



# Bedbugs and Fair Housing:

## A presentation for the

# Cuyahoga County Bedbug Conference

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This seminar provides general information.

For legal advice on specific issues, please consult an attorney.

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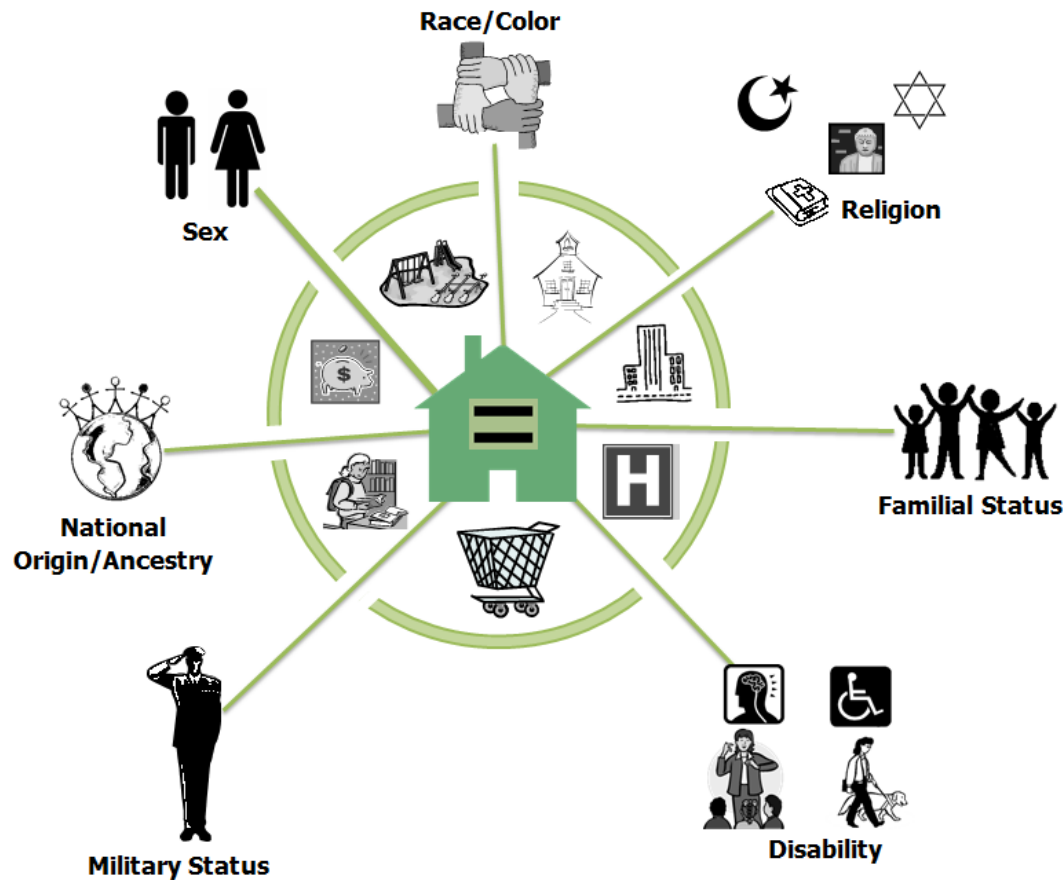
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# Overview

- Fair Housing Laws
- Reasonable Accommodations
- Bedbugs: Common Fair Housing Scenarios
- Advocacy for People with Disabilities

# Fair Housing and Equal Access

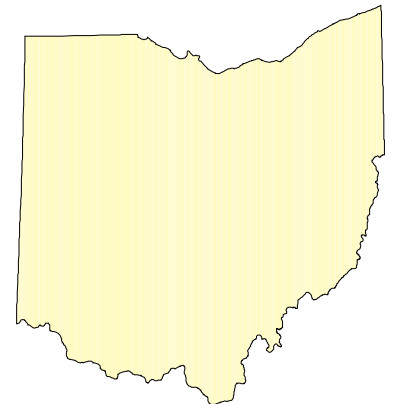


# Fair Housing Laws



# Fair Housing Laws

- Fair Housing Act
- Civil Rights Act of 1866
- Americans with Disabilities Act
- Sec. 504, Rehabilitation Act of 1973
- Ohio Fair Housing Law
- Ohio Building Code
- City, township, and county fair housing ordinances.



# Fair Housing Basics

- What Type of Property is Covered?
- What Acts are Prohibited?
- Who is Protected?



# What Property is Covered?

## **Residences and Vacant Land for Residences**

“any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.”

- 42 U.S.C. §3602(b)

# What Property is Not Covered?

- Commercial property
- Housing for older persons for familial status discrimination only
- Properties with fewer than four units for federal & some local fair housing laws
- **IMPORTANT OHIO EXCEPTION**
  - In Ohio, one, two, three and four family dwellings are covered by the Ohio Fair Housing Law.



