

## When should I call JALA's Fair Housing Unit (FHU)?

Call FHU if you are a person with a disability and need assistance in pursuing your fair housing rights; if you would like a reasonable accommodation and want assistance requesting one; if you feel that your rights have been violated and want us to investigate your case; or if you simply have questions about your rights. Here are some examples of discriminatory behavior which we would investigate:

- A case manager is told by the manager of a complex that they won't take "programs for the mentally ill because of their insurance."
- A landlord refuses to waive a no pet rule for a person with a mental illness who is dependent on an assistance animal, and would be denied the opportunity to use and enjoy her home without an assistance animal.
- A landlord refuses to change a policy that requires proof of prior employment or rental history, when a person with a disability does not have such a history because he has been in an institution.
- A landlord refuses to waive a no guests policy if a tenant with a disability must employ a personal care attendant, therapist, nurse, etc. in order to live independently.
- A landlord or leasing agent tells a case manager who places the mentally ill in housing, "We have nothing available," when in fact there are units available.
- A landlord charges a tenant with a disability more rent than non-disabled tenants.
- After a tenant with a disability requests an accommodation, the landlord begins to harass or intimidate the tenant.



## Fair Housing Unit

JACKSONVILLE AREA LEGAL AID

A Guide Explaining the Fair Housing Laws for People with Physical, Psychiatric and/or Developmental Disabilities and their Advocates

### What is the Fair Housing Unit (FHU)?

The FHU enforces the fair housing laws throughout Baker, Bradford, Clay, Duval, Nassau, and St. Johns counties. There are no income requirements for FHU clients. FHU is committed to zealously advocate on behalf of victims of discrimination, and has a three-fold approach to accomplish this mission:

**1. EDUCATION:** FHU educates housing consumers to recognize and report housing discrimination. If your group would like to receive a fair housing presentation, please call the hotline.

**2. INVESTIGATION:** FHU often investigates cases of alleged discrimination through testing. Testing has proven to be a highly effective method of identifying unlawful housing discrimination. FHU also conducts ongoing research and monitoring efforts to determine the nature and the extent of housing discrimination being practiced in our community.

**3. ENFORCEMENT:** FHU attorneys may negotiate on behalf of a client, represent a client in state or federal court, or may help a client file a complaint with a government agency, and advocate for him or her throughout the process.

Call FHU's hotline to report housing discrimination or to request a fair housing presentation!  
904-356-8371  
Hotline: 1-866-356-8371



**Fair Housing Unit**  
126 West Adams Street  
Jacksonville, FL 32202  
www.jaxlegalaid.org  
(904) 356 - 8371  
Fax: (904) 356-8780

FLORIDA RELAY (FOR HEARING AND SPEECH IMPAIRED)  
1-800-955-8771 (ENGLISH)  
1-800-955-8773 (SPANISH))

## What are my rights?

Discrimination against a person with a disability is prohibited in most housing transactions. If you have a physical, psychiatric or developmental disability, you have the right to apply for housing without regard to your disability, enjoy your home without interference, and not be unjustly evicted. Here are some things you might not have known about your rights under the Fair Housing Act:

### Application Process

The landlord cannot impose more stringent application criteria, security deposits, rental charges, or rental standards on a tenant with a disability.

A landlord may not ask a prospective tenant or resident whether he or she is a person with a mental illness or another disability. It is also unlawful for a landlord to inquire about the severity of a tenant's disability. A landlord is not entitled to see a tenant's medical records.

If a tenant is applying for housing suited for people with disabilities or a particular disability, the landlord may ask the tenant if he or she qualifies for the dwelling.

### Eviction

Some circumstances may justify the rejection or the eviction of a tenant with a disability: (1) the person refuses or is unable to comply with tenancy rules that apply to all tenants, or (2) the person's "tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial damage to the property of others." However, if a reasonable accommodation would eliminate the threat or enable the tenant to comply with the standard tenancy rules, the law requires the landlord to provide such an accommodation.

*The work that provided the basis for this publication was supported by funding under a grant with the U.S Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government. The information provided in this brochure is not a substitute for legal advice. The laws described here may change without notice. This information is not intended to substitute legal advice by an attorney.*

*Note: If you have an impairment, disability, language barrier, or otherwise require an alternative means of reading this brochure or accessing information about Fair Housing, please contact us about arranging alternative accommodations.*

## Can I request a reasonable accommodation or modification?

If you are a person with a disability, you may request a change, exception or adjustment to a policy, practice or service from your landlord or property manager to help you live independently, have full use of your home, and comply with your lease or community rules. In some cases, tenants or other requesters may incur some costs. FHU recommends that if you wish to request an accommodation, do so in writing and keep a copy of the letter. See example below:



### When deciding whether to request an accommodation, make sure that it meets these requirements:

- The accommodation is REASONABLE.
- The landlord is not asked to provide non-housing services.
- The accommodation does not put undue burden on the landlord or fundamentally alter its practices.
- The accommodation will specifically help the tenant because of the unique nature of the tenant's disability.
- If the tenant is facing a loss of housing, the benefit of continued housing for the tenant should outweigh the burdens and costs that the landlord must incur to make the accommodation.
- There is a nexus, or connection, between your disability and the reasonable accommodation requested.

EXAMPLE: A woman with a psychiatric disability hears voices. To silence them, she hits walls with a broomstick and throws water at them. When the landlord starts eviction proceedings because of the damage, the tenant's mother intervenes and asks the landlord to delay the eviction while she arranges for counseling and a community resource services program with her daughter's case manager.