



Elevator Outages and the Fair Housing Act

In buildings with multiple floors, elevators are a convenience for everyone, but for tenants with certain disabilities, elevators are critical for access to their home and to the community. When an elevator breaks down, tenants with disabilities can be trapped in or out of their home.

The Fair Housing Act obligates housing providers to make reasonable accommodations to rules, policies, practices, and services that will allow residents with disabilities an equal opportunity to use and enjoy a dwelling. A resident with a disability who cannot use stairs would not be able to equally enjoy their home if the elevator is out of service. Lengthy or repeated outages may violate the Fair Housing Act.

Preparation—Steps to Take Before an Outage

- Determine if there is more than one elevator and consider the fact that all elevators need maintenance and repair and how any outage will affect you. Ask to see records of elevator inspections and repairs.
- Ask if the property has an emergency evacuation plan including a plan for elevator outages.
- Ensure there is a communication plan in place to inform people of the outage, whether it is unexpected or planned.

Responding to an Unexpected Outage

- Notify your landlord, condominium association, management, or maintenance company immediately. Don't assume that they know. Ask about what actions are being taken to expedite repair. Inform them that you are a person with a disability and the elevator is a necessity.
- Call each day that the elevator is out of service to ask when the elevator is expected to be repaired and what specifically is being done to expedite the repair. (There is no timeline for when an elevator is required to be fixed but the timeline must be reasonable. Keep in mind that it may take 24+ hours for an elevator technician to respond to the outage.)
- Discuss a strategy with management to minimize the duration of the outage. Perhaps work can be broken into sections with the elevator being operational intermittently.
- If the outage will last a few days or more, you may wish to request a reasonable accommodation from your landlord or housing provider.

Reasonable Accommodations

A Reasonable Accommodation is a change to rules, policies, practices, and services that will allow residents with disabilities an equal opportunity to use and enjoy a dwelling. A tenant with a disability may request a reasonable accommodation and the landlord or property manager must either grant the request or engage in a back-and-forth discussion about options for resolving the issue.

Some possible accommodations during an elevator outage:

- Relocate temporarily to another unit or apartment on a lower level if one is available;
- Relocate to a hotel or other accessible lodging;
- Provide assistance with getting medications, groceries, trash removal, etc.
- If it is a recurring issue, a Reasonable Accommodation may be termination of the lease without penalties or fees because it is for a disability-related reason.

When to Consider Filing a Fair Housing Complaint

- Housing provider refuses to take steps to maintain or repair an elevator that is unsafe, regularly breaks down, or has other mechanical problems;
- You believe elevator is broken due to housing provider's negligence;
- Housing provider is not responsive to a request for a Reasonable Accommodation or denies a request and does not engage in the interactive process or offer alternative options

Where to File a Fair Housing 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 and a link to file a Fair Housing complaint.

U.S. Department of Housing and Urban Development (HUD)

You can file a complaint online, by email, phone or mail

<https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

You can speak with an intake specialist by calling 1-800-669-9777 or 1-800-877-8339.

You can find more information about the complaint process here:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint