

9/5/2017

Housing Rights Information for People with Disabilities Impacted by Hurricane Harvey

This handout contains information on the following:

Part 1: Your rights under the Americans with Disabilities Act (ADA) when staying at a hotel or shelter

Part 2: Your rights under the Federal Fair Housing Act (FFHA) and how it impacts where you live

Part 3: Sample Letter – Reasonable Accommodation Request under the Federal and Texas Fair Housing Acts for Early Termination of Lease

Part 1: Staying at a Hotel or Shelter: Your Rights under the Americans with Disabilities Act

Title III of the Americans with Disabilities Act (“ADA”) states that people with disabilities should be offered full and equal enjoyment of the “goods, services, facilities, privileges, advantages, or accommodations” offered by a place of public accommodation.

What does that mean to me right now?

- **Does the ADA apply to hotels and shelters?**
 - **YES.** Most hotels and shelters are places of accommodations under the ADA.
 - However, if the shelter is operated by a purely religious organization, the ADA might not apply.

- **Can a shelter or hotel refuse my service animal?**
 - **NO.** A hotel or shelter must modify its “no pets” policy so that it does not apply to people accompanied by their service animals.
 - The hotel and shelter can only ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
 - Only canines or miniature horses qualify as service animals under the ADA.
 - Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

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- **Can a shelter or hotel refuse me if they require a driver's license for identification purposes if I do not have a driver's license because of my disability?**
 - **NO.** A shelter or hotel cannot demand a driver's license as identification. Another form of identification should be accepted if you are unable to get a driver's license because of your disability.

Part 2: Your Rights under the Federal Fair Housing Act and How It Impacts Where You Live

The Fair Housing Act Amended states that persons with disabilities cannot be discriminated against with regard to housing. This includes the ability to ask for accommodations (changes) to the policies of property owners or management companies you are renting from. Section 504 of the Rehabilitation Act of 1973 provides that all governmental programs shall be accessible for persons with disabilities.

What does this mean to me right now?

- **What if I cannot return to my apartment because of my disability?**
 - **You can terminate your lease early.** If you return to your rental home or apartment and the conditions there make the symptoms of your disability worse (or the disability of anyone that lives in the home), you can ask that your landlord let you out of your lease immediately. Make the request in writing (e-mail or via letter but keep a copy). A sample request is on the next page.
 - **Voucher Holders – Special Attention!** Please note, that if you are receiving a housing choice voucher, or are under another type of government financial housing assistance, you will need to make the same accommodation request to the local housing authority or governmental housing agency from which you receive your voucher.
- **Do I have any rights while residing at housing provided by the FEMA or another federal, state, or local governmental agency?**
 - **YES.** If the housing is not accessible to you because of a mobility impairment or any other reason, you can ask that it be made accessible either by having the FEMA (or other governmental agency) make it accessible to you. This includes having ramps built and having doors widened.
 - If you are in a FEMA trailer or other government provided housing and you need a walk in shower versus having a tub, you can ask that they make a change so you are able use the shower.

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Part 3: Sample Letter Requesting Reasonable Accommodation under Federal and Texas Fair Housing Acts for Early Lease Termination

Date

Landlord Name

Landlord Address

Re: Reasonable Accommodation Request under the Federal and Texas Fair Housing Acts by Name of Person Requesting the Accommodation for Early Termination of My Lease

Dear Landlord Name:

My name is Insert your name here. I resides at your apartment complex, complex name, specifically, list address of where you live. My lease term is set to expire on date lease expires.

I am a person with disabilities that impact my ability to list major life activity (walk, breathe, sleep, eat, etc...) that is impacted by the problem with your housing .

My apartment / home is list damage here. Because of the conditions of my apartment/home that I am renting from you, my major life activity stated above is getting worse. Name of Apartment Complex policy states that tenants must fulfill the lease or be penalized monetarily by having to pay list any fees or fines due to breaking the lease early. I request that you release me early from my lease with no fees and/or fines assessed. This accommodation is reasonable and necessary to afford me the full use and enjoyment of my home and will help ameliorate the effects of my disability. I will turn in my keys on date.

Please respond by date if you have any other questions.

Sincerely,

Your Name

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The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.

This handout is available in Braille and/or on audio tape upon request.

Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate.