DEFINITION OF A DISABILITY

- A physical or mental impairment substantially limiting one or more major life activities,
- Having such record of an impairment, or
- Being regarded as having such an impairment

WHAT IF YOU WERE TOLD:

"We can't have mentally retarded people living here. Who will take care of them? It will make the neighbors uncomfortable;" or

"How can I be sure you'll pay the rent?" or

"I'd like to rent to you, but my insurance will go up;" or

"We have a no-pets rule and that includes your guide dog;" or

"I'll need to see your medical records;" or

"Your wheelchair will damage the carpet and if there's a fire you won't be able to get out."

These may be incidents of illegal housing discrimination and are prohibited under the DC Human Rights Act and the Fair Housing Act.

If you think your rights have been violated contact the Office of Human Rights @: (202) 727-4559 or www.OHR.dc.gov

Please be prepared to provide:

1. Your name and address
2. The name and address of the person your complaint is against
3. A brief description of the alleged violation; and
4. The date of the alleged violation

Notice of Non-Discrimination

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section §§2-1401.01 *et seq.*,(Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

The Office of Human Rights is a substantially equivalent agency certified by the U. S. Department of Housing and Urban Development. This certification gives OHR the authority to investigate and prosecute claims of fair housing discrimination under federal law.

The Fair Housing Act Prohibits Discrimination in housing based on seven protected categories:

Fair Housing Act (42 U.S.C. 3601 et seq., Title VIII of the Civil Rights Act of 1968 with the Fair Housing Amendments Act of 1988) The law prohibits discrimination in the sale, rental, or financing of housing on the bases of race, color, national origin, religion, sex, disability and familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18).

The DC Human Rights Act of 1977, as amended, is the local equivalent to the federal fair housing laws, but also includes additional protected classes,specifically:

- age
- marital/family status
- personal appearance
- place of residence/business
- sexual orientation
- victim of an intra-family offense (domestic violence)
- family responsibility
- political affiliation
- matriculation
- source of income
- gender identity or expression

Housing which is not covered:

The law does not apply to noncommercial housing operated by religious organizations and private clubs that limit occupancy solely to members.

The Production of this brochure was funded by U.S. Department of Housing and Urban Development

Housing discrimination on the basis of disability is against the law!

Know and Protect Your Fair Housing Rights

The D.C. Office of Human Rights
441 4th Street N.W., Suite 570N
Washington, D.C.
(202) 727-4559

Adrian M. Fenty, Mayor

FREQUENTLY ASKED QUESTIONS:

Q If a landlord has a "No Pets" policy, can he/she refuse to rent to a disabled person who requires a service animal?

A NO. A landlord may have a 'no pets' policy and enforce that policy, however, a guide dog or service animal is not a pet. Its purpose is to assist a person with a disability and acceptance of the service animal would be considered a reasonable accommodation.

Q If a landlord agrees to permit a renter to make necessary modifications, is it ok to charge a higher rent or security deposit to cover the cost of converting the unit to the original condition when the premises is vacated?

A NO. Charging a higher rent or deposit is potentially unlawful because it may appear to be a different term or condition based on a protected class (disability). A landlord and the tenant can negotiate a dollar amount to place in an escrow account to cover the cost of conversion when the premises are vacated.

Q Is an individual who is HIV positive or who has AIDS protected by the law?

A YES. Persons infected with AIDS or HIV have protection under the Human Rights Act and the ADA.

A landlord can request the disabled individual to provide documentation of their disability from a medical professional stating the person has a disability and the disability is related to the housing request.

DISCRIMINATION INCLUDES:

A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

Examples:

Landlords must make responsible exceptions to their rules or policies which may interfere with your ability to live comfortably in your home. If you need to make an extra key so a friend may enter your home to help you, the landlord has to change the rule that only tenants may have keys.

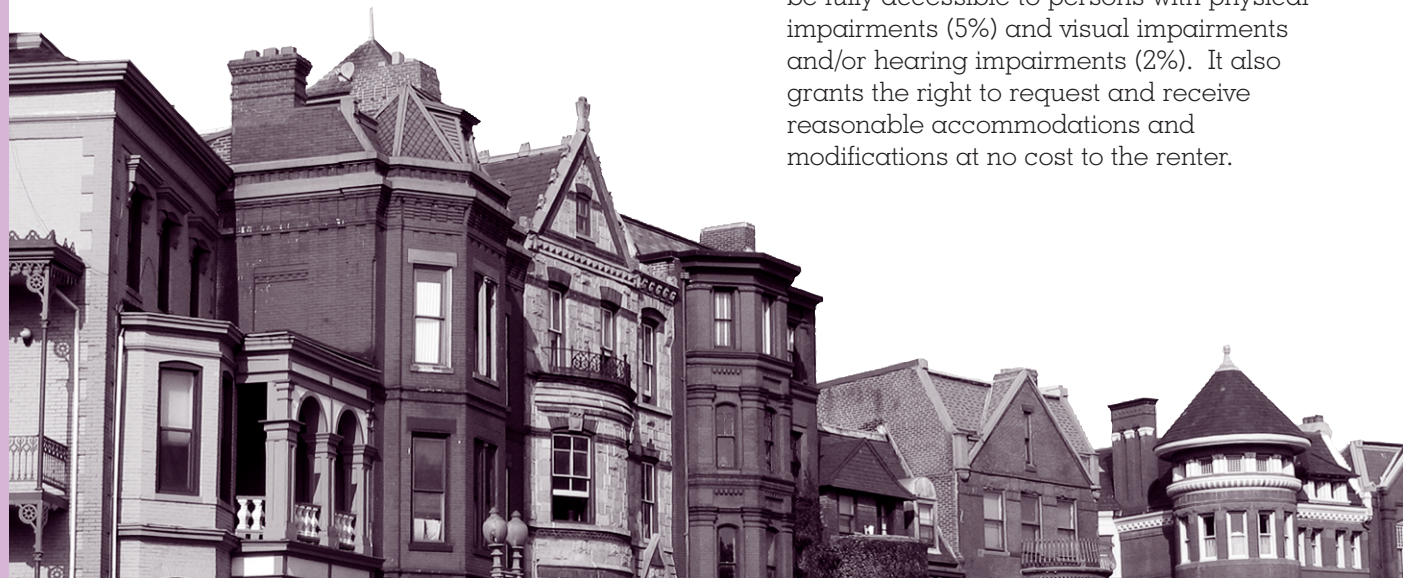
If you can't hear a smoke alarm, the landlord must install visual alarms in public areas and must allow you to place one in you apartment. Always make your request for an accommodation clear and concise.

A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Examples include:

- Installing a ramp
- Widening doorways
- Lowering countertops
- Installing grab bars in bathrooms

The Fair Housing Act protects persons with mental retardation, mental illness, visual and hearing impairments, AIDS and other disabilities, people who use walkers, wheelchairs, service animals, a personal care attendant and recovery from substance abuse are all protected against housing discrimination.

Section 504 of the Rehabilitation Act of 1973

Section 504 contains design requirements applicable to federally funded new construction public housing or assisted housing with five or more units in the same project constructed after July, 1988. It states that certain percentages of the housing must be fully accessible to persons with physical impairments (5%) and visual impairments and/or hearing impairments (2%). It also grants the right to request and receive reasonable accommodations and modifications at no cost to the renter.