

## FAIR HOUSING RIGHTS OF PEOPLE WITH DISABILITIES

### A SELF-ADVOCACY GUIDE

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

This guide is available in alternative formats upon request.

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# **FAIR HOUSING ACT**

## **I. Introduction to the Fair Housing Act (FHA) and this Guide**

### **A. What the Fair Housing Act Covers**

In 1968, the Fair Housing Act was passed by Congress as Title VIII of the Civil Rights Act of 1968. Title VIII banned housing discrimination on the basis of race, color, gender, religion or national origin. In 1988, Congress amended this federal fair housing law to include two other protected classes: (1) persons with disabilities; and, (2) families with children under the age of eighteen (familial status). By passing this Fair Housing Amendments Act in 1988, Congress officially recognized that people with disabilities had often been denied housing because of their disabilities and unfounded prejudice. Congress' goal was to eliminate housing discrimination and allow people with disabilities to achieve independent living in their communities. Today the struggle to end housing discrimination against persons with disabilities continues and the staff of the Arizona Center for Disability Law is committed to providing information to assist individuals with disabilities in advocating for their fair housing rights.

### **B. The Arizona Fair Housing Act**

The State of Arizona also has a Fair Housing Act. This state statute is substantially equivalent to its federal fair housing counterpart. Because of the substantial similarities between the two laws, the information covered in this self-advocacy guide also provides an overview of the Arizona Fair Housing Act. Information on enforcing your rights under our state's Fair Housing Act can be found in the enforcement section of this guide.

### **C. How the Arizona Center for Disability Law Helps People with Disabilities**

If you believe that you have faced housing discrimination because of a disability, the staff at the Arizona Center for Disability Law (the Center) can provide you with information about the federal and state Fair Housing Acts and how to enforce your housing rights under these housing

discrimination laws. The Arizona Center for Disability Law is a non-profit, public interest law firm providing free advocacy, information and referral services, legal research, community legal education and, in selected cases, legal representation to individuals with disabilities and advocacy organizations throughout Arizona. The Center is the designated protection and advocacy (P&A) system providing services for Arizonans with a wide-range of physical and mental disabilities. Assistance is provided for disability-related issues in the Center's annually established priority areas.

Information about the eligibility requirements and annual priorities is available from the Center upon request. Additional information, and other Self-Advocacy Guides, are available on the Center's website at [www.azdisabilitylaw.org](http://www.azdisabilitylaw.org). Individual assistance is provided according to program eligibility requirements, annual priorities and staff availability.

#### **D. This Guide is not a Substitute for Legal Advice**

The Arizona Center for Disability Law recommends that persons experiencing discrimination obtain professional legal advice to resolve these legal disputes. This guide is not a substitute for obtaining legal assistance from a qualified professional. This guide is meant to provide persons with disabilities information about their rights under the Fair Housing Act.

#### **E. Introduction to this Guide**

This guide tells you about the legal rights of persons with disabilities in housing under the Fair Housing Act. This guide does not provide information about landlord and tenant law in Arizona. For example, this guide does not tell you what to do if your landlord attempts to evict you, withholds your security deposit or will not fix your air conditioning. To obtain information about your rights as a tenant, look at the list of community resources listed in Appendix A to this guide.

This guide is designed for persons with disabilities. It does not cover all of the classes of persons protected by the Fair Housing Act. If you believe that you have been discriminated

against on the basis of your race, national origin, color, religion, gender or because you have children under the age of eighteen, you should contact one of the fair housing organizations listed in Appendix A to this guide. This guide will give you information about the rights of people with disabilities under the Fair Housing Act. It will also provide suggestions on how to advocate for yourself or other persons with disabilities. This guide also explains how to enforce your rights under this federal housing law in the event that you are unable to informally resolve your housing dispute.

## **II. Common Questions About the Fair Housing Act**

### **A. What is a Covered Dwelling Under the FHA?**

Under the Fair Housing Act, the term “dwelling” means any building or structure (or portion thereof) which is occupied (or designed or intended to be occupied) as a residence by one or more families. A “dwelling” also includes any vacant land which is offered for sale or lease for the construction of a residence for one or more families. In other words, the Fair Housing Act covers single-family homes, apartment complexes, condominiums, cooperatives, shelters for homeless persons, dormitory rooms, mobile home parks, trailer courts, nursing homes, assisted-living facilities, group homes for the disabled and retirement communities. The FHA applies to any type of residence that the person or family intends to return home to for more than a brief period of time.

There are two exceptions to the FHA’s general “dwelling” rule. First, the Fair Housing Act does not apply to certain single-family homes. Other than a restriction against discriminatory advertising, the FHA does not apply to the sale or rental of a single-family home provided: (1) the owner does not own or have an interest in more than 3 single-family homes; and, (2) the single-family home is sold or rented without the use of a real estate agent, broker or salesperson. If a real estate professional is involved in the sale or rental of the single-family home this exception DOES NOT APPLY.

Ricardo Rodriguez places a “for sale by owner” sign on his single-family home. Ricardo owns this home as his family’s personal residence. He also owns one other single-family home. His mother lives in that home. Ricardo refuses to sell the home to Miguel Torres because Mr. Torres plans to open a group home for recovering alcoholics in the house. This would not violate the Fair Housing Act. This prospective sale is not covered because Ricardo does not own or have an ownership interest in more than 3 single-family homes and he is not using a real estate agent or real estate company to assist him in selling his residence.

The second exception applies to small, multi-family housing dwellings. Rooms or apartment units in a building designed to occupy four or fewer families are not covered, IF the owner actually maintains one of the units as his or her personal residence. The discriminatory advertising restrictions do apply to such otherwise excepted dwellings. These smaller dwellings are covered by the Fair Housing Act if the owner does not reside there.

Leona Smith owns a small building that has been converted into three apartment units. She lives in the end unit and rents and manages the other two units to support herself. One of her units is vacant and Jane Doe, who uses a wheelchair and has a service animal, asks to be shown the apartment. Leona tells Jane that she doesn’t want the liability of renting to a wheelchair user and she doesn’t allow pets. Leona has not violated the Fair Housing Act because this building is designed to occupy four or fewer families and she personally lives in one of the units.

