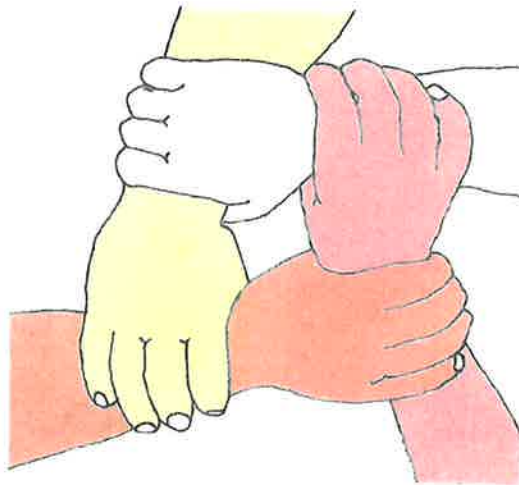


Funded By

**Portsmouth Inter City
Development Corporation**

**For the purpose of Community
Education of Rights and
responsibilities as Owners and
Tenants in the State of Ohio**

2020 – 2022



OMB Approval No. 2529-0011 (exp. 4/30/98)

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

Are you a Victim of Housing Discrimination?

Fair Housing is Your Right!

If you have been denied your housing
rights ... you may have experienced
housing discrimination.



form HUD-903.1 (11/97)



HUD Complaint Process Instructions



Step 1 - Intake

- Anyone can file a complaint with HUD at no cost. Fair housing complaints can be filed by any entity, including individuals and community groups. Those that file fair housing complaints are known as complainants. Those against whom fair housing complaints are filed are called respondents.
- Fair housing complaints can be filed with HUD by telephone (1-800-669-9777), online at www.hud.gov, or by mailing the attached "Housing Discrimination Information Form".
- After HUD has received the initial information, an intake specialist will contact the complainant and interview him or her to collect facts about the alleged discrimination. Initial interviews are normally conducted by telephone. The intake specialist will then review the allegations to determine whether HUD can investigate the complaint.
- If HUD has the authority to investigate, it will file the complaint. If the allegations do not fall within HUD's jurisdiction, for example if the complaint does not allege housing discrimination, HUD cannot accept the complaint and must close the case.
- In many cases, HUD will refer the complaint to the Ohio Civil Rights Commission. That agency must begin to work with the complainant within 30 days, or HUD can take the complaint back.



Step 2 - Filing

- If HUD accepts the complaint for investigation, the investigator will draft a formal complaint on HUD's standard form and provide it to the complainant, typically by mail. The complainant must sign the form and return it to HUD.
- Within 10 days after receipt of a signed complaint, HUD will send the respondent notice that a fair housing complaint has been filed against him or her along with a copy of the complaint. At the same time, HUD will send the complainant an acknowledgement letter and a copy of the complaint.
- Within 10 days of receiving the notice, the Respondent must submit to HUD an answer to the complaint.



Step 3 - Investigation

- As part of the investigation, HUD will interview the complainant, the respondent, and pertinent witnesses. The investigator will collect relevant documents or conduct onsite visits, as appropriate.
- HUD has the authority to take depositions, issue subpoenas and interrogatories, and compel testimony or documents.



Step 4 - Conciliation

- The Fair Housing Act requires HUD to bring the parties together to attempt conciliation in every fair housing complaint. The choice to conciliate the complaint is completely voluntary on the part of both parties. Any conciliation agreement signed by HUD must protect the public's interests.
- If the parties sign a conciliation agreement, HUD will end its investigation and close the case. However, if either party breaches the agreement, HUD can recommend that the U.S. Department of Justice (DOJ) file suit to enforce the agreement.



Step 5 - No Cause Determination

- If, after a thorough investigation, HUD finds no reasonable cause to believe that housing discrimination has occurred or is about to occur, HUD will issue a determination of "no reasonable cause" and close the case.
- A complainant who disagrees with that decision can request reconsideration of the case by sending a letter to the Director of the Office of Enforcement, FHEO, 451 7th Street, SW, Room 5214, Washington, DC 20410.
- Upon receipt of a request for reconsideration, HUD will notify all of the parties that the request has been received and invite them to submit any additional evidence pertinent to the investigation.
- HUD will review all of the materials from the investigation and any additional evidence that the parties provide.
- HUD will then inform the parties if the Department has affirmed its finding of "no reasonable cause" or instead has decided to re-open the complaint. If HUD decides to re-open the complaint, it will resume investigation and conciliation. If HUD affirms its finding of "no reasonable cause", HUD can take no further action on the complaint.
- If the complainant disagrees with HUD's determination that there was no reasonable cause to believe that discrimination occurred or was about to occur, the complainant can file a civil court action in the appropriate U.S. district court.



Step 6 - Cause Determination and Charge

- If the investigation produces reasonable cause to believe that discrimination has occurred or is about to occur, HUD will issue a determination of "reasonable cause" and charge the respondent with violating the law. HUD will send a copy of the charge to the parties in the case.
- After HUD issues a charge, a HUD Administrative Law Judge (ALJ) will hear the case unless either party elects to have the case heard in federal civil court. Parties must elect within 20 days of receipt of the charge.



Step 7 - Hearing in a U.S. District Court

- Within 30 days after either party elects to go to federal court, DOJ will commence a civil action on behalf of the aggrieved person in U.S. district court.
- If the court finds that a discriminatory housing practice has or is about to occur, the court can award actual and punitive damages as well as attorneys fees.



Step 8 - Hearing before a HUD ALJ

- If neither party elects, a HUD ALJ will hear the case. An attorney from HUD will represent the aggrieved party before the ALJ.
- When the ALJ decides the case, the ALJ will issue an initial decision.
- If the ALJ finds that housing discrimination has occurred or is about to occur, the ALJ can award a maximum civil penalty of \$16,000, per violation, for a first offense, in addition to actual damages for the complainant, injunctive or other equitable relief, and attorneys' fees.
- Within 15 days of the issuance of the ALJ's initial decision, any party adversely affected by the ALJ's initial decision can petition the Secretary of HUD for review.
- The Secretary of HUD has 30 days after the initial decision to affirm, modify, or set aside the ALJ's initial decision, or remand the initial decision for further proceedings. If the Secretary does not take any action within 30 days, the decision will be considered the Department's final decision. 6. After the Department has issued a final decision, any party aggrieved by the Department's final decision can appeal to the appropriate court of appeals.