# What Acts are Prohibited?

- Refusal to sell, rent, negotiate, or “otherwise make unavailable or deny” a dwelling
- *Discriminate in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities*
- Misrepresent availability
- Make, print, or publish any notice, statement, or ad indicating a preference or limitation based on protected class

# What Acts are Prohibited?

- *Coerce, intimidate, threaten, or interfere with person who is exercising their fair housing rights*
- *Retaliate against a person for making a fair housing complaint*
- Blockbusting
- Steering
- Exclusionary zoning
- Redlining
  - Includes insurance & mortgage lending

# Who is Protected?

## *Protected Classes*

- Race
- Color
- National Origin / Ancestry
- Sex
- Religion
- Familial Status (added in 1988)
- Disability (added in 1988)

# Disability: Definition

- Physical and / or mental impairment which substantially limits 1 or more major life activities, *or*
- Record of having such impairment, *or*
- Being regarded as having such impairment
- Includes people associated with *or* residing with person meeting definition

# Disability: Protections

- Discrimination prohibited
- No inquiries into existence or nature of disability permitted
- Housing especially for disabled OK
- Reasonable modifications
- Reasonable accommodations
- “New” construction requirements

# Reasonable Accommodations



# Modifications & Accommodations

Reasonable Modifications and Reasonable Accommodations were created to enable people with disabilities to fully enjoy their homes

# Reasonable Modifications

- **Physical** changes to the property to allow a person full enjoyment of premises
  - Interior of own unit *and*
  - Common areas
- **At tenant's own expense (unless Sec. 504)**
  - Person can request at any time
  - LL can require proof of covered disability
  - Modification must be related to disability



# Reasonable Modifications

- Can require tenant to return *interior* areas of unit to original condition, but not the common areas
- Reasonable escrow requirement is OK for restoration of the unit



# Reasonable Accommodations

- Changes in “rules, policies, practices, or services when ... necessary to afford ... equal opportunity to use & enjoy dwelling”

# Reasonable Accommodations

- Can require proof of covered disability
- Change must be related to disability
- Can request at any time
- Not required if “undue burden” on landlord *or* “fundamental alteration” of provision of housing

# Bedbugs: Common Fair Housing Scenarios



# Common Scenarios

Tenant finds it difficult to comply with landlord's bedbug control plan because of a disability due to –

- Chemical Sensitivity
- Physical or Mental Health Disability

# Chemical Sensitivity

- Tenant has sensitivity to the chemicals Landlord plans to use to exterminate
- Tenant can submit a reasonable accommodation request to Landlord

# Physical/Mental Health Disability

- Landlords can require Tenants to prepare before professional bedbug treatments
- Tenant with a disability may require more time or help to prepare home for treatment because of disability
- Tenant can request a reasonable accommodation
  - for assistance with preparations or
  - for more time to make preparations

# Requesting a R/A

- Tenant makes the request
- Requests can be made at any time
- Proof of Disability
  - Housing provider can ask for documentation if the disability is not apparent.
  - Medical, social service, or mental health professional can provide documentation
- Letter is not required to disclose the diagnosis, nature, or extent of disability but can include the information the mental health consumer feels comfortable disclosing
- Letter only needs to state that the RM or RA is related to the disability and necessary for equal enjoyment of the housing unit



# Requesting a R/A



A housing provider is ***not*** permitted to ask a person with a disability any questions about the nature and extent of their disability.



## For example:

- How long have you been using a wheelchair?
- Are you able to walk up and down the stairs on your own?
- What medication do you take to treat your disability?
- Why do you receive SSI?
- You don't look like you need a service animal, why do you have one?

# When Can a Request Be Denied?

A housing provider **can deny** a reasonable accommodation or reasonable modification **request** if and only if one of the following is true:

**Creates an  
Undue  
Financial and  
Administrative  
Burden**

**Is a  
Fundamental  
Alteration of  
Provision of  
Housing**

**Requested  
Accommodation  
or Modification  
is Unrelated to  
Disability**

# Possible Solutions

Depending upon a Landlord's resources, some changes may be an "undue burden"

## Undue Burden

- Hiring cleaning crew for Tenant's home
- Excusing Tenant from treatment
- Tenant requires specific exterminator
- Tenant requests complete renovation

## Reasonable Accommodation

- Existing staff helps Tenant prepare
- Tenant is given extra time to prepare
- Tenant obtains non-chemical treatment
- Early release of Tenant from lease

# Advocacy for People with Disabilities



# Fair Housing Organizations

- Work on behalf of all residents to
  - Eliminate housing discrimination
  - Promote housing choice/equal access
  - Affirmatively Further Fair Housing
- Research and report
- Educate the public and housing professionals
- *Advocate for people who experience discrimination*
- *Help landlords and real estate professionals address fair housing issues*
- Work with service providers



# Questions?

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