

Welcoming Residents with Disabilities

A Sensitivity and Awareness Guide

For

Property Managers and Landlords



Prepared by the

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Introduction

Maryland law stipulates that, in terms of housing, no individual shall be discriminated against on the basis of his or her disability. In fact, it is unlawful to discriminate against an individual with a disability in the sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling. Likewise, it is unlawful to refuse to permit a reasonable modification, at the expense of the individual with a disability, of premises occupied or to be occupied by the individual, if the modifications are needed to give the individual full enjoyment of the premises.

The purpose of this guide is to provide information and assistance to landlords and property managers in communicating and interacting with individuals with disabilities in the provision of equal opportunity and enjoyment of the use of a dwelling, and to increase their sensitivity to such individuals. While a lease agreement provides legal terms for the respective parties, positive interactions between a resident with a disability and a landlord or property manager can assure a long-lasting, pleasant tenancy. We hope this booklet assists you in reaching that goal.

January, 2000

This publication is designed to provide general information for landlords and property managers with regard to fair housing for, and interaction with, individuals with disabilities. It is distributed with the understanding that neither the publisher; Baltimore County Commission on Disabilities; Baltimore County, Maryland, a body corporate and politic, its current and former employees, officers, directors, elected and appointed officials, agents, agencies, successors, assigns, attorneys and all other persons, firms and corporations, are for purposes of this manual, engaged in rendering legal or professional service. Although prepared by professionals, this publication should not be utilized as a substitute for legal or other professional service in specific situations. If legal or other expert service is required, services of an appropriate professional should be sought. For your reference, in the appendix of this manual is a list of resource agencies.

Etiquette for Communication with People with Disabilities

The following is suggested communication etiquette for interaction with individuals with disabilities.

General Guidelines - When introduced to a person with a disability, such as limited hand use or an artificial limb, it is appropriate offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. Shaking hands with the left hand is acceptable. For those who cannot shake hands, it is acceptable to touch the person lightly on the shoulder or arm if the right hand is disabled to welcome or acknowledge his or her presence.

Do not be afraid to make a mistake when meeting and communicating with someone with a disability. Do not be embarrassed if you happen to use accepted common expressions such as "See you later," if the person has a visual disability or "Got to be running along," if the person has a mobility limitation. Imagine you have a disability and are in a similar situation to the person with a disability and answer his or her questions/concerns with that in mind.

Always place the person before the disability, and avoid referring to the person by the disability. For example, say "person who is blind" rather than "a blind person." Likewise, say "a person who uses a wheelchair" rather than "a wheelchair-bound person." (Note: most people who use wheelchairs will tell you that the wheelchair gives them freedom of movement. *Without* the wheelchair, they would truly be bound.)

Finally, in all cases, before assisting, **just ask** if assistance is needed. Here are some guidelines to help you communicate with persons with specific disabilities:

People with Physical Disabilities

- ❑ The person is the best judge of his or her own capabilities
- ❑ When talking for more than a few minutes with a person who uses a wheelchair, sit down if possible, in order to place yourself at the person's eye level to facilitate conversation.
- ❑ Never patronize people using wheelchairs by patting them on the head or shoulder.
- ❑ When addressing a person who uses a wheelchair, never lean on the person's wheelchair. (Note: The chair is part of the space that belongs to the person who uses it.)

People with Visual Impairments

- ❑ Face the person, speak directly using a normal tone of voice
- ❑ When greeting a person with a severe loss of vision, always identify yourself and others who are with you.
- ❑ When conversing in a group, give a vocal cue by announcing the name of the person to whom you are speaking.
- ❑ With a vocal cue, indicate in advance when you will be moving from one place to another and let it be known when the conversation is at an end .
- ❑ Do not pet or otherwise distract a guide dog unless you specifically ask the person if this is acceptable

People with Hearing Impairments

- ❑ Face the person and speak directly to him or her using a normal tone of voice
- ❑ If speaking through an interpreter, you may want to pause occasionally to allow time for translation
- ❑ Talk directly to the person who is deaf/hearing impaired, not to the interpreter (however, the person who is deaf/hearing impaired may look at the interpreter and may only make occasional eye contact with you)
- ❑ Before you speak, make sure you have the attention of the person you are addressing (a wave or light touch is acceptable)

People with Speech Impairments

- ❑ Talk to people with speech impairments as you would talk to anyone else, using a normal tone of voice
- ❑ Give the person your undivided attention, and plenty of time to respond
- ❑ If you do not understand something, ask the person to repeat it, spell it, tell you in a different way, or write it down. Do not pretend to understand what is said.
- ❑ Do not attempt to finish sentences for the individual.