Appalachian Ohio Fair Housing Initiative

The **Appalachian Ohio Fair Housing Initiative** brings together experienced rural legal aid attorneys from *Southeastern Ohio Legal Services* and *The Legal Aid Society of Columbus*, statewide experts, and local community groups in an effort to provide fair housing education and outreach throughout rural Appalachian Ohio.

This project commits to fair housing outreach and education events in every one of the 35 Ohio counties served by the project. Those counties include: Tuscarawas, Holmes, Coshocton, Guernsey, Athens, Gallia, Meigs, Vinton, Morgan, Noble, Washington, Ross, Pickaway, Jackson, Pike, Fairfield, Hocking, Fayette Licking, Knox, Muskingum, Perry, Adams, Lawrence, Scioto, Belmont, Harrison, Jefferson, Monroe, Carroll, Marion, Delaware, Union, Morrow, and Madison.

What is Fair Housing?

Passed in 1968, the Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings based on membership in certain protected classes.



Protected Classes Include

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status (families with children)
- Disability

Ohio also adds

- Military status
- Ancestry



Discrimination Includes

- Refusal to rent or sell housing
- Refusal to negotiate for housing
- Making housing unavailable
- Denying a dwelling
- Setting different terms, conditions or privileges for sale or rental of a dwelling
- Providing different housing services or facilities
- Falsely denying that housing is available for inspection, sale, or rental
- For profit, persuading owners to sell or rent (blockbusting) or
- Denying anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

To talk to an attorney about your case call SEOL S at 1-800-686-3670



It Is Also Illegal To...

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.



If You Have A Disability, Your Landlord May Not...

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for a person with a disability to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for a person with a disability to use the housing.



What Can I Do If I Believe My Landlord Has Discriminated Against Me?

- If you think your rights to fair housing have been violated, help is available. Housing discrimination complaints can be filed by phone, online, or in writing with HUD and/or the Ohio Civil Rights Commission. To reach the local HUD office in your area, call 1-800-669-9777, TDD 1-800-927-9275 or visit **HUD.gov**. To reach the Ohio Civil Rights Commission, call 1-888-278-7101 or visit **crc.ohio.gov**.
- You have one year from the date of the alleged act of discrimination to file your complaint.

To talk to an attorney about your case, call SEOLS at
1-800-686-3670

WRITING SUPPORT LETTERS: HOW MEDICAL PROFESSIONALS CAN SUPPORT REASONABLE ACCOMMODATIONS AND MODIFICATIONS

What is Fair Housing?

Federal and Ohio fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, *disability*, ancestry, and military status.

Reasonable Accommodations and Modifications

Under the Fair Housing Act, a reasonable accommodation is a change or exception to any rule, policy, or procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a no pet policy, or allowing a live-in caregiver when a housing policy states "no over-night guests". A reasonable modification is a physical change to an apartment or house that makes the unit accessible to someone with a disability such as the installation of a ramp, grab bar or handrail. Accommodations and modifications enable independent living and equal access.

Your Role as a Medical Professional or Therapeutic Provider

A person with a disability may be asked to provide proof of a disability and/or verification of a disability-related need when asking for a reasonable accommodation or modification from their housing provider/landlord. Your role as a medical or therapeutic provider is to provide brief documentation that establishes:

- 1) **Your client has a disability as defined by the Fair Housing Act (see below) AND**
- 2) **Your client's disability-related need for the requested accommodation or modification.**

Housing providers and landlords do not need to know the details related to the disability, the client's diagnosis, or their health history; only that a disability is present and that their request is needed because of that disability.

When providing documentation to help advocate for your client's well-being, words such as "necessary", "essential", and "prescribed" should be used to describe the client's need for a reasonable accommodation or reasonable modification.

The Fair Housing Act defines a person with a *disability* to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Major life activities include:

- Walking
- Breathing
- Communicating
- Seeing
- Hearing
- Caring for oneself
- Thinking
- Learning
- And beyond...

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease, diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.

Assistance Animals

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals do not need to be trained, certified or licensed by any entity or program. *Any* animal prescribed by a doctor or other medical professional to assist a person with a disability can be an assistance animal. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals can significantly enhance a person's ability to live independently.

See sample support letter on reverse.

Sample Support Letter

**TIP: USE
OFFICE LOGO or
LETTERHEAD**

- Should accomplish the following 2 things:
 1. Verify that the person meets the Fair Housing Act's definition of disability (need not mention specific diagnosis, but must be clear that the person's condition rises to the level of a disability)
 2. Show the relationship between the person's disability and the need for the requested accommodation/modification (words such as "necessary", "essential", or "prescribed" should be used to describe the client's need)
- May be written by a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party who is in a position to know about the individual's disability

Date

Dear (*Housing Provider*):

(*Name of client*) is my client/patient, and has been under my care since (*date*). I am familiar with his/her history and disability-related functional limitations. She/he meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to have full use and enjoyment of his/her dwelling, I am prescribing/recommending (*insert need*)

Example 1: a transfer to a first floor unit

Example 2: an emotional support dog, cat, bird, etc. (be as specific as possible about the kind of animal(s) needed and mention if the patient has the animal(s) already) that will assist (*name of client*) with the functional limitations associated with his/her disability.

Specifically, (*please provide information demonstrating how the accommodation is needed or necessary to alleviate one or more identified symptoms or effects of an existing disability or how the disability will be exacerbated in the absence of the accommodation*)

Example 1: the tenant has increasing difficulty climbing stairs due to a disability and needs a first floor unit to ensure health and safety AND/OR reduce stress on mobility limitations AND/OR have safer and increased access to laundry facilities AND/OR have safe egress options in event of emergency, etc.

Example 2: the emotional support animal (dog, cat, bird, etc.) is necessary to ease disability-related stress and anxiety OR decrease heart rate OR ameliorate or reduce likelihood of panic episode OR increase capacity for social interaction OR allow for continued health and stability OR increase focus necessary for positive school or work performance OR improve physical, emotional and psychological functioning, etc.

I am available to answer questions you may have concerning my verification of (*name of client*)'s request.

Sincerely,

Signature and Name of Professional

Form developed by the Fair Housing Center of West Michigan • www.fhcwm.org
Adapted for use in Ohio by Southeastern Ohio Legal Services • www.seols.org

If you don't report discrimination,
it can't be stopped!

