

Fair Housing Rights of the Deaf and Hard of Hearing Communities

Fact Sheet #13



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 secured your housing.

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 speaking. When needed, persons who meet the definition of disability can request reasonable accommodations or modifications to assist them in enjoying their housing like those without disabilities.

Requesting Reasonable Accommodations/Modifications

To request an accommodation or modification, a person with a disability 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. The request itself can be made by the tenant or by someone on their behalf. Because the d/Deaf and hard of hearing community generally have visually obvious disabilities, the need for a housing provider to verify a disability is usually not required.

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 or modifications before they are made or obtained. Accommodations or modifications are "reasonable" when they are practical and feasible. To deny an accommodation or modification, a housing provider must show that it causes an undue financial burden **and** fundamentally alters the program/services. An interactive process must still be entered into to find common ground.

Reasonable accommodations (RA) are changes in 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. Any costs are typical nominal and paid for by the housing provider.

Reasonable modifications (RM) are physical changes to a unit or common area which are necessary for a disability. These could include things such as adding grab bars around the bathroom, installing a smart thermostat or visual smoke alarm, or other equipment around your home to make it more accessible. Persons with disabilities are typically responsible for paying for modifications. Significant modifications may be subject to removal upon departure of the unit.

Costs associated with reasonable modifications in Section 504 and/or other forms of government supported housing are typically treated as reasonable accommodations with any costs generally falling upon the housing provider.

Please refer to Fact Sheet #4, "Reasonable Accommodations and Reasonable Modifications," to learn more about this topic.

Examples of housing discrimination:

Housing discrimination against the d/Deaf and hard of hearing communities is, unfortunately, too frequent.

Some common examples may include:

- Hanging up phone calls 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.
- Denying the request to provide an 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 submitted.
- Not providing alternative communication or notification methods for resident community events when requested by someone that is d/Deaf or hard of hearing.
- Denying a request to have a service, assistant, or emotional support animal because of a "no pets" policy.

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/disability/>

Or scan the QR code:





Housing Provider Best Practices:

- Know of available interpreting services in your area and only use a professional interpreter through a reputable agency.
- If a disability is not visually obvious, housing providers can verify that the person meets the definition of a disability under fair housing laws by requesting verification.
- Do not assume that someone that is d/Deaf or hard of hearing can read or write in the English language.
- Respond promptly to a request for an accommodation or modification and engage in the interactive process if you feel the request is unreasonable.
- Document communication related to the request and keep matters confidential in the person's residential file, sharing only with the necessary decision-making parties.

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

Possible examples of RAs or RMs for the d/Deaf and hard of hearing communities

- Requesting an ASL interpreter during the application, touring, and/or lease-signing process to better understand and address any concerns. Housing provider is most likely responsible for costs.
- Requesting that all communications between a provider and a d/Deaf or hard of hearing resident be made in writing, or in large print, in advance of important meetings or events to allow time for the resident 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 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:** Ensure that on-site interpreting services are provided by a qualified interpreter. Most commonly, d/Deaf and hard of hearing persons use 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.

Contact us!

If you are experiencing barriers to housing, including housing discrimination or denials of your rights, please reach out to the FHCCI:



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