The FHA does not apply to hotels or motels or other types of transient or temporary housing. Title III of the Americans With Disabilities Act applies to hotels and motels. In addition, homeless shelters, battered women shelters and other social-service type shelters and nursing homes and similar facilities are covered under Title III of the ADA. If residential facilities meet the intended residency standard under the FHA, which requires more than temporary residency, such facilities are covered by both the FHA and Title III of the ADA. For more information on Title III, please call the Arizona Center for Disability Law or look for our *Title III Self-Advocacy Guide* on our website.

## **B. What Persons Are Covered by Fair Housing Amendments Act?**

Persons with disabilities are covered by the FHAA. A person with a disability is a person: (1) with a physical or mental impairment which substantially limits one or more of the person's major life activities; (2) with a record of having such an impairment; or (3) regarded as having such an impairment. Examples of "major life activities" include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, interacting with others, and reproducing. Whether an individual is a person with a disability is determined on a case-by-case basis. The phrase "physical or mental impairment" is broad. Persons substantially limited by cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, and diabetes are protected by the FHAA. The Fair Housing Act also covers persons who are substantially limited by alcoholism, emotional problems, mental illness, mental retardation and specific learning disabilities.

There are two narrow exceptions: (1) transvestites are not covered by the FHAA; and (2) persons who currently use a controlled substance are not covered by the FHAA. Also, a person with a disability may not be protected if s/he poses a safety risk to others or their property. Nothing in the FHAA requires that a dwelling be made available to an individual whose tenancy would pose a direct threat to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others. This "safety defense" to the Fair Housing Act is further discussed at page 16 of this guide.

## **C. What is the purpose of the FHAA?**

The Fair Housing Amendments Act guarantees people with disabilities the right to equal opportunity in housing, including the right to accessible housing and freedom from discrimination on the basis of disability. The FHAA is concerned with achieving equal results for persons with disabilities and promoting independent living and integration of people with disabilities into their local communities.

**D. What are some examples of actions prohibited by the FHAA?**

**1. *Discrimination in Sale or Rental of Dwelling***

It is unlawful to discriminate in the sale or rental of a dwelling on the basis of the disability of: (a) the person intending to rent or buy the dwelling; (2) the person residing in or intending to reside in the dwelling after it is sold or rented; or (3) the person associated with that buyer or renter. For example, a condominium association may not develop policies which make it more difficult for two brothers with developmental disabilities to buy a condominium in the complex. A landlord or a property management company may not refuse to rent to a person who uses a wheelchair or is blind or has a history of mental illness.

**2. *Representing that a Dwelling is Unavailable***

It is illegal to represent to any person, because of his or her disability, that a dwelling is not available for sale or rent when, in fact, the dwelling is available for sale or rent. This provision of the Fair Housing Act can be violated with words or conduct. A rental agent cannot tell a woman in a wheelchair that there are no vacant apartments available if vacant apartments are available. The rental agent would violate the Fair Housing Act if s/he only showed the most expensive apartment available to a person who is deaf. Such conduct might lead the prospective tenant to believe that only the most expensive apartment is available for rent.

**3. *Using Unlawful Applicant Selection Criteria and Disability Inquiries***

Housing providers are free to apply legitimate, non-discriminatory housing criteria to determine whether an individual is qualified to live in the housing. A housing provider can lawfully require that tenants meet income, rental history and other legitimate criteria. But it is illegal for a landlord to use different qualification criteria or standards for persons with disabilities. For example, a landlord cannot require that all residents “be able to live independently” as a condition of rental. An applicant for an apartment cannot be denied the opportunity to rent the apartment because she receives Social Security Disability benefits,

provided she meets the complex's income criteria. Similarly, it would be unlawful for a landlord to require an applicant who is blind to live with a roommate where the landlord does not require all tenants to live with roommates.

During the application process it is unlawful to inquire about the applicant's disability or its nature and severity. For example, during the application process, it would be illegal for a landlord to inquire about the prospective tenant's HIV status despite the landlord's concern about whether the prospective tenant posed a safety risk to others. A housing authority violates an individual's fair housing rights by inquiring into the prospective tenant's ability to live alone. A landlord would run afoul of the law if she inquired into the type of medication a prospective tenant was taking on a rental application.

Certain questions, however, are not illegal. Persons using controlled substances are not protected by the Fair Housing Act. Thus, an apartment manager may ask if you are currently using illegal drugs or whether you have ever been convicted of illegally manufacturing or distributing drugs. Also, some housing may be available only to persons with a specific disability such as a mobility impairment or a housing complex may offer a placement priority program for persons with disabilities. Where such affirmative action programs are valid, housing providers are free to ask about disabling conditions to determine whether the prospective tenant qualifies for the housing unit or a placement priority.

#### ***4. Discriminating in the Terms or Conditions of Sale or Rental or in the Provision of Services and Facilities***

It is unlawful to discriminate against a person with a disability: (1) in the terms or conditions of the sale or rental of a dwelling; or (2) in the provision of services and facilities provided in connection with a dwelling. Prospective buyers or tenants with disabilities must be subject to the same terms or conditions of sale or rental as their non-disabled counterparts. A mortgage company may not put different provisions, such as a higher interest rate or larger down payment, in a mortgage contract of sale because of your disability or the disability of someone

intending to reside in your home. It would be unlawful for a landlord to charge you a higher security deposit because you use a wheelchair and the landlord is afraid your wheelchair will damage the carpet or walls in the apartment.

The Fair Housing Act Amendment also prohibits persons with disabilities from being subjected to different treatment in the provision of services and facilities in connection with the sale or rental of a dwelling. It would be illegal for the homeowners association to refuse to allow your child, who uses a wheelchair, to use the community swimming pool or to require an adult with a mobility impairment to only use the pool table and cues when a personal attendant is present. Similarly, an insurance company would violate the Fair Housing Act by charging you more for property insurance because you are visually-impaired or deaf.

Johnson Tso uses a wheelchair. He wants to move into the Village Hampshire apartment complex, which provides uncovered accessible parking. Village Hampshire also offers covered parking for its residents for an additional charge of \$25 per month. Johnson Tso says he will be happy to pay the extra \$25 for a covered parking space. The manager says no because none of the covered parking spaces have been designated as accessible parking. The manager explains that Johnson Tso's van space, which requires eight feet for an access aisle, would actually fill two covered parking spaces, if management were to repaint the parking spaces to accommodate him. As a result, management is unwilling to make the change. Village Hampshire has violated the FHAA by making covered parking available for tenants, but not making the same covered parking available for tenants who need accessible parking to accommodate their use of a wheelchair.