People with Psychiatric Disabilities and Mental Retardation

- ❑ Treat adults psychiatric disabilities and mental retardation as adults
- ❑ Try to be alert to the person's responses, so you can adjust your method of communication if necessary (for example, some persons may benefit from simple, direct sentences)

- ❑ Use clear and specific language in a normal tone of voice
- ❑ People with brain injuries or forms of dementia may have short-term memory loss and may require information to be repeated or written down
- ❑ Do not pretend to understand something if you do not; ask the person for clarification
- ❑ Do not expect all people to be able to read well or at all; some people may not be able to read.

Screening Prospective Residents With Disabilities

Application Process

Landlords and/or property managers in both public and private housing may only ask a person with a disability the same questions that they would normally ask any other applicant or resident during the application process. Both private and public assisted housing managers must, if requested, provide a reasonable accommodation to enable a person with a disability to be able to successfully complete the application process. A reasonable accommodation is a practical and feasible change in a rule, policy or practice that affords a person with a disability, or someone associated with a person with a disability, the use, access and enjoyment of housing. In the application process, a “reasonable accommodation” may consist of giving assistance in filling out the application form, mailing the application to the applicant, or having a housing interview take place at an accessible site if the rental office is not accessible. “Communication access,” if needed, may consist of using a sign language interpreter, a telecommunication Device for the Deaf (TDD), or the Maryland Relay Service (dial 711 from anywhere in the State to gain access).

While a person will have to disclose that he or she has a disability when requesting a reasonable accommodation, the individual does not need to be specific about the nature of his or her disability unless he or she is applying for certain types of public or public-assisted housing, such as Designated Elderly or Designated Disabled.

Although leases may differ between public and private housing, the basic rules for all leases are the same: pay all rent and other fees on time, take care of the apartment, respect the rights of others, not engage in criminal activity, and follow other reasonable rules as may be spelled out in the lease agreement.

What inquiries may the manager conduct?

During an interview for an apartment, a landlord or apartment manager may ask the following questions; provided they are also asked of individuals who do not have disabilities:

- Will the individual pay rent and other fair charges on time?
- Will the individual care for, and not damage, the apartment and other common use areas? E.g., will the resident use the stove, bathroom, laundry and other equipment in a safe way? Get rid of garbage right away? Tell the manager when something needs fixing?
- Will the individual avoid making excessive noise, bother other residents, and avoid damaging property of others?
- Will the individual avoid drug-related criminal activity?
- Will the individual avoid other criminal activity?
- Will the individual give the manager an income statement and other information necessary to show that the person has the ability to pay the rent?
- Will the individual follow other health and safety rules of the building and as required by federal, state and local laws?

Does a person with a disability have to tell the manager about that disability?

Yes, if the individual:

- is applying for public or public-assisted housing that is specifically designated for individuals with disabilities or a particular disability;
- is applying for a Section 8 certificate or voucher program, is unmarried, and wants priority status as a person with a disability;

- wants a reasonable accommodation during the application process;
- has a bad tenancy history or criminal record related to his/her disability; or,
- Wants a reduction in rent in public or public-assisted housing because of the disability.

If an individual is applying for housing in both the public or private sector and does not want housing on the basis of disability, or does not request a reasonable accommodation, he/she does not need to disclose the existence of a disability.

What inquiries are generally prohibited by a landlord or property manager?

In general, it is illegal for a landlord or property manager to ask:

- Whether the individual has a disability;
- Whether the individual has a particular type of disability;
- Questions about an individual's disability;
- Any question that would require the individual to tell about a disability; or
- If any member of the individual's family or any friend or associate has a disability.

Exceptions – A landlord or property manager may inquire about an individual's disability:

- ✓ If the application is for housing that is specifically for people with disabilities, or a specific kind of disability. However, the landlord can only ask the individual to provide verification that the disability meets the criteria for that type of housing;
- ✓ If a request for a reasonable accommodation or change in policy is made to verify that a disability is present, and that the change is needed; and,

- ✓ If, during the screening process, the landlord discovers negative information about the individual's previous tenancy, to obtain an explanation of the circumstances, even if it involves discussing the fact that there is a disability.

REASONABLE ACCOMMODATIONS

Policies and Practices: The Fair Housing Act provides that it is unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

The cost of any reasonable accommodations that may be involved relating to policies, rules, services and procedures, may not be passed on to the resident. A reasonable accommodation requested by the resident must be related to his/her disability.

