

# Fair Housing Guide for Individuals with Mental Health, Intellectual, or Developmental Disabilities



Visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)  
or call the National Discrimination Hotline at  
**1-800-669-9777** or **1-800-877-8339** (Federal Relay)



## What is housing discrimination?

The Fair Housing Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act protect individuals with disabilities from discrimination in housing, including individuals with mental health, intellectual, or developmental disabilities. Examples of housing discrimination include:

- ◆ Refusing to rent housing to you because of a disability
- ◆ Asking about whether you have a disability or about the nature of your disability during the application process, unless the housing provider asks all applicants whether they have a disability to determine if they are qualified for housing available only to individuals with disabilities
- ◆ Refusing to provide information about or show available housing to you or a person you live with because of a disability
- ◆ Refusing to grant reasonable accommodations or allow reasonable modifications that may be necessary for you or a person you live with who has a disability to have an equal opportunity to use and enjoy the housing
- ◆ Restricting you from living in certain housing units or sections of a housing complex because of a disability
- ◆ Placing different terms or conditions upon the rental of available housing, such as charging a higher rent or security deposit because of a disability
- ◆ Placing different terms or conditions on housing because you lived in an institutional setting, such as requiring more documentation or completion of an additional screening approval process
- ◆ Imposing stricter screening criteria because of a disability
- ◆ Evicting you or a person you live with because of a disability
- ◆ Harassing you or a person you live with because of a disability
- ◆ Asking questions about treatment or medications
- ◆ Requiring you to accept an opening in a housing development occupied exclusively or primarily by individuals with the same or similar disabilities in order to receive housing assistance

## What are examples of protected mental health, intellectual, and developmental disabilities?

Protected disabilities include (but are not limited to) mental health, psychological, intellectual, and developmental conditions, such as organic brain syndrome, depression, anxiety, bipolar disorder, post-traumatic stress disorder (PTSD), specific learning disabilities, autism, down syndrome, traumatic brain injuries, alcoholism, and drug addiction (other than addiction caused by current, illegal drug use).

## What are Reasonable Accommodations and Modifications?

Reasonable accommodation or modifications are changes in rules, policies, practices, services, or the physical structure of a dwelling that may be necessary to afford a person with a disability an equal opportunity to use and enjoy housing. In housing with HUD funding, structural changes to a unit or public or common use area are considered reasonable accommodations that the housing provider must provide. Some examples of reasonable accommodation and modification requests may include:

- ◆ Asking to have an assistance animal when there is a “no pets” policy
- ◆ Asking for help with completing an application or other paperwork
- ◆ Asking that a housing provider allow a live-in aide or other support services
- ◆ Asking that a housing provider extend a limited application period or allow flexible application procedures
- ◆ Asking to change the due date for rent until after you receive your social security disability check or a short- or long-term disability payment
- ◆ Asking for physical changes to a dwelling or common area related to mobility or sensory needs
- ◆ Asking to remain on a waiting list after not responding to requests within the time period because of a disability-related reason
- ◆ Asking for additional time to move into a unit when you reach the top of a waiting list but cannot move because of a disability-related reason, such as treatment or hospitalization
- ◆ Providing different references, like a social worker, when you may have limited or no recent rental or employment history due to a hospitalization

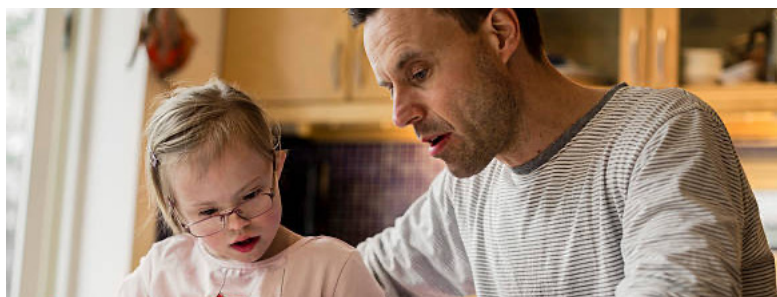
You must have a disability-related need for the requested accommodation or modification. A housing provider may only ask for additional limited information if your disability or your need for the accommodation or modification is not obvious or known to the provider. A housing provider must discuss your request with you before denying it.

## When should an individual ask for an accommodation or modification?

At any time when you need a change to a rule, policy, practice, service, or physical structure to the dwelling to fully benefit from your housing or to participate in a HUD-funded program or activity. You should explain what type of accommodation or modification you are requesting. If the need for the request is obvious or already known to your housing provider, you do not need to provide any other information. If the need for the request is not obvious or not known to the provider, then you may need to explain the relationship between the requested accommodation or modification and your disability. You cannot be required to provide detailed medical information.

A family member, friend, or advocate can also make the request for you. You are not required to make the request in a particular manner or at a particular time, but it is usually helpful if you make the request in writing. You may wish to ask if the housing provider has a preferred way for submitting a request. However, housing providers must consider your reasonable accommodation or modification requests even if you do not use the preferred forms or procedures.

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**Have you experienced housing discrimination? You can file a complaint with HUD or your local fair housing center.**

Visit [www.hud.gov/fairhousing/fileacomplaint](http://www.hud.gov/fairhousing/fileacomplaint) or call the HUD National Discrimination Hotline

**1-800-669-9777 (English/Spanish) or 1-800-877-8339 (Federal Relay)**

**It is illegal for a housing provider to take action against you because you filed a fair housing complaint.**

To learn more, visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing) or contact your [local HUD office](#), state or local fair housing organization. Please also visit the following links to learn more about:

- ◆ [Rights of Individuals with Disabilities Under Fair Housing Laws](#)
- ◆ [Section 504 Frequently Asked Questions](#)
- ◆ [Reasonable Accommodations under the Fair Housing Act](#)
- ◆ [Reasonable Modifications under the Fair Housing Act](#)
- ◆ [Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act](#)
- ◆ [HUD's Statement on the Role of Housing in Accomplishing the Goals of Olmstead](#)