### ***5. Discriminatory Advertising***

Another provision of the Fair Housing Act forbids discriminatory notices, statements or advertisements relating to housing transactions. This provision bans the making of any housing-related notice, statement or advertisement which indicates any preference, limitation or discrimination against any protected class (race, national origin, color, religion, gender, disability or familial status). Clearly, a real estate agency would violate this provision if it ran an advertisement in the local newspaper which advertised a home for rent that excluded prospective

tenants who are HIV positive. Both the real estate agency and the newspaper running the ad could be charged with discriminatory advertising in violation of the Fair Housing Act. It does not have to be a printed or published statement. Suppose that your lease provides that you may sublet your apartment. Your landlord could violate this provision by telling you that you are not permitted to sublet your apartment to a woman who is blind because she uses a guide dog.

## **6. *Reasonable Modifications and Accommodations***

The FHAA requires two types of changes in its effort to make existing housing more accessible to, and usable by, persons with disabilities: (1) people with disabilities must be allowed to make reasonable physical modifications, *at their expense*, to ensure accessibility; and, (2) reasonable accommodations must be made in rules, policies, practices or services where such accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy their dwelling. It is important to understand that unlike the Americans With Disabilities Act which requires places of public accommodation and employers to provide reasonable accommodations at the public accommodation or employer's expense, this same rule does NOT apply to the Fair Housing Act. The concepts of reasonable modifications and reasonable accommodations are discussed in more detail on pages 14-20 of this guide.

## **7. *Otherwise Making Housing Unavailable***

### **(a) In General**

It is unlawful to “otherwise make unavailable or deny” housing based on an applicant’s disability. This is a catch-all category of discrimination designed to regulate other types of conduct involving the sale, rental or financing of real estate. A landlord can “otherwise make unavailable or deny” housing to a tenant by evicting the tenant because of a disability. In one case, a landlord evicted a tenant and his roommate after he learned that the original tenant was HIV positive. This action was held to violate the FHAA. In addition, a landlord may not automatically evict a client because of disability-related conduct. Instead, the FHAA requires

that the landlord first determine whether the tenant can be accommodated.

Georgia Graybill is a tenant who is severely hard of hearing. Because of her hearing loss, Georgia listens to the television at an extremely high volume. The neighbors have complained and the landlord threatens to evict Georgia. It is illegal for the landlord to evict Georgia before he determines whether there is a reasonable accommodation available which will allow Georgia to watch television without disturbing the neighbors. Georgia can purchase a television with closed captioning or an infrared listening system which allows her to enjoy television and provide peace and quiet for her adjoining neighbors.

The concepts of reasonable accommodation and modification are further explained on pages 14-20 of this guide.

### **(b) Exclusionary Zoning**

Exclusionary zoning practices and enforcement of private restrictive covenants are two other types of conduct that can be discriminatory and make housing “otherwise unavailable.” Local governmental agencies may not use their land use or zoning codes or ordinances in a manner in which persons with disabilities are excluded from residential neighborhoods or afforded less of an opportunity than their non-disabled counterparts to live in a particular residential community of their choice.

A governmental entity may violate the FHAA through a land use or zoning code that: (1) prohibits a group home for persons with disabilities from locating in a particular residential area; (2) subjects group homes to safety, health or parking requirements which would not apply to homes of a related-by-blood family of the same size; (3) imposes spatial requirements that forbid the operation of a group home within a certain minimum-distance of another similar group home; or, (4) requires group home operators to provide notification to neighbors of the group home’s proposed establishment in the neighborhood. For additional information on discriminatory zoning practices under the Fair Housing Act see Appendix A to this guide.

A land use or zoning ordinance may also violate the FHAA where it interferes with a disabled person’s use of her single-family home. This is true even when the ordinance has a

neutral purpose. For example, most zoning laws require that single-family homes have a front yard setoff. This is a specified yardage which is to be left in its undeveloped state. Suppose that River City has a zoning ordinance which requires a twenty (20) foot front yard set off. This ordinance means that no residential property owner in River City can build on the area which is twenty feet from the public right-of-way in the front of their home.

Marquita owns a home in River City. Following an automobile accident she is required to use a wheelchair for mobility. She wants to build a ramp from her driveway to her front door. The River City Planning Department has denied Marquita a building permit because the Zoning Administrator tells the Department that everyone is required to have the 20-foot front yard setoff. River City has violated the FHAA by otherwise making unavailable Marquita's dwelling.

### (c) **Private Restrictive Covenants**

Private restrictive covenants may also violate the Fair Housing Act and its Amendment. Restrictive covenants are promises you make when you purchase a home in a private subdivision which incorporates various promises about what you can and cannot do with the property once you purchase a home in the community covered by such restrictive covenants. The document which you sign at closing is usually referred to as the "covenants, conditions and restrictions" or "CC & Rs". Restrictive covenants may also be found in homeowners' or condominium or cooperative association rules of residency. For example, a restrictive covenant might provide that in your subdivision, "no carports over nine feet in height" can be constructed and there is "no on street parking". These are neutral rules which do not appear to be illegal. But suppose you own and drive a wheel-chair accessible van that does not fit under the nine-foot carport. You cannot build a taller carport and you cannot park on the street. Now the enforcement of both of these restrictive covenants does discriminate against persons with mobility impairments who drive vans. The association will have to modify or waive one of the restrictive covenants as a reasonable accommodation to the resident's disability. You will find more on reasonable accommodations on page 14 of this guide.

## **8. *Discrimination in Financing, Brokering or Residential Real Estate-Related Transactions***

Under the FHAA, it is unlawful for any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such transaction, because of the person's disability. Residential real estate-related transactions include: (1) the making or purchasing of loans or providing other financial assistance for (a) purchasing, constructing, improving, repairing or maintaining a dwelling, or (b) secured by residential real estate; or, (2) the selling, brokering or appraising of residential real property. You cannot be denied a home equity loan because of your disability. If you are selling a fully accessible home, a brokerage firm cannot refuse to list your property in its "homes for sale" listings and advertisements.

