experiencing and how the animal helps you with those symptoms. A common example is a psychologist prescribing a cat for a person with depression to help reduce the feeling of isolation.

There is no required certification or registration for assistance animals.

Requesting Reasonable Accommodations or Modifications

You must ask for an accommodation or modification. You have the right to ask for one at any time, even if you have been living in your home for a long time.

Put your request in writing and keep a copy for your files. Your request should explain the relationship between your disability and the accommodation or modification you are requesting. Your landlord is allowed to ask for documentation explaining and verifying your need for the accommodation or modification, unless the need is obvious.

Landlords should grant requests for reasonable accommodations or modifications unless it would be an undue burden or fundamentally alter the nature of the landlords’ operation. If your request is turned down, consider whether there are alternatives that cost less or are less drastic.

Defending Your Fair Housing Rights

If your right to fair housing was violated and you are being evicted, you may be able to prevent the eviction.

To learn more about your housing rights:

- **Disability Rights North Carolina** – (919) 856-2195 or www.disabilityrightsncc.org
- **Fair Housing Project of Legal Aid of NC** – (855) 797-3247 or www.fairhousingnc.org

If you believe you are being discriminated against based on your disability, you may file a housing discrimination complaint with the following agencies:

- **NC Human Relations Commission** – (919) 807-4420 or ncadmin.nc.gov/about-doa/divisions/human-relations-commission
- **U.S. Department of Housing and Urban Development (HUD)** – (800) 669-9777 or www.hud.gov/program_offices/fair_housing_equal_opp

Sample Request for Reasonable Accommodation/Modification

Dear _____

I live at _____. I am a person with a disability as that term is defined under the “Americans with Disabilities Act,” the “Fair Housing Act,” and the “North Carolina Fair Housing Act.” This means that I have a physical or mental impairment, which substantially limits one or more of my major life activities. My disability prevents me from _____.

I am requesting the following reasonable accommodation/modification(s):

I have attached verification of my disability from _____ (a medical professional), which describes the functional limitations I experience and the accommodation/modification(s) I need to have full use and enjoyment of my home.

Please reply to my request in writing within the next ten (10) business days*. If you have any questions about my request, please do not hesitate to contact me at _____. I look forward to your response and appreciate your prompt attention to this matter.

Sincerely,

_____ [Signature]

*Providers have an obligation to provide a prompt response to a RA/RM request. Ten days is a suggestion.

Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

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