

Disability Rights for Tenants in Public Housing

As a tenant in a federally-subsidized housing development (often called “public housing”), you have the same fair housing rights as any other renter. However, if you are a person with a disability living in public housing, you have some additional rights. This fact sheet explains your housing rights under both federal and state law.

What is a “disability” under the law?

Disability is defined as a physical or mental impairment that substantially limits one or more major life functions, such as walking, hearing, breathing, working, talking, seeing, learning, and other functions involved in caring for your daily needs. Examples include physical disability, sensory disability, and mental disability.

What do we mean by “public housing?”

“Public Housing” for accommodation and modification purposes is a housing program that receives financial assistance from the federal government. In Virginia, our program is called the “Redevelopment and Housing Authority.” If you are unsure whether your housing qualifies as public housing, you can ask your landlord or call any of the agencies listed here.

Is Section 8 considered public housing?

No. Section 8, also known as the Housing Choice Voucher Program, is a Federal housing program which limits the monthly rent payment for low-income renters through rental subsidies. If your landlord accepts these Section 8 vouchers, your housing is NOT considered public housing.

What is an accommodation or modification?

An accommodation or modification is a change in rules, policies or services, or a structural change that allows a person with a disability equal opportunity to fully use and enjoy his or her home. A common example is a ramp for a person who uses a wheelchair. Other examples include allowing trained service animals in “no pet” rental units, installing visual alarms for tenants who are deaf, and designating reserved parking spaces for persons with disabilities.

Who pays for an accommodation or modification?

If you live in public housing, the housing authority would generally be responsible for paying for the accommodation. If the complex is privately owned and does not receive federal funds, the tenant must pay for the accommodation.

Can a landlord ask me questions about my disability?

Generally, no. You only have to tell your landlord about a disability if you are applying for housing that is only for people with disabilities or if you are asking for an accommodation or modification. You should never be asked to share your medical records or asked to prove that you can live independently.

Do I have to prove my disability or need for an accommodation?

If your disability and need for accommodation are not obvious, you should be prepared to provide medical documentation if your landlord requests it. You do not have to disclose the exact nature of your disability, but you need to provide enough information to show that you do have a disability and your request is directly linked to that disability. A note from your doctor or other health professional is usually adequate.

When and how should I ask for an accommodation?

You can ask for an accommodation at any time before or after you move in. You can make the request verbally, but putting it in writing will help create a more accurate record. Your landlord might also have a form you can use. Be as specific as possible when making your request.

What do I do if my request is denied?

The landlord should not deny your request if it is reasonable and based on your individual needs as a person with a disability. You may choose to ask the landlord to explain his denial and ask him to offer another accommodation. You and your landlord should try to work out a solution that is acceptable to both of you. If your request for an accommodation has been denied or unreasonably delayed, and you cannot work it out with the landlord, you may have a fair housing complaint.

How do I file a fair housing complaint?

You can file a complaint with the U.S. Department of Housing and Urban Development (HUD) or the Virginia Fair Housing Office within a year of the violation. You also can contact the Virginia Office for Protection and Advocacy (VOPA) for information and assistance.

Housing and Urban Development
(800) 669-9777 / (800) 927-9275 (TTY)
Philadelphia Regional Office of FHEO

Virginia Fair Housing Office
(888) 551-3247
9960 Mayland Drive, Suite 400

U.S. Department of Housing and Urban Development www.fairhousing.vipnet.org

disABILITY LAW CENTER
OF VIRGINIA

Protection & Advocacy for Virginians with Disabilities



Contact disAbility Law Center of Virginia

1512 Willow Lawn Drive, Suite 100
Richmond, Virginia 23230

Call: 800-552-3962 or 804-225-2042

Fax: 804-662-7057

Email: info@dLCV.org

Web: www.dLCV.org

dLCV publications are available in alternate format, upon request.

All information or service requests will be treated confidentially.

Applicants for service or employment shall be afforded equal opportunity without regard to race, color, religion, political affiliation, national origin, disability, marital status, gender, or age.

This publication was prepared with 100% federal funding.