## **9. *Steering and Blockbusting***

*Steering* refers to the practice of channeling prospective buyers and tenants to designated areas and not permitting them access to all available housing in a given market. An apartment manager steers when she shows a prospective tenant a building which she proclaims to be the "handicapped building." Multifamily housing complexes may not segregate all persons with disabilities in one building. Steering also occurs when a realtor tells a prospective home buyer that the subdivision down the street is more appropriate for disabled residents.

*Blockbusting* refers to conduct designed to induce panic selling which results in community instability. It is conduct engaged in by the real estate agent or company which conveys to a person residing in the neighborhood that the particular neighborhood is undergoing or about to undergo a change in the composition of its neighborhood make-up (e.g. race, color, national origin, religion or disability), in an effort to induce the person to sell his or her house. It almost always involves unsolicited contact by real estate persons. An example of blockbusting might be a situation in which a real estate agent calls a long-time elderly resident of the neighborhood to tell him that "a group home for recovering drug addicts is moving just down the

block and now is the time to sell your property before value really goes way down.”

#### **10. *Interference, Coercion or Intimidation***

An individual who exercises his or her rights under the federal Fair Housing Act is protected from coercion, intimidation, threats and interference. This protection extends to persons who have “aided or encouraged” others to exercise their rights under the FHA. For example, River City’s Zoning Administrator may make a zoning decision which stops a developer from building an affordable housing project for persons with disabilities. The Zoning Administrator has “otherwise denied” the prospective tenants a dwelling as well as “interfered with” the developer and her prospective tenants.

Suppose a real estate agent finds a wonderful home in a residential neighborhood for a family with two children with developmental disabilities. The homeowners’ association president tells the agent that “we don’t want those kind of people in the subdivision.” The real estate agent explains to the president that the family has a right to live where they want and accepts an offer on the house from the family. The president won’t take no for an answer and calls the real estate agent’s employer and convinces the real estate company to fire the agent. The family who was denied the sale of the home has a claim under the FHAA and so does the real estate agent. The president of the homeowners’ association interfered with his job because the agent was aiding the family in their right to equal housing opportunity under the Fair Housing Act.

#### **E. What is a Reasonable Accommodation Under the Fair Housing Act?**

Discrimination against a person with a disability includes a refusal to make reasonable accommodations in rules, practices, policies, or services, when such accommodations may be necessary to afford such a person equal opportunity to use and enjoy a dwelling. This requirement applies to the dwelling unit itself and all common use areas. An accommodation is “necessary” when the person with the disabilities requires the accommodation to enjoy the

housing of his or her choice and cannot equally enjoy the dwelling without the accommodation.

Coyote Hills has first-come, first-serve parking for all of its residents. It also complies with the Americans With Disabilities Act by having four disabled access parking spaces adjacent to the apartment leasing/rental office. Sam Brown wants to live at Coyote Hills but, following a stroke, she uses a walker. She requests that Coyote Hills assign her a disabled access parking space near her apartment. The manager says “no one gets an assigned space.” Coyote Hills has violated the FHAA. Coyote Hills is required to provide disabled access parking as a reasonable accommodation to Sam’s mobility impairment.

The reasonable accommodation provision contemplates that there is a neutral rule, policy, practice or service which unintentionally burdens the resident, owner or tenant with a disability who simply cannot comply with the rule because of his or her disability. The reasonable accommodation provision addresses an individual’s needs and responds to the particular circumstances of the person with a disability.

Kunta Johnson resides in Sunset Manor, an assistive-living facility for elderly persons. His osteoarthritis has worsened and he now must use a wheelchair for mobility. Sunset Manor has a communal dining room which serves three meals per day, seven days per week. Since Kunta’s wife died last year, he has used the communal dining room at least twice each day. Unfortunately, the dining room manager tells Kunta that he cannot use his wheelchair in the dining room and must transfer to a dining room chair. Kunta has two concerns: (1) it is difficult for him to transfer from the wheelchair to a dining room chair because of the muscle deterioration in his arms; and (2) he will now need help leaving the dining room in case of an emergency, since he is unable to exit the dining room on his own without his wheelchair. The manager must waive the “no wheelchairs” rule as a reasonable accommodation to Kunta’s disability. Without the accommodation, Kunta is unable to equally enjoy the communal dining services offered at Sunset Manor.

The reasonable accommodation provisions apply to anyone with a disability intending to reside in the dwelling, not just the person who signs the lease or owns the property.

Donna Denton is a single-mother with twin newborns who have various disabilities because of their premature birth. The newborns require round-

the-clock medical monitoring. El Dorita Village has a rule that prohibits overnight visitors in excess of 14 days per calendar month. The mother refuses to obey the rule and is evicted. El Dorita Village arguably violated the Fair Housing Act by not modifying its overnight guest rule to accommodate the infants who needed round-the-clock monitoring because of their disabilities.

The reasonable accommodation provision of the Fair Housing Act Amendment is, however, limited to rules, practices, policies or procedures which affect persons with disabilities *because of their disabilities*. It is not designed to do away with rules, practices, policies or procedures which negatively impact all persons regardless of whether or not they have a disability. For example, a mobile home park is within its rights to charge a daily parking fee for all guests and is not required to waive the parking fee for a caretaker who visits daily to provide support services to a mother who has a child with a disability. Another example involves limited income. Persons with disabilities may have limited income in common with other prospective tenants or home buyers who do not have disabilities.

Like most apartment complexes, the Blazing Butte requires that prospective residents have a specified gross monthly income in order to qualify to live in the complex. The Blazing Butte requires that its tenants have three times the monthly rent in gross income. A one bedroom apartment rents for \$500 per month. JoAnn Jacobs receives \$1,200 a month in Social Security Disability benefits and feels sure she can pay the rent and have enough left over for her other needs. The Blazing Butte will not rent to her because her monthly disability benefit check is less than three times the monthly rent. The Blazing Butte is not required to modify its application policy as a reasonable accommodation to JoAnn. This rule does not affect JoAnn because of her disability. Instead, JoAnn is affected by the level of her income. A similarly situated prospective tenant who is employed and earns \$1,200 per month would also not qualify to live at Blazing Butte.