Some examples of reasonable accommodations to policies, rules, procedures, practices, services are:

- Providing a written reminder that the rent is due at the beginning of each month to a resident with a memory loss;
- Allowing a probationary period of time before starting an eviction process to see if a new medication will eliminate lease violating behaviors by a resident;
- Keeping a laundry room door closed so that fumes do not reach someone with multiple chemical sensitivities;
- Providing notes to residents in large print;
- Providing a monthly reminder call on the day before the rent is due for someone with a cognitive disability or head injury;
- Allowing an individual to keep his/her apartment even though it is unoccupied while he/she is in a rehabilitation program or hospital;
- Using alternative non-toxic pest control and cleaning agents throughout the complex;
- Providing a designated reserved handicapped parking space for a person with a disability;

- Allowing a service dog for a blind or deaf person or a person with a seizure disorder. Also covered are therapeutic companion animals that assist an individual in coping with a disabling condition, when prescribed by a professional;
- Providing information in alternative formats (e.g., enlarging print materials on a copier, reading a form or a memo to an applicant or resident, calling a resident about information in a memo, using telephone relay or a TTY);
- Notifying a resident with chemical sensitivities before certain work is performed, or switching to an acceptable product or procedure.

Remember, a resident who needs an accommodation must ask for it. If he/she does, the landlord cannot simply refuse the request. The landlord may, however, ask for proof of the need for a reasonable accommodation in order for the resident to use and enjoy the housing. The landlord may also ask for the resident's help in identifying the best, most cost effective and efficient means of providing the reasonable accommodation.

A landlord must provide the requested accommodation unless the he can demonstrate that doing so would:

- ✓ Impose an undue burden, or
- ✓ Constitute a fundamental alteration in the service provided by the landlord.

A landlord who fails or refuses to provide a reasonable accommodation may be subject to the same penalties under the Fair Housing Act as a landlord who intentionally discriminates on the basis of disability.

Modifications to Housing Units

A resident has the right to request that the landlord make a reasonable accommodation for his or her disability by making modifications to his or her housing unit and to the public use areas within the complex. Public areas may include but are not always limited to the lobby, the main entrance, parking and/or the laundry room.

Modifications to ensure a reasonable accommodation that are made to a building may be required to be made at the resident's expense unless otherwise agreed to by the landlord, or required by other Federal, State, or local law. Contact the Department of Housing and Urban Development (HUD) for additional information.

The landlord may also require that the resident requesting a modification provide a security deposit, or to return the dwelling to its original condition when the resident leaves, to ensure

that the building can be restored to its original condition after his or her departure. Modifications which will not affect a future resident's ability to enjoy the dwelling may not have to be undone (e.g., widening a doorway).

In public housing, the government will, in most cases, provide for reasonable modifications to the unit. It is the responsibility of the housing agency to pay for any changes to common use areas that may be needed to ensure accessibility.

In private sector housing that is subsidized by a Section 8 certificate, voucher or federal loan program, the owner of the property may have an obligation to pay for accessibility modifications to the apartment or house. For Section 8 certificates or vouchers that follow the resident, a more restrictive State Law may bind the private owner. You may need to seek a legal interpretation if a questionable situation arises. The owner may be required to discuss the request with the resident.

New construction of multi-family housing (4 or more attached units) is required to fully meet all Fair Housing requirements; but, alterations are not. If the building has not been completed, it would be advisable for the Owner and/or landlord to review the plans with a resident requesting a reasonable accommodation before beginning construction.

In housing covered by Section 504 of the Rehabilitation Act of 1973 (federally funded) it is the owner's responsibility to pay for the modification.

Some examples of reasonable modifications are:

- Lowering the kitchen cabinets for a person using a wheelchair;
- Disconnecting the gas oven and installing an electric range for a person allergic to fumes;
- Installing automatic shut off systems on water faucets, oven or ranges when a person with a disability may forget to turn them off.
- Installing grab bars in the bathroom for someone with limited mobility;
- Installing a visual alarm system for a person who is hearing impaired or deaf;
- Changing door handles from knobs to levers and lessening the pressure on a building's main door for people who have arthritis or other disabilities affecting hand and body strength;
- Providing handrails on stairs for people with low vision or who are blind.

