

PATH Teleconference on Fair Housing Laws  
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# Why should PATH Providers Know Fair Housing Laws?

- PATH provides limited housing funds
- Housing is critical to recovery and well-being
- PATH clients have difficulty locating, obtaining, and retaining housing
- PATH clients frequently endure housing discrimination
- PATH providers and clients can learn to identify housing discrimination, address the discrimination, achieve justice, and secure decent, safe, affordable, accessible housing in the community of the client's choice.

## Typical Housing Scenario's

- The PATH provider sends her client to the Public Housing Agency to apply for housing. The PHA asks the client if she has a disability. The client doesn't know how or whether to answer and leaves.
- The PATH provider sends his client to a privately owned and managed apartment building to answer an ad for a one bedroom apartment. The client is deaf, but has a 10 year old son who interprets for her. The client and her son try to apply for housing but the provider says that his insurance will increase if he rents to deaf people.

## Typical Housing Scenario's, continued

- The PATH client uses a wheelchair and has a mental illness that he controls successfully with medication, after working with your program for 5 years. The only accessible housing that you are able to find for him requires the client to participate in services that are not suitable for him.
- You try to find housing for your client who has both developmental disabilities and mental illness. The County Dept. of Mental Health rejects your client's housing application because their programs serve clients with only mental illness, and no additional diagnoses.

# What Laws Apply to These Situations?

- **Section 504 of the Rehabilitation Act of 1973**
  - Federal financial assistance
  - HUD and DOJ enforcement
  - Applicable to PATH providers, subsidized private housing providers, PHA's, City, County, State governments and their agencies
  - Accessibility requirements
    - 5%
    - 2%

## Laws, cont'd.

- Fair Housing Act of 1968
  - race, color, national origin, religion, gender
- Fair Housing Amendments Act of 1988
  - people with disabilities
  - families with children
  - equivalent state laws

## Fair Housing Act, cont'd.

- Refusal to sell, rent, negotiate, or otherwise make unavailable or deny
- Different terms and conditions, facilities
- Discriminatory advertising, notices, statements
- Denial of availability
- Illegal to coerce, intimidate, threaten, interfere with housing rights

## Fair Housing, cont'd.

- Discrimination against People with Mental and Physical Disabilities
  - Reasonable modifications
  - Reasonable accommodations
  - Accessibility
    - Existing Construction
    - New Construction
  - Inquiry of Disability
  - Direct threat caused by tenancy
  - Zoning issues

# Americans with Disabilities Act of 1990

- Why is the ADA important to PATH providers?
- How is the ADA different from Section 504?
- How is the ADA different from the Fair Housing Act?
- Does the ADA apply to PATH providers?
- Does the ADA apply to private housing providers? PHA?  
Subsidized privately owned providers?
- The “readily achievable standard” for public accommodations
- The 504/ADA standard for government agencies

# Typical Reasonable Accommodations

- Pets
- Parking
- Extra time or unique methods (to pay the rent)
- Capable of Independent Living Standards
- Barriers to PCA's
- Disability-related behavior
- Access
  - physical
  - programmatic

# Funding Requirements

- McKinney Programs
- Section 811
- HOPWA
  - Housing Opportunities for People with AIDS
- Section 8 property-based rental subsidies
- Section 8 tenant-based rental subsidies
- LIHTC
  - Low Income Housing Tax Credits

## Knotty Questions

- May a housing provider limit eligibility to people with disabilities?
- May a housing provider limit eligibility to people with a particular disability, like mental illness?
- May a housing provider limit eligibility to people with a particular sub-group of a disability, like depression?
- May a housing provider restrict physically accessible units to tenants who need the accessibility features?
- Must a housing provider communicate with deaf tenants through a sign language interpreter? Must PATH providers?

# The Olmstead Decision: What's the Big Deal?

- History of the case
- The Clinton and Bush Administrations' responses to Olmstead
- Impact on state and local planning processes

## Resources

- Technical Assistance Collaborative, Inc
- [www.tacinc.org](http://www.tacinc.org); “Opening Doors”
- Corporation for Supportive Housing
- [www.csh.org](http://www.csh.org); “Between the Lines”
- Local Independent Living Centers
- [www.ncil.org](http://www.ncil.org)
- State Protection & Advocacy Offices
- [www.ndrn.org](http://www.ndrn.org)

# HUD Resources

[www.hud.gov](http://www.hud.gov)

- Laws
- Regulations
- Handbooks
- Notices
- NOFAs
- Letters