Only *reasonable* accommodations must be provided under the Fair Housing Act Amendment. A reasonable accommodation is one which does not pose an undue burden on the entity providing the accommodation and which does not fundamentally alter the program the entity is trying to achieve. Unfortunately, it is unclear exactly what is consider “reasonable”

under the Fair Housing Act. Few courts have analyzed the difference between “reasonable” and “unreasonable.” What is clear, however, is that each individual situation must be approached on a case-by-case basis.

In addition, remember that a tenant or resident who poses a safety risk to others or a risk of substantial damage to the property of others is not entitled to protection under the FHAA. However, entities covered by the FHAA are required to engage in a reasonable accommodation that could eliminate the risk, and it is only IF the individual still poses a threat – after a reasonable accommodation is afforded – that an entity can refuse to offer continued housing. As way of example, suppose that an individual with mental illness talks in a loud manner. This behavior causes her adjacent neighbors to be fearful. She may not be evicted if her behavior is not, in reality, threatening, but rather, based on her neighbor’s stereotypical assumptions about persons with mental illness. If the conduct is in fact threatening, the landlord must first assess whether she can be accommodated before moving to evict her. The landlord might consult with the tenant to find out if she can speak more softly.

Nothing in the Fair Housing Act, however, requires housing providers or neighbors to tolerate violent or assaultive behavior from anyone, including persons with disabilities. An apartment complex is within its rights to evict a tenant who has molested another tenant, despite the fact that the molesting tenant was a person with a physical disability. Individuals with a history of assault or property crimes may be excluded from housing whether or not those convicted are persons with disabilities.

#### **F. Does My Landlord Have to Allow Me to Have My Assistive Animal?**

It is a violation of the reasonable accommodation provision of the Fair Housing Act Amendment to refuse to allow a person with a disability to reside in the home of his or her choice because the person requires the use of an assistive animal. There is no requirement that the animal be certified but the animal must be necessary for the person to enjoy equal housing opportunity. You should be prepared to document the need for the assistive animal.

“No pets” policies and policies restricting pets to a certain weight or height are subject to waiver or modification for assistive animals because such animals are not pets.

Keiko Okumura is deaf and lives with a Golden Retriever named Alex who has been specially trained as a signal dog. Alex alerts Keiko when the telephone or doorbell rings and when the smoke detector sounds. He has also been taught to get Keiko’s attention when someone calls her name. The mobile home park where Keiko wants to rent a space for her manufactured home has a pet height and weight limit. Dogs cannot be taller than 12-inches and are not allowed to weigh more than 25-pounds. Alex is twenty-four inches tall and weighs just under 80-pounds. The mobile home park manager is happy to allow Keiko to rent a space, but he makes it clear that Alex can’t live there. Under the Fair Housing Act, the manager must waive or modify the weight/height restriction to allow Keiko to live in the mobile home park because Alex has been specially trained to assist Keiko and she cannot safely live in the mobile home park without this assistance.

Similarly, your landlord cannot charge you a security deposit or monthly “pet rent” because assistive animals are not pets. Your assistive animal must, however, obey other rules pertaining to pets in the complex. You must be prepared to clean-up after your animal, keep your animal on a leash and be prepared to lose your housing if your assistive animal is aggressive and bites or injures someone.

To request that your landlord, condominium association or homeowners’ association waive or modify its “no pets” or “weight/height restriction for pets” policy, you must request the accommodation. Although the Fair Housing Act Amendment does not require you to make this request in writing, you are encouraged to make all requests for reasonable accommodation in writing. You should ask your doctor or the animal’s trainer to submit a letter, on their own letterhead, documenting: (1) that you are a person with a disability; (2) the activities in which the animal assists you; and (3) that the accommodation is needed for you to enjoy equal access and use of your home and any common areas or facilities. You are NOT required to provide documentation as to the nature or severity of your disability and should not provide this additional information or any other medical information that you wish to keep confidential.

### **G. Does My Landlord Have to Modify My Apartment So I Can Use It?**

No, your landlord has no duty to modify your apartment to make it accessible for your use and enjoyment. But rental housing providers must permit reasonable modifications to your apartment or other rental home, at your expense. These modifications are not limited to the interior of your individual unit, however, you can seek permission to make modifications to lobbies, main entrances, and other common areas, including club houses, pools and cluster mailbox alcoves. Some of the modifications contemplated by this provision of the Fair Housing Act Amendment include, widening doorways, removing vanities under counters or sinks, lowering kitchen cabinets to a suitable height, installing ramps and installing grab bars in bathrooms.

You should understand, however, that your landlord or rental housing provider is within his or her rights to condition their permission for a modification of the premises on your agreeing to restore the interior premises – as opposed to the common areas – to the condition that existed prior to the modifications, reasonable wear and tear excepted.

Shelby Murray is a woman who has been diagnosed with Multiple Chemical Sensitivity (MCS). She has found an apartment at the Chino Coves which is suitable for her disability, except for the fact that her prospective landlord has just installed new carpet in the one bedroom apartment. New carpeting often emits chemical fumes which exacerbate the symptoms of MCS. Shelby asks if it would be okay if she removes the carpet so she can live at Chino Coves. The manager tells Shelby she can remove the carpet at her expense but she must agree to safely store the carpet and have it or new carpeting installed when she decides to vacate the apartment at Chino Coves. The manager has acted lawfully.

Further, the housing provider is entitled to some assurance that the quality of the modifications will be suitable and can require you to obtain building permits, use licensed and bonded contractors and submit plans for prior approval. With regards to modifications to common areas, ask that your housing provider make the common area accessible before you offer to pay for the modifications. It has been the Center staff's experience that many apartment

complexes will make common areas accessible because it improves the marketability of the housing complex and they want the modifications to blend in within the surrounding area.

The regulations implementing the Fair Housing Act also allow the housing provider to request that you place the money necessary to restore the *interior* premises of your unit into an escrow account. As a practical matter, few if any housing providers request that money be placed in escrow for this purpose. If your housing provider does make this request, we have two suggestions. First, explain to your housing provider that accessible housing is very marketable and restoration is disfavored for that reason. Second, suggest that you enter into an agreement under which you agree that you will restore the premises if your apartment is rented to an individual who does not need the accessible features you have incorporated and whose enjoyment of the dwelling unit is hampered by the modifications. As a practical matter, many individuals without disabilities appreciate the wider doorways and ramps which facilitate moving furniture or children in strollers. Persons without disabilities can often benefit from levered hardware, which eases home entry when carrying groceries or boxes. Similarly, higher toilet seats and grab bars in the bathrooms are often useful to persons with or without disabilities.