The landlord has the right:

- To expect the work will be done properly;
- To ask the resident to obtain any necessary building permits;
- To ask the resident to agree in writing to restore the unit, but not common areas, when he/she leaves, unless it is not reasonable to do so;
- To ask the resident to set aside a reasonable amount of money over a reasonable time in an interest bearing escrow account to pay for the restoration.

EVICCTIONS

Generally, a resident must comply with all provisions of his or her lease. If he or she has been granted a reasonable accommodation, he or she must comply with the modified terms of his or her lease. Landlords are entitled to send termination notices and proceed with court evictions for lease violations, but they must do so in an even handed manner consistent with federal, state and local fair housing laws. Treating people with disabilities more severely than other residents is a violation of the Fair Housing Act.

Section 818 (U.S.C. 3617) of the Fair Housing Act of 1968, as amended (1988), makes it unlawful "to coerce, intimidate, threaten, or interfere with any person in a protected class in the exercise or enjoyment of ... any right granted or protected by [the fair housing law]." A landlord may not use threat of eviction (or the suggestion of same) to compel or prevent an action by a resident, especially when direct action by the landlord, without due process, is implied or stated.

A resident may submit a Request for Consideration of Mitigating Circumstances if the issue that caused the landlord to initiate the eviction process is a result of his/her disability. The resident may also submit an accompanying Request for Reasonable Accommodation if that change will allow the resident to resume living there successfully.

The following are intended to be viewed as examples of reasonable accommodations and eviction. It is in no way intended to be viewed as the sole or exclusive remedy for breach of a lease agreement as it relates to the fact pattern. We would encourage consultation with an attorney or other professional as appropriate the situation warrants.

Example I:

A landlord grants a requested reasonable accommodation to allow a resident with a disability to have a therapeutic companion dog, provided that the resident keeps the dog indoors, has it on a leash outdoors and cleans up its mess. The manager sees the dog daily, unattended, relieving himself on the lawn. The manager gives the resident oral and written warnings that this is a violation that could lead to eviction. The problem continues. The landlord then may have cause of action for breach of the lease agreement, and initiation of eviction proceedings may be appropriate.

Example II:

A resident rents an apartment on a one-year lease without disclosing that she has a disability. Three months later, the stress of living independently becomes too much for her. After paying the November rent, she voluntarily admits herself to a hospital where she has had several previous mental health admissions. The landlord finds this out from another resident. The landlord may not begin eviction proceedings solely on the resident's hospitalization, claiming that they would not have rented to the resident if they knew of her history of hospitalization. The landlord may not refuse to rent to any person solely on the basis of disability. Both would be considered discrimination because of a person's disability.

Example III:

A resident with a disability requests, as a reasonable accommodation, to have his or her rent due date changed from the 1st to the 5th day of the month to allow for receipt of a Social Security check on the 3rd, time to do banking and make the rent payment by the 5th without being charged a late fee each month. If the landlord grants the accommodation, the landlord may not continue to charge a late fee to the resident, and then seek to evict the resident for non-payment of accumulated late fees. However, a resident who has been granted an accommodation is obliged to pay their rent, as agreed, and the landlord may seek to evict the resident for failure to pay rent just as with any other resident.

**EXAMPLES OF REASONABLE ACCOMMODATIONS IN POLICIES,
PRACTICES, AND PHYSICAL MODIFICATIONS FOR PEOPLE WITH
DISABILITIES**

Physical Disabilities	Visual Disabilities	Hearing Disabilities	Cognitive Disabilities
Widening doorways	Allowing a service animal	Providing a door bell flasher	Providing the rental agreement and other notices in clear and simple terms
Allowing a ramp to be built	Reading notices to the resident or providing notices in Braille, large print, or audio tape	Providing a visual alarm system on smoke detectors throughout the complex	Explaining what is in the agreement and what the rules of the complex are
Providing grab bars in the bathroom	Providing extra lighting outside next to the front door of the apartment	Providing an interpreter for the screening interview and other resident meetings	Showing the resident where the water shut off valve is and when to use it
Allowing a single resident to have a two-bedroom apartment to accommodate a Personal Care Attendant	Providing large print or Brailled numbers on the front door or other common use areas in the complex	If phones are provided, using a visual flasher attachment	Showing the resident how to use the appliances in the apartment as well as other common use areas, such as the laundry room
Wrapping the underneath sides of pipes in the kitchen and bathroom with insulation	Removing protruding objects from outside pathways	Allowing a service or companion animal	Making outside door lock or security locks simpler
Allowing applications to be mailed instead of filled out in person	Providing a non-slip color contrasting strip to outside stairs	Installing a telecommunications text phone in the main office	Providing a reminder at the beginning of the month that the rent is due
Meeting with a person at an accessible location		Amplifying a communications system	