Housing Discrimination Information Form

- If you believe your rights have been violated, HUD or a State or local fair housing agency is ready to help you file a complaint.
- You have one year from the date of the alleged act of discrimination to file your complaint.
- After your information is received, we will contact you to discuss the concerns you raise.

Instructions: (Please type or print.) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the date of the alleged discrimination to file a complaint. Your form should be signed and dated. Use reverse side of this page if you need more space to respond.

Keep this information for your records.

Date you mailed your information to HUD: _____

Address to which you sent the information:

Street: _____

City: _____

State: _____

Zip Code: _____

If you have not heard from HUD or a fair housing agency within three weeks from the date you mail this form, you may call to inquire about the status of your complaint. See addresses and telephone listings on the last page.

How do you recognize Housing Discrimination?

Under the Fair Housing Act, It is Against the Law to:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes in certain neighborhoods only
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make certain modifications or accommodations for persons with a mental or physical disability, including persons recovering from alcohol and substance abuse, and HIV/AIDS-related illnesses
- Fail to design and construct housing in an accessible manner
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with their fair housing rights

Based on these factors...

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child), or
- Handicap (if you or someone close to you has a disability)

Your Name:	Best time to call:	Your Daytime Phone No:
Your Address:		Evening Phone No:
City:	State:	Zip Code:

Who else can we call if we cannot reach you?

1 Contact's Name:	Daytime Phone No:
Best time to call:	Evening Phone No:
2 Contact's Name:	Daytime Phone No:
Best time to call:	Evening Phone No:

1. **What** happened to you? How were you discriminated against? For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing? State briefly what happened.

2. **Why** do you believe you are being discriminated against?

It is a violation of the law to deny you your housing rights for any of the following factors:
 • race • color • religion • sex • national origin • familial status (families with children under 18) • disability.

For example: were you denied housing **because of** your race? Were you denied a mortgage loan **because of** your religion? Or turned down for an apartment **because** you have children? Were you harassed because you assisted someone in obtaining their fair housing rights? Briefly explain why you think your housing rights were denied **because of** any the factors listed above.

3. **Who** do you believe discriminated against you? Was it a landlord, owner, bank, real estate agent, broker, company, or organization?

Name:

Address:

4. **Where** did the alleged act of discrimination occur? Provide the address. For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home? Did it occur at a bank or other lending institution?

Address:

City:

State:

Zip Code:

5. **When** did the last act of discrimination occur? Enter the date ____/____/____
Is the alleged discrimination continuous or on going?

Yes

No

Signature:

Date:

X

Send this form to HUD or to the fair housing agency where the alleged act of discrimination occurred.

If you are unable to complete this form, you may call the office nearest you.
See addresses and telephone numbers listed on the back page.

Privacy Act Statement The Department of Housing and Urban Development is authorized to collect this information by Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430); Title VI of the Civil Rights Act of 1964, (P.L. 88-352); Section 504 of the Rehabilitation Act of 1973, as amended, (P.L. 93-112); Section 109 of Title I - Housing and Community Development Act of 1974, as amended, (P.L. 97-35); Americans with Disabilities Act of 1990, (P.L. 101-336); and by the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6103).

The information will be used to investigate and to process housing discrimination complaints. The information may be disclosed to the United States Department of Justice for its use in the filing of pattern and practice suits of housing discrimination or the prosecution of the person(s) who committed the discrimination where violence is involved; and to State or local fair housing agencies that administer substantially equivalent fair housing laws for complaint processing. Failure to provide some or all of the requested information will result in delay or denial of HUD assistance.

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Disclosure of this information is voluntary.

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

Fair Housing Enforcement Center
U.S. Department HUD
10 Causeway Street, Room 321
Boston, MA 02222-1092
(617) 565-5308
1-800-827-5005
TTY (617) 565-5453

For New Jersey and New York:

Fair Housing Enforcement Center
U.S. Department HUD
26 Federal Plaza, Room 3532
New York, NY 10278-0068
(212) 264-9610
1-800-496-4294
TTY (212) 264-0927

For Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia:

Fair Housing Enforcement Center
U.S. Department HUD
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380
(215) 656-0660
1-888-799-2085
TTY (215) 656-3450

For Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:

Fair Housing Enforcement Center
U.S. Department HUD
Richard B. Russell Federal Bldg.
75 Spring Street, SW, Room 230
Atlanta, GA 30303-3388
(404) 331-5140
1-800-440-8091
TTY (404) 730-2654

For Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

Fair Housing Enforcement Center
U.S. Department HUD
Ralph H. Metcalfe Federal Bldg.
77 West Jackson Boulevard,
Room 2101
Chicago, IL 60604-3507
(312) 353-7776
1-800-765-9372
TTY (312) 353-7143

For Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:

Fair Housing Enforcement Center
U.S. Department HUD
1600 Throckmorton, Room 502
Forth Worth, TX 76113-2905
(817) 978-9270
1-800-498-9371
TTY (817) 978-9274

For Iowa, Kansas, Missouri and Nebraska:

Fair Housing Enforcement Center
U.S. Department HUD
Gateway Tower II
400 State Avenue, Room 200
Kansas City, KA 66101-2406
(913) 551-6958
1-800-743-5323
TTY (913) 551-6972

For Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:

Fair Housing Enforcement Center
U.S. Department HUD
633 17th Street
Denver, CO 80202-3607
(303) 672-5437
1-800-877-7353
TTY (303) 672-5248

For Arizona, California, Hawaii, and Nevada:

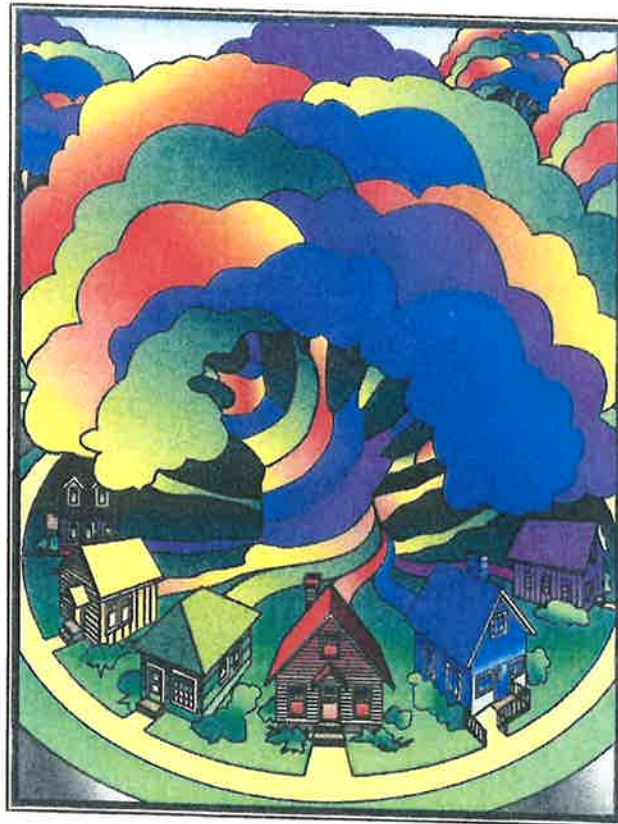
Fair Housing Enforcement Center
U.S. Department HUD
Phillip Burton Federal Building
and U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3448
(415) 436-8400
1-800-347-3739
TTY (415) 436-6594