#### **H. Doesn't an Apartment Complex Have to Be Accessible to Wheelchairs?**

The Fair Housing Act Amendment requires that all multi-family construction built for first occupancy on or after March 13, 1991, contain seven accessibility-enhancing design features. Failure to include these seven accessibility features in new construction constitutes discrimination on the basis of disability in violation of the FHAA. Not all multi-family housing built after that date, however, are covered by the accessibility provisions of the FHAA. Buildings with four or more units are covered in the entirety if they have an elevator. If a building contains four or more units and does not have an elevator, only the ground floor units and common areas on the ground floor are covered. No building with fewer than four units is covered at all by the seven accessibility requirements of the Fair Housing Act Amendment.

For quick reference, the seven accessibility requirements are:

- ✓ An accessible building entrance on an accessible route;
- ✓ Public and common use areas must be on an accessible route and must be readily accessible to and usable by persons with disabilities;
- ✓ All doors designed to allow passage through them must be wide enough to accommodate a wheelchair;
- ✓ The housing unit itself must have an accessible route into and through the dwelling;
- ✓ Light switches, electrical outlets, thermostats and other environmental controls must be in accessible locations;
- ✓ Bathrooms must contain reinforced walls for the installation of grab bars; and,
- ✓ Kitchens and bathrooms must be accessible to and usable by persons with disabilities.

### ***1. Accessible Entrance on an Accessible Route***

Covered multi-family dwellings must be designed and constructed so as to have at least one building entrance on an accessible route. First of all this means that the entrance itself must be accessible to, and usable by, persons with disabilities, including those who use wheelchairs for mobility. An accessible building entrance is subject to several accessibility requirements, including a minimum clear width of open doorway of 32 inches, low or no threshold, maximum force needed to open the door, accessible door hardware, wheelchair maneuvering space and safe door closing speed. An accessible route is a continuous, unobstructed path winding throughout the grounds, including the common areas, that is connected to public transportation stops, accessible parking and passenger loading zones, and public streets and sidewalks, if these features are available to the complex or building containing dwellings built for first occupancy after March 13, 1991.

There is one exception to the rule requiring that all covered multi-family dwellings built after March 13, 1991, have an accessible entrance on an accessible route. This requirement is

waived where it is impractical to design and construct an accessible entrance on an accessible route because of the terrain or unusual site characteristics. This exception is rarely available, however.

## **2. *Access to Public Use and Common Areas***

Public and common use areas must be on an accessible route and must be readily accessible to, and usable by, persons with disabilities. Persons with disabilities must have access to the amenities available in the housing development where they choose to live. Public and common areas that must be accessible, include, but are not limited to, the clubhouse, community meeting rooms, shuffleboard decks, parking, lobbies, drinking fountains, swimming pool decks and rotundas, playgrounds, sales or rental offices, cluster mailbox areas, laundry facilities, health spas, gaming (pool, billiards, ping pong) rooms, tennis courts, common rest rooms and bathing facilities, and fitness/gym facilities.

If the housing development has multiple recreational facilities, however, not each one is required to be accessible. It is okay to have “sufficient numbers” of such facilities accessible to persons with disabilities. It is also important to understand that although the Fair Housing Act requires accessible recreational facilities, it does NOT require wheelchair accessible equipment on playground or mechanical pool lifts to access the water. In other words, only the area surrounding the pool and playground are required to be accessible to wheelchair users.

## **3. *Usable Doors***

All the doors must be designed to allow passage into and within all premises and must be sufficiently wide to allow passage by residents and guests who use wheelchairs. These doors are referred to “usable doors.” All doors, including closet doors and second doors to master bathrooms, must be usable. “Usable doors” must have a nominal 32-inches clear width. That means that “usable doors” may vary from the 32-inch clear width by a nominal or very small amount.

Certain doors are subject to more stringent accessibility requirements. Doors in public

and common use areas, as well as primary entry doors of the covered dwelling units, are subject to these more stringent requirements. The Fair Housing Act refers to the doors subject to the more stringent accessibility requirements as “accessible doors.” “Accessible doors” must meet certain requirements for clear width (32 inches minimum), maneuvering clearances, threshold height (very low or no), hardware (e.g. levered) and opening force (5 lbs. for interior doors and 8.5 lbs. for exterior doors).

#### **4. Accessible Route Through Dwelling Unit**

##### **(a) General Rules for Accessible Routes**

The Fair Housing Accessibility Guidelines require that an accessible route be provided into and throughout the dwelling unit. There are two requirements for an accessible route. It must be: (1) sufficiently wide (36-inches); and (2) lacking in abrupt changes in level. This 36-inch accessible route is required, except as it passes through usable doors which are 32-inches wide. The accessible route must continue through all rooms in the unit and connect with the primary entrance door and all secondary doors. An accessible route is not required into a basement or garage. But the doors to such areas must be “usable.” This allows for adaptability if a person with a disability later wants to add a ramp to increase accessibility to the garage or basement areas.

As noted earlier, an accessible route must be lacking in abrupt level changes. The Accessibility Guidelines, however, do allow for a change in level between the interior of the unit and an outside surface or balcony. The amount of level change allowed depends on two factors: (1) whether the door is a primary (e.g., front door) or secondary door; and (2) the construction material of the outside landing surface. The *Fair Housing Act Design Manual* provides the following explanation:

If the primary entry door to a dwelling unit has direct exterior access, the landing surface outside the door, as part of the accessible route, must be level with the interior floor, unless the landing is constructed of impervious material [material which does not allow water to pass through], such as concrete; in which case,

the landing may be up to ½ inch (but no more than ½ inch) below the interior floor of the dwelling unit. . . . When secondary exterior door exits onto decks, patios, or balcony surfaces constructed of impervious materials, the accessible route may be interrupted. In this case, the outside landing surface may be dropped a maximum of 4 inches below the floor level of the interior of the dwelling unit (or lower if required by local building code) to prevent water infiltration at door sills. If the exterior surface is constructed of pervious material, such as a wood deck that will drain adequately, that surface must be maintained to within ½ inch of the interior floor level.

