

A brief, informal survey conducted by the National Disability Rights Network (NDRN) in November of 2021 collected a wide range of complaints and cases worked on by several Protection and Advocacy (P&A) programs across the country. The descriptions of complaints are specific to people with disabilities including the failure to make reasonable accommodations or modifications as well as the failure to design and construct multi-family housing that comply with the Fair Housing Act's Accessibility Guidelines as well as the Rehabilitation Act's Section 504 requirements for housing built with federal financial assistance.

These issues are seen not only in the states that reported them but across the nation. The following examples are only a small subset of issues disclosed through the survey and addressed by the 57 P&As.

1. Discrimination Toward People with Disabilities

The responding P&As reported several examples of discrimination toward people with disabilities. First, tenants have faced potential retaliation as a result of requesting an accommodation for the residence. For instance, after a tenant requested an accommodation for the housing unit, the housing management wanted to terminate the lease of the tenant with a disability. Another example provided impacted a resident's ability to pay their electric bill. The tenant who was blind requested the bill in an alternative format. When the accommodation was not made, the tenant risked a late fee.

Second, the P&As provided examples of residents with disabilities experiencing surprise inspections of their housing units.

Next, several examples were presented to illustrate that housing providers refused to, or attempted not to, rent to tenants based on their disability or a family member's disability. For instance, one parent was denied housing because the parent had an adult child with a disability. Similarly, another housing development did not want to rent to a tenant because they received SSI benefits.

2. Physical Access Barriers

The P&As continue to address cases where basic physical barriers exist. Disability Rights Texas recently worked on a case where a necessary and safe ramp needed to be installed. P&As also reported stories of the construction of ramps that were too steep to utilize safely. Relatedly, several cases surrounding accessible parking continue to cross the desks of P&A advocates and attorneys. Finally, a myriad of stories where elevators broke down and were not repaired were reported. In some instances, residents were constrained to their homes for days or weeks until the elevators were repaired.

Another case involved a tenant who wanted to move to the first floor of his building when a unit became available. The apartment complex refused to offer him the newly vacant apartment because they said they would charge a new renter more money for the unit.

Other housing complexes have fought to prevent tenants from making necessary modifications. An elderly man was told he could not install a chair lift for access purposes by his condominium complex. In a separate case, a mobile home owner failed to provide a ramp into the mobile home. Additionally, once a ramp was procured, the installer refused to properly install the ramp because the maintenance of the mobile home unit was so poor that installing the ramp in such conditions would present its own safety concerns.

3. Service and Emotional Support Animals

The 57 P&As continue to receive claims of discrimination surrounding service and emotional support animals. One P&A reported that a complex required residents to go through www.petscreening.com. The site serves as a checking point to verify that your emotional support animal is in fact a legitimate service animal. Similarly, many housing providers continue to ask inappropriate or prohibited questions to renters with service or emotional support animals. In one situation, a homeowners association demanded that the resident disclose unnecessary details of their diagnosis and prognosis and treatment of their disability. Additionally, many residents are routinely told they have to pay a pet fee for their service or emotional support animal.

4. Failure to Provide Reasonable Accommodations and Modifications

Several examples of situations where a tenant, because of a circumstance related to their disability had to request to terminate their lease early but was initially denied have been addressed by the P&As.

In one instance, a tenant experienced Post-Traumatic Stress Disorder (PTSD) that was triggered by a tenant above their apartment who made loud noises. The resident then attempted to end their lease and move out. The P&A assisted to advocate to end the lease early with no penalties.

Other P&As worked to find creative solutions to accommodate residents with or living with someone with a disability. In one case, a parent with an autistic child installed sound proofing materials because the child made loud noises. In another case, the P&A advocated for a tenant with a disability to live on the ground floor so they could easily exit the building to relieve their service animal. Similarly, a tenant requested a ground floor unit because they suffered from a cardiovascular and respiratory disability. In yet another case, a housing community did not want to allow a tenant to traverse the common trails and pathways while using their specialized mobility device.

Additional modification cases such as failing to install an accessible smoke alarm for a tenant who is Deaf or Deaf/blind have been seen.

Finally, the P&As have seen several housing-related cases where the use of guardianship practices have been utilized. In one situation, a parent was told they and their adult disabled child could not reside together unless the parent was the child's legal guardian. In a separate case, an individual could not rent an apartment because they had no credit; they had no credit because they had a guardian who oversaw their finances.