For Alaska, Idaho, Oregon, and Washington:

Fair Housing Enforcement Center
U.S. Department HUD
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, WA 98104-1000
(206) 220-5170
1-800-877-0246
TTY (206) 220-5185

**Requesting an assistance animal, grab bar,
or other change to your housing?**

Let us help!



**A Guide to Requesting Reasonable Accommodations
and Modifications Under the Fair Housing Act**



Produced 2015 by the Fair Housing Center of West Michigan.
Adapted for use in Ohio by Southeastern Ohio Legal Services.



What is a reasonable accommodation or reasonable modification?

Under the Fair Housing Act, a **reasonable accommodation** is a change or exception to any rule, policy, procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a "no pet" policy, or allowing a live-in caregiver when a housing policy states "no over-night guests". A **reasonable modification** is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford them full enjoyment of the premises, such as the installation of a ramp, grab bar or handrail. Reasonable accommodations and modifications enable independent living and equal access to housing for people with disabilities.

If you feel you need a **reasonable accommodation** or **modification** to your home or apartment based on a disability, there is a process you will need to go through to work with your housing provider. These requests should be evaluated on a case-by-case basis.



What is fair housing?

Federal and Ohio fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, **disability**, ancestry, and military status. Illegal discrimination includes a refusal to make a reasonable accommodation or a refusal to permit a reasonable modification if either would be necessary to afford a person with a disability equal access to and full enjoyment of the housing and property.

The Fair Housing Act defines a person with a **disability** to include (1) individuals with a physical or mental impairment that substantially limits one or more **major life activities**; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Major life activities include:

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease,

- **Walking**
- **Breathing**
- **Communicating**
- **Seeing**
- **Hearing**
- **Caring for oneself**
- **Thinking**
- **Learning**
- **And beyond...**

diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.

How do I make a request?

If you are someone with a disability looking for a reasonable accommodation or modification to a home or apartment, you will need to submit a request (see sample request letter on P. 5) to the housing provider, landlord, manager, or your condominium association. Caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability.

A request can be made verbally, but it is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. If your disability is not apparent or otherwise known, the housing provider or landlord may request verification of your disability and information establishing a disability-related need for the request. You can obtain supporting documentation from your doctor or other qualified medical professional, a peer support group, a non-medical service agency, a social worker, or a reliable third party who is in a position to know about your disability. The supporting documentation only needs to verify:

- (1) **that you have a disability as defined by the Fair Housing Act AND**
- (2) **your disability-related need for the requested accommodation or modification.**



Housing providers and landlords do not need to know the details related to the disability, diagnosis, or health history; only that a disability is present and that the request is needed because of that disability. When obtaining documentation words such as "necessary", "essential", and "prescribed" should be used to describe

the need for a reasonable accommodation or reasonable modification (see sample support letter on P. 6).

Examples of Reasonable Accommodation Requests:

- Requesting an assigned, accessible parking space near a unit
- Requesting to waive a “no pet” or pet fee policy to allow for an assistance animal
- Requesting a move to the ground floor due to changes in the ability to use stairs

Examples of Reasonable Modifications:

- Widening a doorway for a wheelchair
- Installing grab bars in a bathroom
- Installing a ramp to make a main entrance accessible
- Installing handrails in stairwell

You can make a request for a reasonable accommodation or modification at any point. Your request should not be a factor in your eligibility in obtaining housing.

What if there are costs involved?

A reasonable accommodation is usually processed and completed without cost to the resident. If the cost of the accommodation is an undue financial and administrative burden they should meet or talk with you to evaluate and explore accommodation methods.



reasonable
for the housing provider,
alternative reasonable

For reasonable modifications, the tenant is responsible for paying the cost, while the housing provider must permit the modification.* A housing provider may require that a reasonable modification request include a description of the proposed modification both before changes are made to the dwelling and before granting the modification. If you require a reasonable modification to the interior of your home, depending on your living situation, you may be asked by the housing provider or landlord to restore your home or apartment back to its original state. In some situations, the landlord or housing provider could ask you agree to pay into an escrow account so that the home or apartment may be restored after you vacate the property.



* The Rehabilitation Act of 1973 states that structural changes needed by a person with a disability in housing that receives federal financial assistance (i.e. HUD subsidized apartment buildings, USDA rural housing developments, and others) are considered reasonable

accommodations; they must be paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program or unless the housing provider can accommodate the individual’s needs through another means.

Why can my request be denied?

A request for a reasonable accommodation or modification can be denied for the following reasons:

- (1) **The request for a reasonable accommodation or modification was not made by or on behalf of a person with a disability or if there is no disability-related need for the request, and/or**
- (2) **If it would impose undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider’s operations.**

Whether your request is approved, denied, or you are asked for more documentation, it is important to maintain communication with the housing provider. If your initial request is denied, alternative methods to accommodate or modify should be discussed. It is important that the housing provider continue to communicate with you as you both explore different options; note that you are not obligated to accept an alternative accommodation if you believe it will not meet your needs.

What is an Assistance Animal?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified

symptoms or effects of a person's disability. Assistance animals do not need to be trained, certified or licensed by any entity or program. *Any* animal prescribed by a doctor or other medical professional to assist a person with a disability can be an assistance animal.

NOTE: Pet fees and/or policies do not apply to assistance animals.

Assistance animals perform many disability-related functions, including but not limited to: guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals can significantly enhance a person's ability to live independently.

NOTE: *Any* animal prescribed by a medical professional to assist a person with a disability can be an assistance animal.

