



FAIR HOUSING RIGHTS OF THE DEAF AND HARD OF HEARING COMMUNITIES

FACT SHEET # 19

What is fair housing? *Fair housing* means you can choose where you live free from unlawful discrimination. The federal Fair Housing Act and other civil rights laws protect fair housing choice. Fair housing laws protect you when you are looking for a place to live. This includes renting or buying a home and obtaining homeowners' or renters' insurance. Fair housing laws also protect you after you have housing.

Introduction: The federal Fair Housing Act was amended in 1988 to include protections for persons with disabilities, including those that are d/Deaf and hard of hearing. A person meets the definition of having a disability under fair housing laws if their disability *substantially limits one or more major life functions or activities*, such as breathing, taking care of oneself, climbing stairs, or verbally speaking. Because the d/Deaf and hard of hearing community generally has physically obvious disabilities, the need to verify a disability for housing providers is usually not required.

Courts have held that the Fair Housing Act requires that housing providers ensure that they are able to effectively communicate with tenants with disabilities. As such, a reasonable accommodation request to allow for an American Sign Language (ASL) interpreter is considered a reasonable accommodation, where necessary.

Reasonable Accommodations/Modifications: Fair housing laws require housing providers to make *reasonable accommodations* in their rules, policies, practices, or services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. Accommodations are "reasonable" when they are practical and feasible. To deny an accommodation, a provider must show that it causes an undue financial burden and fundamentally alters the program/services. Cost burdens associated with reasonable accommodations generally fall upon the housing provider. (Under Section 504, government and supported housing must allow reasonable accommodations.)

Reasonable modifications are for physical changes to a unit or common area which are necessary for a disability. Learn more about reasonable modifications

under the available resources listed in the "Resources" section.

To request an accommodation or modification, a person with a disability (or someone on their behalf) must prove that they have a disability as defined by law and that there is a direct "nexus," or relationship, between their disability and the request. Requests need not be in writing or on specialized forms, although it is strongly encouraged for documentation purposes. It is the responsibility of the housing consumer (or their advocate) to make any requests, not the housing provider's to assume what is needed. The housing provider must also approve all accommodations/modifications before they are made or obtained.

Possible examples of reasonable accommodations or modifications for the d/Deaf and hard of hearing communities:

- Requesting an American Sign Language (ASL) interpreter during the application, touring, and/or lease-signing process to better understand leasing or application requirements, and address any concerns.
- Requesting that all communications between a provider and a d/Deaf or hard of hearing resident be made in writing and in advance of important meetings to allow time to request alternative communication methods.
- Allowing the use of a service, assistive, or emotional support animal for a d/Deaf person or hard of hearing resident in a "no pets" building without any pet fee or pet deposit.
- Allowing a d/Deaf person or hard of hearing resident to install an emergency-based light aid to alert in the event of an emergency.
- Allowing a d/Deaf person or hard of hearing resident to have an assigned parking spot that is in a well lit area and/or near doors for additional safety and security.

Most Common ASL Interpretation Types:

- **ASL is a language completely separate and distinct from English.** It has its own rules for pronunciation, word formation, and word order. As such, assuming that someone that is d/Deaf or hard of hearing can communicate in English is highly discouraged.

- **In-person interpreting services:** On-site interpreting services provided by a qualified interpreter. Most commonly, d/Deaf and hard of hearing persons use American Sign Language (ASL) interpretation but, depending on how they communicate, may also include a variety of interpreting services such as Sign Language, Oral, and Cued Speech Transliteration.
- **Video Remote Interpreting (VRI):** Uses videoconferencing technology, equipment, and a high speed Internet connection to provide the services of a qualified interpreter, usually located at a call center, to people at a different location.
- **Video Relay Service (VRS):** Allows persons with hearing or speech disabilities who use ASL to use video equipment to communicate with voice telephone users through a telephone call, provided to qualifying individuals by the Federal Communications Commission.

Common Housing Discrimination Examples:

Housing discrimination against the d/Deaf and hard of hearing communities is, unfortunately, too frequent. Some common examples may include:

- Hanging up phone calls purposely to avoid interaction or placing the caller on burdensome or long wait times or holds due to the use of alternative communication methods (i.e. VRS) by a d/Deaf or hard of hearing person when they are calling to apply or get information for a mortgage or rental unit.
- Denying the request to provide an American Sign Language (ASL) interpreter during the application process for someone that is d/Deaf or charging the person for the service.
- Requiring someone to communicate only in English, even if a request for alternative communication methods has been documented.
- Not providing alternative communication methods during resident community events when requested by someone that is a d/Deaf or hard of hearing.
- Denying a request to have a service, assistive, or companion animal because it is a “no pets allowed” community.

- Negative comments about someone’s use of a hearing aid or other assistive product.

Best Practices for Housing Providers:

- Be prepared by knowing available interpreting organizations in your area and only use a professional interpreter through a reputable agency.
- If a disability is not physically obvious, verify the person meets the definition of a disability under fair housing laws by requesting verification allowed through HUD-DOJ guidance, such as from a caretaker or medical professional.
- Do not assume that someone that is d/Deaf or hard of hearing can read or write in the English language.
- Respond promptly and engage in the *interactive process* when an accommodation or modification request is made for a disability.
- Document your communications related to the request and keep matters confidential in the person’s residential folder, sharing only with the necessary decision-making parties.

Effective Communication Sample: For consumers or housing providers seeking more information or a policy related to effective communication styles for the d/Deaf and hard of hearing communities, see the resources below:

- Fair Housing Center of Central Indiana’s Disability Education page: <https://www.fhcci.org/programs/education/disability/>
- Fair Housing Center of West Michigan’s Disability page: <https://fhcwm.org/disability>
- HUD/DOJ Joint Statement on Reasonable Accommodations: https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf
- HUD/DOJ Joint Statement on Reasonable Modifications: https://www.hud.gov/sites/documents/reasonable_modifications_mar08.pdf
- Effective Communication Sample for Housing Providers: <https://fhcwm.org/document/providing-effective-communication-for-deaf-or-hard-of-hearing-residents-and-applicants>

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education, and outreach. Phone: 317-644-0673 or 855-270-7280. Relay: 711. Email: info@fhcci.org Web: <https://www.fhcci.org/>

The mission of the Fair Housing Center of West Michigan (FHCWM) is to prevent and eliminate illegal housing discrimination, to ensure equal housing opportunity, and to promote inclusive communities. The FHCWM works to address their mission through education, outreach, research, advocacy, and enforcement. Phone: 616-451-2980. Web: <https://fhcwm.org/>

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