



Does My Issue Fall Under Fair Housing or Landlord-Tenant Law?

There are federal and state laws that protect the rights of renters: landlord-tenant laws protect all renters from bad landlords; Fair Housing laws give additional protections to renters who are members of a "protected class". A landlord cannot discriminate against renters (treat them differently) just because of their status in one or more protected classes: race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity, and military status. This fact sheet will focus on Fair Housing rights for people with disabilities and how to tell if your housing issue is discrimination under Fair Housing or a landlord-tenant issue.

Fair Housing for People with Disabilities

Under Fair Housing laws, a landlord cannot treat you differently if you have a disability, if they think you have one, or if you have friends or family members with one. People with disabilities have the right to fully enjoy their home which sometimes requires changes in rules or policies (accommodations) or physical changes to the home such as a ramp or grab bars (modifications). Under Fair Housing laws, the landlord must allow these changes if they are reasonable and necessary, but in most cases, the renter must pay for any physical changes to the property.

Landlord-Tenant Issues

All renters and landlords must also follow state landlord-tenant law. Issues covered under this law include security deposits, rental agreements, rights and responsibilities of the landlord and the renter, and the eviction process.

Where Does My Issue Fall?

If you are a renter with a disability and have a problem with your home or a disagreement with your landlord, it may be hard to know if it's discrimination under Fair Housing law or a landlord-tenant issue. Here are some helpful questions to ask yourself:

- Is the landlord treating me differently than other renters because I have a disability? If Yes, then this might be a Fair Housing issue.
- Would renters without a disability have the same problem as me? If Yes, then this is likely a landlord-tenant issue.
- When I asked about changing the rules or making a physical change to my home so that I can use and enjoy my home the same as renters without a disability, did the landlord say "no?" If Yes, then this might be a Fair Housing issue.

Why Does It Matter?

You must know which law gives you the right so that you can use the proper process to advocate and file a complaint. If your issue is under Fair Housing law, you can file a complaint with the Virginia Fair Housing Office or U.S. Housing and Urban Development. If your issue falls under landlord-tenant law, only the court can enforce your rights as a renter.

Examples of Fair Housing Violations Against a Renter with a Disability

- refusing to rent to a person with a disability or setting different rules than those for renters without disabilities;
- harassing or intimidating a renter because of their disability or because they asked for a reasonable accommodation;
- refusing to let a renter who cannot move as easily, or has mobility impairment install grab bars in the bathroom;
- charging a renter who uses a wheelchair a higher security deposit (however, if a renter causes more than normal wear and tear damage, they may be charged for the repair);
- asking questions about medical diagnosis or disability (however, if a renter asks for an accommodation, they may need to give enough information to show a connection between the disability and the request);
- refusing to allow assistance animals (service dogs or emotional support animals) because of a “no pets” policy or charging a pet fee;
- refusing to assign a parking space near the home for someone with a mobility impairment; and
- refusing to talk about possible accommodations to avoid eviction.

Examples of Landlord-Tenant Issues

- failing to keep up with maintenance, cleanliness, or safety of the property;
- charging the renter for damage done to the property beyond normal wear and tear;
- evicting a renter for failing to pay rent or a pattern of paying rent late (however, a renter may ask for an accommodation such as paying rent on the 5th of the month after receiving their social security check);
- evicting a renter for breaking community rules that are clearly defined; and
- refusing to rent to someone because of a bad credit history (however, this requirement must be the same for all renters).

Filing a Fair Housing Complaint

If you think your Fair Housing rights may have been violated, you have several options for filing a complaint:

Virginia Fair Housing Office

(804) 367-8530 or (888) 551-3247

<http://www.dpor.virginia.gov/FairHousing/>

There is information on their webpage about your rights, the investigative process, and a link to file a Fair Housing complaint.

U.S. Department of Housing and Urban Development

You can file a complaint with HUD in several different ways:

- Online: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>
- Email or postal mail: download the form, fill it out and mail it to the regional office listed in the form: https://www.hud.gov/sites/documents/DOC_12150.PDF
- Phone: 1-800-669-9777 or 1-800-877-8339 (TTY)

dLCV does not assist with landlord-tenant issues and does not provide representation in any housing matter. You can find other resources on our [Fair Housing Resource Center](#).