Assistance animals are not subject to pet fees, deposits, or policies. Breed, size, and weight limitations may not be applied to assistance animals. You and your assistance animal, once approved, should be allowed in all areas of the premises where persons are normally allowed to go unless there is an undue financial and administrative burden or fundamental alteration of the housing provider's services. Your assistance animal must be under your

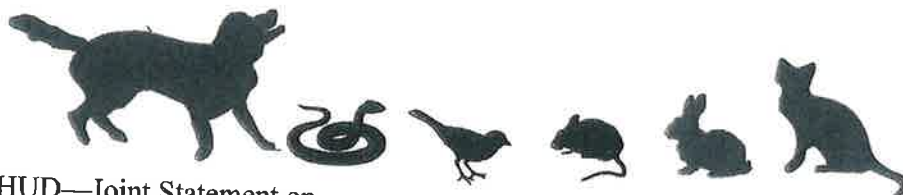
control at all times.

Examples of Assistance Animals:

- An animal that assists a person with a disability manage their symptoms related to depression, anxiety, stress or difficulties with social situations
- An animal that alerts others of the need for help or aids a person with a disability through a seizure, panic attack, or medical emergency
- An animal that provides assistance with mobility or health concerns

NOTE: Fair Housing law does not require that assistance animals be trained, certified or licensed, however, they must be under your control.

Additional



Resources

Justice & HUD—Joint Statement on Accommodations

⇒Department of Reasonable

⇒Department of Justice & HUD—Joint Statement on Reasonable Modifications

⇒HUD Fair Housing and Equal Opportunity Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs

⇒HUD Memo on Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation

⇒Please visit www.seols.org/get-help/fair-housing/ to download these documents and other helpful information

Here are some commonly asked questions about requesting reasonable accommodations and modifications as well as some ideas for action:

What do I do if...?	How you can find a solution!
Your verbal request prompted the housing provider to ask for a written request.	If possible, a written request is helpful for both parties. If you need assistance or alternative methods to communicate your needs, the housing provider will need to assist you in providing those means (ex: large print, braille, electronic format materials).
You are asked specifically what kind of disability you have.	You should tell your housing provider that you only need to verify the fact that you have a disability and how your request is related to your disability. <u>You do not need to state your disability or disclose details of your health history.</u>
You are asked for written documentation of your disability, even though your disability is apparent.	If you have a visible, obvious, or otherwise known disability, the housing provider does not need any documentation. Let them know that you do not need to provide additional documentation.
You are told your verification of your disability is not good enough.	Included in this guide book is a form you can use to provide accurate and clear verification. (See pages 5 and 6 for sample request and support letters).
You made a request more than a week ago and you have heard nothing on your request.	Call the housing provider, ask who is taking care of your request, and what the status is. They should keep you updated.
What if I am told I can't have my assistance animal(s) due to the housing provider's insurance policy?	If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of animal or a certain animal, this may impose an undue financial and administrative burden, especially if they cannot secure comparable insurance without such restrictions.

If you experience delays, issues and/or a lack of communication, or if you feel you are being discriminated against, you may want to contact Southeastern Ohio Legal Services/OSLSA for help .

To aid you in the process of making a request, consider using language similar to this sample reasonable modification or reasonable accommodation request letter:

(Date)

Dear (Housing Provider)

(My name is _____) and I live at (insert address). I am a person with a disability as defined by the Fair Housing Act. I am writing this letter to request (a **modification and/or an accommodation**). I am requesting (insert your need here, examples are found below).

Example 1: permission to install handrails on the stairs OR permission to install a ramp for the front door of my unit.

And/or

Example 2: an assistance animal that will aid with the functional limitations associated with my disability (**be as specific as possible about the kind of animal(s) you need and mention if you have animal(s) already**).

With the approval of this request I will be able to (**explain how there is a need for your request, examples are found below**)

Example 1: safely travel up and down the stairs, as my disability limits my ability to use stairs without the assistance of handrails OR enter the front door of my home with the use of my wheelchair.

Example 2: better manage the stress, anxiety, and health issues associated with my disability. An assistance animal provides me the ability to combat and alleviate the symptoms of my disability.

With the approval of this request the effects of my disability will be assisted or alleviated.

Please provide documentation that you received this request and the status of my request. If further documentation of my disability is needed, let me know so that I can provide documentation about the disability-related need for my request.

Sincerely,

(Your name)

This sample reasonable accommodation or reasonable modification support letter can be used to aid your medical professional in providing verification of your request:

- Should be on letterhead

Please visit www.seols.org/get-help/fair-housing/ download this document and other helpful documents.

- Should accomplish the following:
 1. Verify that the person meets the Fair Housing Act's definition of disability (need not mention specific diagnosis, but must be clear that the person's condition rises to the level of a disability)
 2. Show the relationship between the person's disability and the need for the requested accommodation/modification ("need" should be distinguished from "may benefit" or "is recommended")

A support letter may be written by a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party who is in a position to know about the individual's disability.

(Date)

Dear **(Housing Provider)**:

(Name of tenant) is my client/patient, and has been under my care since **(date)**. I am familiar with his/her history and disability-related functional limitations. She/he meets the definition of disability under fair housing laws.

To enhance his/her ability to live independently and to have full use and enjoyment of his/her dwelling, I am prescribing/recommending **(insert need, examples are found below)**

Example 1: a transfer to a first floor unit

Example 2: an emotional support dog, cat, bird, etc. **(be as specific as possible about the kind of animal(s) needed and mention if the patient has the animal(s) already)**, that will assist **(name of tenant)** with the functional limitations associated with his/her disability.

Specifically, **(please provide information demonstrating how the accommodation is needed or necessary to alleviate one or more identified symptoms or effects of an existing disability or how the disability will be exacerbated in the absence of the accommodation)**

Example 1: the tenant has increasing difficulty climbing stairs due to a disability and needs a first floor unit to ensure health and safety AND/OR reduce stress on mobility limitations AND/OR have safer and increased access to laundry facilities AND/OR have safe egress options in event of emergency, etc.

Example 2: the emotional support animal (dog, cat, bird, etc.) is necessary to ease disability-related stress and anxiety OR decrease heart rate OR ameliorate or reduce likelihood of panic episodes OR increase capacity for social interaction OR allow for continued health and stability OR increase focus necessary for positive school or work performance OR improve physical, emotional and psychological functioning, etc.