#### **(b) Accessible Routes in Dwelling Units with Two or More Stories**

There are special rules for the accessible route throughout covered multifamily dwellings which are two stories in height. The term used in the Fair Housing Act is “multistory dwelling unit” and is defined as “a unit with finished living space located on one floor and the floor or floors immediately above or below it.” Multistory dwelling units in buildings without elevators are NOT covered by the Fair Housing Act. Multistory dwelling units in buildings with elevators are covered. Although many persons who use wheelchairs would not choose to live in a multistory dwelling unit, such units must meet some of the accessibility requirements of the Fair Housing Act. This allows for increased accessibility for guests who use wheelchairs who visit family, friends or neighbors who live in multistory dwelling units.

Only multistory units in buildings with one or more elevators are covered. The story that is serviced by the elevator must be the primary entrance to the multistory dwelling unit. For all rooms located on that entry level, the unit must comply with five of the seven accessibility requirements: (1) usable doors; (2) accessible route through that floor of the unit; (3) accessible environmental controls; (4) reinforced walls in bathrooms; and (5) usable kitchens and bathrooms (if those rooms are located on the entry level). Even if the bulk of the dwelling unit is on floors other than the entry level floor, there must be a usable bathroom or powder room on the entry level floor.

#### **5. Accessible Environmental Controls**

Light switches, electrical outlets, thermostats, ceiling fan switches and other

environmental controls must be in accessible locations. Where there are no obstructions to interfere with the reach of the person using a wheelchair, all covered environmental controls and switches must be mounted no higher than 48 inches above the floor and no lower than 15 inches above the floor. As with all general rules, there are a few exceptions. Certain controls and outlets are not covered by these requirements including, circuit breakers and outlets which are dedicated to a specific appliance such as a refrigerator, stove, washer and dryer or microwave oven.

**6. *Bathrooms Must Have Reinforced Walls for Later Installation of Grab Bars***

The Fair Housing Act Amendments do not require that grab bars be installed in bathrooms. The accessibility guidelines do require that bathroom walls be strong enough to support the later installation of grab bars. Reinforcement of at least 6 inches wide by 24 inches long that is capable of supporting grab bars, must be installed behind and beside toilets. Similar reinforcements are required for tubs and shower areas.

**7. *Usable Kitchens and Bathrooms***

The Fair Housing Act Amendments require that covered multifamily dwellings, built for first occupancy on or after March 13, 1991, must have usable kitchens and bathrooms. Note that the FHAA says “usable” and not “accessible.” In fact, the Act prescribes minimum guidelines which provide some maneuverability but which may not provide accessibility for wheelchair users. The FHA Accessibility Guidelines for usable kitchens provide for: (1) minimum clear floor spaces at fixtures and appliances (30-inch by 48-inch); (2) minimum clearance between counters (at least 40 inches between all opposing base cabinets, countertops, appliances and walls); and (3) additional specifications when a U-shaped kitchen is planned (60-inch in diameter turning circle required).

Like kitchens, bathrooms constructed in compliance with the Fair Housing Act Accessibility Guidelines may not be truly accessible, but afford an improvement over

conventionally designed and constructed multifamily bathrooms. The Accessibility Guidelines distinguish between full bathrooms and powder rooms and each have separate accessibility specifications. For more information on the specifications applicable to usable kitchens, bathrooms and powder rooms, refer to the *Fair Housing Act Accessibility Design Manual* which is available from the United States Department of Housing and Urban Development (HUD). Information about HUD can be found in this guide in Appendix A.

In general, usable bathroom specifications include: (1) an accessible route into the bathroom with a nominal 32-inch clearance; (2) accessible switches, outlets and controls; (3) reinforced walls for later installation of grab bars; (4) maneuvering space within the bathroom to permit a person using a wheelchair to enter the room, close the door, reopen the door and exit the bathroom; and (5) maneuvering and clear floor space within the bathroom to permit a person using a wheelchair to approach and use the sink, toilet and bathing fixtures.

## **I. How Do I Request a Reasonable Accommodation?**

Nothing in the Fair Housing Act says that you, or any other person with a disability intending to reside with you in your dwelling, must ask for the accommodation at the beginning of your lease term or tenancy. As some of the examples in this guide have shown you, it is okay to request a reasonable accommodation at any time during your tenancy. You should request the accommodation as soon as practical, however.

The Fair Housing Act does not require that you provide your request for reasonable accommodation in writing. Putting your request in writing, however, allows you to have a record of the accommodation requested and the date on which you requested the accommodation. In your letter, you should include the reason the accommodation is needed for you to enjoy your home. You should be prepared to include a letter from your health care provider documenting: (1) that you are a person with a disability; (2) the reason the

accommodation is needed; and, (3) that the accommodation is necessary for your use and enjoyment of your home. Be sure to keep a copy of your letter and your health care provider's letter for your records.

**J. What Do I Do If I Think That My Housing Rights Have Been Violated?**

You have several options available to you. You can: (1) try to resolve the matter informally with your landlord, management company, builder, real estate agent, insurance company or other offending party; (2) call the Arizona Center for Disability Law for further information on self-advocacy; (3) file a complaint of housing discrimination with the United States Department of Housing and Urban Development (HUD); (4) file a housing discrimination complaint with the Arizona Attorney General's Office; or (5) consult with a private attorney and file a lawsuit.

***1. Filing a Complaint of Housing Discrimination with HUD or the Arizona Attorney General's Office***

A person, or his or her representative, who believes that s/he has been discriminated against in housing has the right to file a complaint of discrimination with either HUD or the Arizona Attorney General's Office. The complaint must be filed no later than **one year** after an alleged discriminatory housing practice has occurred or terminated. You can call any local HUD office or the Center and ask that a complaint form be sent to you. If you need assistance with filing a complaint, the staff at HUD will help you with this complaint process. You can contact HUD at:

Fair Housing Hub  
Phillip Burton Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102-3448  
(800) 347-3739 (voice)  
(415) 436-6594 (TTY)

Under the Arizona Fair Housing Act, you may also file a complaint of housing discrimination with the Arizona Attorney General's Office. To file a complaint, you should call the office nearest to you to find out what steps you need to take to file a complaint. The staff at the Attorney General's Office will also assist you with filing a complaint. The address and telephone numbers for the offices in Tucson or Phoenix are:

400 West Congress  
Tucson, AZ 85701  
(520) 628-6500 (voice)  
(520) 628-6872 (TTY)

1275 West Washington  
Phoenix, AZ 85007  
(602) 542-5263 (voice)  
(602) 542-5002 (TTY)

There is no cost to you for filing a housing discrimination complaint with either HUD or the Attorney General's Office.