**EXAMPLES OF REASONABLE ACCOMMODATIONS IN POLICIES,
PRACTICES, AND PHYSICAL MODIFICATIONS FOR PEOPLE WITH
DISABILITIES**

Psychiatric Disabilities	HIV/AIDS	Environmental Disabilities
<p>Allowing a companion or service animal</p> <p>Moving a resident to another part of the building where it is quieter, if requested</p> <p>Placing an application back on the waiting list if the individual missed his/her intake interview, or was late with the needed paperwork because of his/her disability</p> <p>Clearing shrubs away from pathways and trimming them to eye level</p> <p>If requested, intervening with other residents if individual is being harassed</p>	<p>Moving a resident to another floor or to the ground floor for easier mobility</p> <p>Allowing a Personal Care Attendant to live with the resident in a two-bedroom apartment</p> <p>Providing intervention if the resident is being harassed</p> <p>Providing or allowing a person from the community to educate other residents about HIV/AIDS</p>	<p>Using non-chemical or non-toxic fertilizers on the landscape areas of the complex</p> <p>Removing carpet from floor of the apartment, if requested</p> <p>Using unleaded paint when repainting an apartment</p> <p>Removing the ballast or florescent lights from the kitchen and bathroom</p> <p>Posting "No Smoking" signs in common use areas such as the office, hallways, lobby, and laundry room</p>

Resources

U.S. Dept. of Housing and Urban Development (HUD)

Baltimore office 410-962-2520, ext. 3056 <http://www.hud.gov/>

HUD provides a wide variety of services and information about Fair Housing regulations, landlord and resident rental housing law and assistance programs.

Baltimore County Department of Social Services

Housing Office 410-853-8990

Screening & Referral 410-887-2800

A public service agency that provides a broad range of income support and social work services to the citizens of Baltimore County. Housing services include Section 8 Rental Application and Assistance, referral to other housing resources and homeless services.

Baltimore County Human Relations Commission

Intergroup Relations 410-887-5917

In addition to investigating complaints of discrimination in the areas of employment, housing, public accommodations, education and financing, the Commission provides mediation, training, a speaker's bureau, study circles and technical assistance in all areas involving equal opportunity.

Baltimore County Office of Community Conservation

410-887-3317

The Baltimore County Office of Community Conservation acts to preserve, stabilize and enhance the human, physical and economic condition of the County's urban communities through cooperative public-private programs which address specific neighborhood concerns, and empower communities by fostering local self-reliance.

Bureaus include: Commission on Disabilities, Sector Coordination, Grants Administration (CDBG), Neighborhood Revitalization, and the Housing Opportunities Program.

Greater Baltimore Community Housing Resource Board

410-453-9500 [http:// www.gbchrb.org](http://www.gbchrb.org)

An independent nonprofit that was originally organized by HUD. Its purpose is to provide Fair Housing education and advocacy in the Baltimore metropolitan area and Maryland.

Resources (Con't)

Baltimore Neighborhoods, Inc.

Landlord-Tenant Hotline: 410-243-6007

A nonprofit agency in Baltimore that assists in enforcing Federal, State and local Fair Housing laws; provides advise to Landlords and residents; and among other services they provide counseling to individuals who wish to rent.

MCIL Resources for Independent Living

410-444-1400

A non-profit agency advocating for the civil rights of disabled people. Services empower people to lead independent and productive lives; includes home ownership, housing registry, roommate matching and travel training. ADA consulting and training to the business community.

Community Assistance Network

410-285-4674

Provides assistance to low income residents with housing (including rent evictions and mobility counseling), employment and training, childcare services, outreach, weatherization and emergency services.

Maryland Relay: 711:

Maryland Relay is a public service provided by the Maryland Department of Budget and Management/Telecommunications Access of Maryland that enables standard telephone users to communicate with people who are deaf, hard of hearing, deaf/blind, or speech disabled who use a TTY



Baltimore County Office of Community Conservation
Commission on Disabilities
Drumcastle Center
6401 York Rd, 2nd Floor
Baltimore, Maryland 21212
410/887-3580
410/887-2799 (TTY)
410/887-5696 (Fax)

Website: www.baltimorecountyonline.info

E-mail: occ@co.ba.md.us

Baltimore County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The report is available in alternative format upon request.