I am available to answer questions you may have concerning my verification of **(name of tenant)**'s request.

Sincerely,

Signature and Name of Professional

Please visit www.seols.org/get-help/fair-housing/ to download this document and other helpful documents.

The Fair Housing Act and other laws seek to end discrimination in housing based on race, color, religion, national origin, sex, familial status, disability, ancestry, and military status.

If you or someone you know feels they may have been or are victims of illegal housing discrimination, call Southeastern Ohio Legal Services/OSLSA for help.



Southeastern Ohio Legal Services

Administrative Office

555 Buttles Avenue, Columbus, Ohio 43215

Phone: 1-866-LAW-OHIO (866-529-6446)

Website: www.seols.org

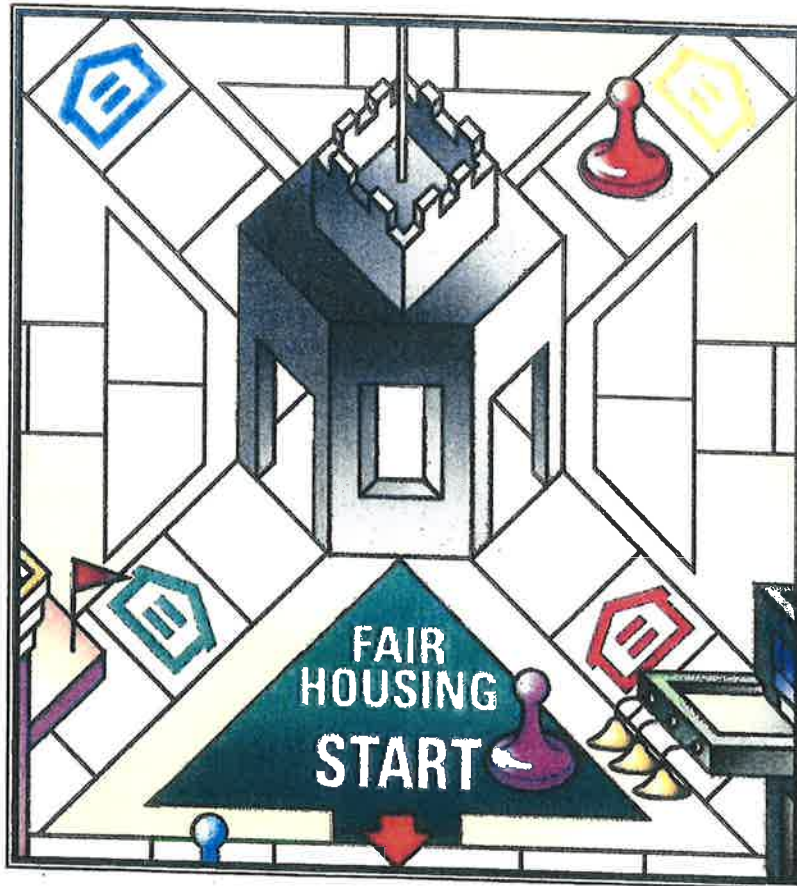
SEOLS Locations: Athens, Chillicothe, Newark, Portsmouth, Steubenville

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Received a request for an
assistance animal or grab bar?



Let us help you get from start to finish!

A Housing Professional's Guide to
Reasonable Accommodations and Modifications
Under the Fair Housing Act



Produced 2015 by the Fair Housing Center of West Michigan

Adapted for use in Ohio by Southeastern Ohio Legal Services



What is a reasonable accommodation or reasonable modification?

Under the Fair Housing Act, a *reasonable accommodation* is a change or exception to any rule, policy, procedure or service needed in order for a person with a disability to be able to have equal access to and full enjoyment of their home, such as allowing an assistance animal where there is a "no pet" policy, or allowing a live-in caregiver when a housing policy states "no over-night guests". A *reasonable modification* is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises, such as the installation of a ramp, grab bar or handrail. Reasonable accommodations and modifications enable independent living and equal access to housing for people with disabilities.



It is important to note that a *reasonable accommodation* or *reasonable modification* can be made during any part of a housing transaction. If a resident, applicant, or prospective applicant at your property makes a request, you are required to promptly respond and process the request.

What is fair housing?

Federal and Ohio fair housing laws protect people from illegal discrimination in housing based on race, color, religion, national origin, sex, familial status, *disability*, ancestry, and military status. Illegal discrimination includes a refusal to make a reasonable accommodation or a refusal to permit a reasonable modification if such would be necessary to afford a person with a disability equal use and full enjoyment of the premises.

The Fair Housing Act defines a person with a *disability* to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Major life activities include:

Disabilities include, but are not limited to: Mental/emotional disabilities, developmental disabilities, cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease,

- Walking
- Breathing
- Communicating
- Seeing
- Hearing
- Caring for oneself
- Thinking
- Learning
- And beyond...

diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions.

Who can make a request for a reasonable accommodation or modification?

Persons with disabilities who reside at your property or belong to your condominium association may make such a request. Applicants or prospective applicants may also make reasonable accommodation requests. Caregivers, relatives, or an advocacy organization may also make a request on behalf of a person with a disability for a reasonable accommodation or reasonable modification. There is no limit on the number of requests a resident, applicant, or prospective applicant can make as sometimes multiple changes are necessary for equal access and enjoyment of the home or apartment.

What do I do if a request is made?

Listen and take notes! A reasonable modification or accommodation request should trigger an "interactive process", which is a call for meaningful dialogue and action. A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability. However, once a request for a reasonable accommodation or modification is made, it is a good idea to meet with or contact the person who has made the request (whether the request was made independently or through an advocacy group) to discuss the request further and the disability-related need(s).



How should a reasonable accommodation or modification request be made?

A request can be made verbally or in writing by the resident to any representative of the property at any time

(i.e. before they move in, while they move in, or after many years of living in their home). It is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. An individual requesting a reasonable accommodation does not need to mention the Fair Housing Act or use the words "reasonable accommodation or modification". You can have a form for such a request, but you cannot require use of that form. You must give appropriate considerations to all requests, even if the request is made verbally or does not use your preferred forms or procedures.

TIP: If you receive a call from an operator calling on behalf a person who is hearing or speech impaired, follow your normal procedures, allow the caller and operator time to respond.

