

“FAIR HOUSING: IT’S NOT AN OPTION; IT’S THE LAW”

Frequently Asked Questions

- **What groups of people are protected by the Fair Housing Act?**
Discrimination based on race, color, national origin, sex, religion, familial status, and disability is prohibited. Virginia also includes age (over 55) in its state law.
- **What is a “disability” under the Fair Housing Act?**
Disability is defined as a physical or mental impairment that substantially limits one or more major life activities. The Fair Housing Act not only protects those who have a disability, but also protects those individuals who have a history or record of a disability or who are regarded as having a disability.
- **What are some examples of major life activities?**
Major life activities include walking, hearing, breathing, working, talking, seeing, learning, and other activities involved in caring for your daily needs.
- **Can a landlord refuse to rent to someone with a criminal history?**
Yes. Criminal background is not a protected status under the Act. Some other statuses that are NOT protected are marital status, sexual orientation, juvenile offenders, sexual offenders (even if diagnosed as pedophilia), and current users of illegal substances.
- **Is a person in recovery from substance abuse protected under the Act?**
Yes, so long as he or she is in recovery and not currently using illegal substances.
- **Are assisted living facilities, group homes, and nursing homes covered by the Act?**
Yes. These facilities must follow the rules of the Fair Housing Act.
- **Can a landlord ask me about my disability?**
No, unless you are applying for housing designated for people with disabilities or if you are asking for an accommodation. You should never be asked to share your medical records or prove that you can live independently.

- **What exactly is a reasonable accommodation?**

A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. Accommodations also include physical modifications such as ramps that are necessary for a person with a disability to fully enjoy his or her housing and related facilities.

- **How do I ask for a reasonable accommodation?**

If at all possible, make your request in writing so that you have documentation to show that you made the request and when you made it. The request should include an explanation of the change you are seeking and how that change is related to your disability. If your disability is not obvious, you may need to provide documentation from a doctor or other professional saying that you have a disability and that you need the accommodation you are seeking. Check with your landlord because he or she may have a procedure for handling such requests.

- **Can a landlord deny my request to make a reasonable accommodation to my apartment?**

No, not if the accommodation is reasonable, related to your disability, and would not present an undue burden on the landlord. If the landlord receives federal funds, he or she 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 and agree to leave the property in its original condition if the landlord asks him or her to do so.

- **What do I do if I have a service animal and I cannot find a place that allows pets?**

Service animals are NOT pets and cannot be refused by a complex with a no-pet rule. Having a service animal is a reasonable accommodation for a person with a disability. You also cannot be charged a “pet fee” even if other pet owners have to pay this fee because your service animal is not a pet.

- **I have a service animal and when I applied for an apartment, the landlord said I must present a certificate showing that my animal is certified as a service animal. I don't have a certificate. Do I need one?**

No. There is no certification requirement. The law simply states that the animal must be individually trained and work for the benefit of the person with a disability.

- **My apartment complex does not have assigned parking spaces. I have a mobility impairment that makes it difficult for me to walk long distances. My landlord refuses to give me an assigned space because he doesn't want everybody else asking for their own space. Is there anything I can do about this?**

Yes. If you request an accessible parking space near the entrance of your unit, and there are available parking spaces, the landlord should make a parking space available to you as an accommodation. You can inform him or her of this fact, and if the request is still denied, you can file a fair housing complaint.

- **My landlord discriminated against me 18 months ago, but I did not know about my rights at the time. Is there anything I can do now?**

A complaint must be filed with Housing and Urban Development (HUD) or a state or local fair housing agency within one year of the violation. However, you have two years from the date of the violation to file a federal lawsuit against the landlord. You should talk to an attorney if you think you might want to pursue a lawsuit.

- **I didn't ask for an accommodation when I applied for my apartment because I didn't know that I could. Is it too late to ask for it now that I already live in my apartment?**

No. You can ask for an accommodation at any time.

- **I have a Traumatic Brain Injury and have, on occasion, forgotten to pay my rent on time. I pay it as soon as I am reminded but my landlord charges a late fee. This is a hardship for me. Can I ask the landlord to send me a bill at the beginning of the month to remind me to pay my rent?**

Yes, this would be a reasonable accommodation. It would not present an undue burden on the landlord. Your landlord might offer an alternative such as a phone call, and if that would help solve the problem, that would also be a reasonable accommodation.

- **If I get sick or decompensate mentally and my apartment becomes very unclean, can a landlord evict me?**

If you violate the terms of your lease and the violation is related to your disability, the landlord must take this fact into account and consider whether there is a reasonable accommodation that will resolve the issue before proceeding with eviction. You must be able to show that some plan or action has been put into place that will fix the problem and prevent it from reoccurring in the future. A reasonable accommodation in this situation may be to allow you time to get your apartment cleaned, either by doing it yourself or hiring someone to do it for you (at your expense). If the issue cannot be resolved even with a reasonable accommodation, the landlord must go through the proper court procedure to evict you. This procedure requires notice to you and a hearing.

- **I am in the hospital and I am afraid my landlord will try to evict me. Can he do that?**

Generally, as long as your rent is paid and the property is not abandoned, you cannot be evicted. You should make sure that someone is taking care of the property for you while you are away and that you follow all the terms of your lease.

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