Examples of Reasonable Accommodations:

- Assigning an accessible parking space near a unit
- Waiving a "no pet" or pet fee policy to allow for an assistance animal
- Allowing a move to the ground floor due to changes in their ability to use stairs

Examples of Reasonable Modifications:

- Widening a doorway for a wheelchair
- Installing grab bars in a bathroom
- Installing a ramp to make a main entrance accessible
- Installing handrails in stairwell



How do I process a request?

You need to determine what type of information, if any, you need regarding their request. The amount of information that you can whether or not the individual's disability is obvious or known, and disability-related need is readily apparent or known to you.



from the resident request depends on whether or not the

If the disability is readily apparent or otherwise known to you, you do not need any additional documentation to process the request. For example, an applicant with an obvious mobility impairment who uses a motorized scooter may ask for permission to install a ramp. Since the physical disability (difficulty walking) and the disability-related need (use of scooter) for the requested modification are readily apparent, you may not require any additional information about the disability or the need for the requested modification.

If the disability is not obvious or otherwise known to you, you may request verification of the disability and information establishing a disability-related need for the request. The person with a disability or their advocate can obtain supporting documentation from a doctor or other qualified medical professional, a peer support group, a non-medical service agency, a social worker, or a reliable third party who is in a position to know about the resident's disability. The supporting document only needs to verify that the person:

- (1) **has a disability as defined by the Fair Housing Act (see page 1) AND**
- (2) **has a disability-related need for the requested accommodation or modification.**

As the housing provider you do not need to know the details of the person's disability, diagnosis, or health history; *only* that a disability is present and that the request is needed because of the disability.

It would to designate one

NOTE: The amount of information that you can request depends on whether or not the individual's disability is obvious or known, and whether or not the disability-related need is readily apparent or known.

be beneficial



agency representative to handle such requests, but be sure that there is someone else who is able to address questions, handle the request process, and provide related updates if the designated person is out. Your role as the housing provider is to collect as much information as is necessary to understand the request being made and to follow up quickly and consistently. It is best to document every step of the process: the request, your response, and all communication related to the decisions and actions taken (see sample documentation on page 6). *It's also important to keep all information confidential.*

What if there are costs involved?

A reasonable accommodation is processed and completed with no cost to the resident with a disability. If the cost of the accommodation is found to be an undue financial and administrative burden, then you *must* discuss possible alternative accommodation methods with the resident or the advocate making the request. Your role in processing the request is to maintain communication and to exhaust all possible alternatives before denying the request. The last resort alternative to an accommodation request may be a discussion about releasing the resident from their lease without penalty because the housing no longer meets their needs.

Reasonable modification costs are usually paid for by the person requesting a modification to their home or unit.* A refusal to permit, at the expense of the person with a disability, the reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises is illegal discrimination. The approval or denial of such a request depends on the circumstances presented and needs to be determined on a case-by-case basis. You may negotiate terms related to cost and restoration upon moving, so long as it allows the resident the ability to make the modification. Depending on the types of modifications made, as the housing provider, you could ask that the resident agree to pay into an escrow account so that the home or apartment may be restored after the property is vacated.

NOTE: The approval or denial of requests depends on the circumstances presented and needs to be determined on a case-by-case basis.

* The Rehabilitation Act of 1973 states that structural changes needed by a person with a disability in housing that receives federal financial assistance (i.e. HUD subsidized apartment buildings, USDA rural housing developments, and others) are considered reasonable accommodations;

they must be paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program or unless the housing provider can accommodate the individual's needs through another means.

When can a request be denied?

A request for an accommodation or modification can be denied for the following reasons:

- (1) **a request for a reasonable accommodation or reasonable modification was not made by or on behalf of a person with a disability, or if there is no disability-related need for the request, and/or**
- (2) **if it would impose undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider's operations.**

These determinations should be made on a case-by-case basis involving factors such as the cost of the request, financial resources, the benefit to the requester, and availability of alternative accommodations that would equally meet the requester's needs. If, for one or more of the reasons listed above, you denied the request, alternative methods to accommodate their needs or modify the home or apartment *must* be discussed. It is important that you communicate the different options available with the resident so that they are able to enjoy equal access to and full enjoyment of their home as well as the property.

NOTE: A resident is not obligated to accept an alternative accommodation suggested by the provider if they believe it will not meet their needs and her preferred request is reasonable.

**What
an**

is

Assistance Animal?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals *do not need to be trained, certified or licensed* by any entity or program. The Fair Housing Act does not limit the type of animal or the number of animals that a person with a disability may request as a reasonable accommodation.

NOTE: *Any* animal prescribed by a doctor or other medical professional to assist a person with a disability can be an assistance animal.

Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals can significantly enhance a person's ability to live independently.

Assistance animals are not subject to any existing pet policies, including pet fees or deposits. *Breed, size, and weight limitations may not be applied to assistance animals.* Assistance animals, once approved, should be allowed in all areas of the premises where persons are normally allowed to go unless there is an undue financial or administrative burden or fundamental alteration of the housing provider's services. The assistance animal must be under the resident's control at all times.

NOTE: Pet fees, deposits and/or policies do not apply to assistance animals.

You are not able to deny an assistance animal under the premise that your housing insurance has a policy stating restrictions or prohibitions against certain breeds, sizes, or number of animals. If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of animal or a certain animal this may impose an undue financial and administrative burden. You as a housing provider will need to verify such a claim with the insurance company directly and consider whether comparable insurance, without the restriction, is available on the market.

Examples of Assistance Animals:

- An animal that assists a person with a disability manage their symptoms related to depression, anxiety, stress or difficulties with social situations
- An animal that alerts others of the need for help or aids a person with a disability through a seizure, panic attack, or medical emergency
- An animal that provides assistance with mobility or health concerns

Additional Resources

- ◇ Department of Justice & HUD - Joint Statement on Reasonable Accommodations
- ◇ Department of Justice & HUD - Joint Statement on Reasonable Modifications
- ◇ HUD Fair Housing and Equal Opportunity Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs
- ◇ HUD Memo on Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation
- ◇ Please visit www.seols.org/fair-housing/ to download these documents and the sample form on P. 6.



It is very important to take action after receiving a request.
Here are some commonly asked questions about addressing such requests.

What do I do if...?

<p>A resident made the request verbally and not in writing.</p>	<p>A manager needs to follow up regardless of how the request is made. If the resident needs assistance or alternative methods to communicate their needs to you, you will need to assist them in providing those means, such as large print materials, braille, electronic format, etc.</p>
<p>Someone made a request to maintenance staff but not to the front office staff or designated staff member.</p>	<p>Anyone who works for the property has the responsibility to ensure that such requests are referred to staff who can follow up with the person making the request. It is important that all staff are trained to report when a request is made (verbal or written) whether it be during the application process or during a routine maintenance repair.</p>
<p>A request has been made; can I ask for proof of their disability?</p>	<p>If the need or the disability is apparent, not always (see next question). Regardless, you can never ask for details about their diagnosis, health history, prognosis, etc.</p>
<p>What kind of information do I need to ask for when getting verification of a disability that is not obvious?</p>	<p>If the need or disability is not apparent, you can ask for reliable documentation that the resident has 1) a disability as <u>defined</u> by the Fair Housing Act AND 2) a disability-related need for the requested accommodation or modification (see P. 2).</p>
<p>Why can't I charge pet fees for assistance animals?</p>	<p>Assistance animals are essential tools for the person with a disability, which allow them to live independently and provide them the full enjoyment of their home. Assistance animals are not pets. Pet policies and pet fees <u>cannot</u> be applied to assistance animals.</p>

TIP: It is best to document the entire process: receipt of the request, all follow-up communication, dates, and all steps taken to address the request. This prevents any miscommunication and allows for questions/requests to be addressed promptly.

Consider using this response form to assist you in the process of responding to a request.

Dear (*name of requester*) on (*date*) you requested the following reasonable accommodation and/or modification for yourself or a household member, or person associated with you: _____

In response, we have: _____

Approved your request (check all that apply).

- The accommodation or modification is granted effective immediately.
- We will provide the accommodation/modification by (*date*).
- Please contact me immediately to discuss and finalize details/paperwork regarding the approval of your request.
- To make the change you requested, we must have bids and then arrange installation or we must order certain equipment. We anticipate that the change will be made by (*date*), and we will notify you if there will be a delay. If you feel that this will take too long, please contact me immediately.

Not approved your request, because we need more information to properly consider the request (check all that apply):

- Please provide information to verify that you, your household member, or person associated with you has a disability, as defined by law. You do not have to provide specific information about the disability.
- Please provide more information or documentation (i.e. letter from medical professional, caseworker, service provider, peer support group, etc.) to explain the specific connection between the disability and the need for the requested accommodation or modification.
- Please provide a more detailed description of the proposed modification.
- Please provide assurance that the proposed modification will be done in a professional manner and that required building permits will be obtained.

Not approved your request, but instead offer the following alternative: _____

Because (fill in reason for offering alternative): _____

If you have questions or think that this alternative will not meet your needs, please contact me immediately.

Denied your request, because (check all that apply):

- You were unable to verify that you, your household member, or person associated with you has a disability, as defined by federal and/or state law.
- You were unable to demonstrate that the accommodation or modification is needed because of a disability.
- The accommodation and/or modification you requested is not reasonable because:
 - It will cost (fill in amount) \$ _____ and/or _____ hours of staff time to make the change you requested and this is an undue burden on our operations.
 - It will fundamentally change the nature of our operations.

Please contact me immediately so that we can discuss whether there are alternative accommodations that would effectively meet your needs.

To make this decision, we spoke with the following people and/or took the following into consideration: _____

Additional comments: _____

If you disagree with this decision or have more information to provide to us, please feel free to contact me at the address or phone number listed below.

Name: _____ Title: _____

Address: _____

Phone Number: _____

Signature: _____ Date: _____

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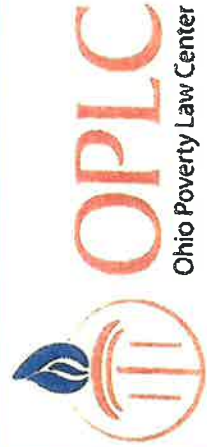
Resources are available to you.

It is helpful to have all available information about your criminal record so that you can address the records as you apply for housing. You can access information about requesting your own criminal record here: <http://www.ohioattorneygeneral.gov/Individuals-and-Families/Consumers/Requesting-Your-Own-Criminal-Records> (note that there may be fees associated with requesting your record).

You can find more extensive information on our website, www.ohiopovertylawcenter.org.

You can find information about your local reentry coalition by visiting : <http://www.reentrycoalition.ohio.gov/default.html>.

**The contents of this pamphlet are not legal advice. If you have questions, please contact Janet Hales at jhales@ohiopovertylaw.org*



Housing is one of the most basic human needs and a key to successfully rebuilding a life after incarceration. The Ohio Poverty Law Center believes that you should have the opportunity to live in safe, affordable housing after serving a sentence. As many as one in six Ohioans—or 1.92 million people—have a misdemeanor or felony conviction. Those who have served a sentence deserve the opportunity to access housing that will serve as a foundation for a stable life well beyond the walls of one's home.

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Housing with a Criminal Record

Obtaining a safe, affordable place to live after serving a sentence



What is the law?

The law has clarified some important points that may impact your search for housing:

- An arrest, alone, is not evidence of criminal activity and cannot be the basis for denying access to housing, or terminating or evicting a person from housing.
- If a public housing authority is going to deny a person's access to public housing because of a criminal record, he or she should be given a chance to dispute the accuracy of that record.

There are only two crimes that are necessary and permanent bars to obtaining public housing:

- Manufacturing methamphetamine on public housing property
- A crime that requires you register as a sex offender

Conviction "look back" time periods should be reasonable and persons should be given the chance to show that they have been rehabilitated.

What are my rights?

If you are applying for or already live in public housing and the housing authority is using your record against you:

- You have a right to be notified and have the opportunity to dispute the accuracy of the record before your admission is denied.
- The housing authority should consider your circumstances individually and only consider crimes that —
 - Happened within a reasonable time before your application
 - Are justified by a legitimate connection between the crime and a threat to the safety of other renters and their property
 - Resulted in a conviction

You have a right to appeal a denial or termination.

What can I do to prepare?

When you are disclosing information about your criminal record to a housing provider, you can submit evidence that mitigates your criminal record or balances out its negative impact. The following documents are examples:

- Completion of or enrollment in programs related to alcohol abuse, drug use, anger, or any other issue that may have influenced the criminal act.
- A resume
- One or more letters of recommendation from reputable community members that know you personally and can speak to your character—the person should include a contact phone number for questions.
- A brief personal statement in which you explain who you are and what safe and affordable housing means to you and your life.