Once you file a complaint with HUD or the Attorney General's Office it is very important that you do two things. First, respond promptly and thoroughly when asked to provide information or documents pertaining to your claim of housing discrimination. Second, be sure to keep the investigating agency notified of any change of address or telephone number. Without the correct address and telephone number, HUD or the Attorney General's Office cannot contact you about your case. If HUD or the Attorney General's Office can not reach you, or if you fail to cooperate in the investigation of your complaint, HUD or the Attorney General's Office can stop investigating your complaint and close your file.

Once an investigator has been assigned to your case, be prepared to provide the investigator with any written support of your claim, other documentation and a list of witnesses, if any. You should also be prepared to provide HUD or the Attorney General's Office with documentation from your health care provider that you are (or the person on whose behalf you filed the complaint is) a person with a disability. If HUD or the Attorney General's Office have

reason to believe that housing discrimination had occurred, the agency will offer to engage in a “conciliation effort” on your behalf. This means that they will attempt to have the matter settled outside of court. Both parties must agree to resolution for this conciliation effort to work.

If the conciliation effort fails, the investigation into your housing complaint continues. At the end of the investigation, the agency will either issue a charge of discrimination (a formal finding that it is more likely than not that the discrimination occurred) or dismiss your complaint if the agency finds no probable cause to believe discrimination occurred. If the respective agency issues a finding of discrimination, the agency MAY file a lawsuit on your behalf. The Center strongly recommends that you consult with a private attorney if either HUD or the Attorney General’s Office issues a finding of probable cause in your case.

## ***2. Filing a Private Lawsuit***

You do not have to file a housing discrimination complaint with HUD or the Arizona Attorney General’s Office. You may hire a private attorney and file a civil lawsuit in federal or state court. You must file the lawsuit no later than **two years** after the occurrence or the termination of an alleged discriminatory housing practice. A recent case in the 9<sup>th</sup> circuit – which affects Arizona – has held that for a private civil action alleging violations of the FHA, such a lawsuit must be filed “...not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice.” In a failure to design and construct a covered dwelling according to FHA guidelines, the statute of limitations is triggered at the conclusion of the design and construction phase, “...which occurs on the date the last certificate of occupancy is issued.” *See Garcia v. Brockaway*, CV-05-00156-ECR. If your attorney is successful in the lawsuit, s/he may receive an award of reasonable attorneys’ fees, and certain costs associated with the lawsuit.

*This guide is not intended to provide directions for the filing of a civil lawsuit and the Center strongly recommends that you consult with an attorney for further advice about filing a lawsuit.*

### **III. Remedies Available for Housing Discrimination**

#### **A. Injunctions**

An injunction is a court order requiring the offending entity to do something it is required by law to do, or to refrain from doing something which it is not allowed to do under the law. It is a preventative measure which guards against future discrimination. For example, the court may order your landlord to modify its “no pets” policy to allow you to live with your assistive animal. In some cases involving the inaccessibility of newly constructed multifamily housing, courts have ordered the builders and developers to retrofit the apartment complex because the builder and developer ignored the Fair Housing Act’s accessibility guidelines in constructing the new housing complex.

#### **B. Monetary Damages and Civil Penalties**

Under the Fair Housing Act, you may be entitled to monetary damages compensating you for actual losses or injuries. In a lawsuit, you may be entitled to punitive damages which are a sum of money designed to punish the offending party. Punitive damages are not routinely awarded, however. If a lawsuit is brought by HUD or the Attorney General’s Office, the offending party is also subject to civil penalties which are payable to HUD or the Arizona Attorney General’s Office.

## **IV. APPENDIX A: HOUSING RESOURCES**

### **DISABILITY-RELATED ISSUES**

#### **ACCESSIBLE APARTMENTS**

National Accessible Apartment  
Clearinghouse  
800-421-1221

Southern Arizona Peoples Law Center  
606 N. Fourth Avenue  
Tucson, Arizona 85705  
520-623-7306  
Southern Arizona Legal Aid-Tucson  
520-623-9461  
800-248-6789

#### **HOME MODIFICATION PROGRAMS**

Arizona Bridge For Independent Living  
(ABIL)  
5025 E. Washington Street, Suite 200  
Phoenix, Arizona 85034-2005  
602-256-2245  
800-280-2245  
TTY:602-256-2245/800-280-2245

#### **HOUSING DISCRIMINATION**

Attorney General's Office-Civil Rights  
Section  
1275 W. Washington Street  
Phoenix, AZ 85007-2926  
602-542-5263/877-491-5742  
TTY:602-542-5002

Direct Center For Independence (DIRECT)  
1023 N. Tyndall Avenue  
Tucson, Arizona 85719  
520-624-6452  
800-342-1853

Attorney General's Office-Civil Rights  
Section  
402 W. Congress  
Tucson, Arizona 85701  
520-628-6500  
877-491-5740

### **OTHER HOUSING ISSUES**

#### **LANDLORD/TENANT**

Community Legal Services  
305 S. 2nd Avenue  
Phoenix, AZ 85003-2402  
602-258-3434/800-852-9075  
TTY:602-254-9852  
Area Served: La Paz, Maricopa, Mohave,  
Yavapai, Yuma counties

Arizona Fair Housing Center  
13201 N. 35th Avenue, Suite 19  
Phoenix, Arizona 85029  
602-548-1599/800-868-3315 , TTY:800-  
367-8939

Southern Arizona Housing Center (SAHC)  
2030 E. Broadway, Suite 101  
Tucson, Arizona 85719  
520-798-1568  
888-624-4611

City of Phoenix-Landlord/Tenant Message  
Line  
602-262-7210  
Avondale, AZ. 85323-2809  
623-932-9440

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## **PUBLIC HOUSING AUTHORITIES**

Avondale Community Action Program  
(CAP)  
1007 S. 3rd Street  
623-932-9440

Bullhead City Housing Authority  
1255 Marina  
Bullhead City, Arizona 86442  
520-763-0114

City of Chandler Housing Division  
99 N. Delaware  
Chandler, Arizona 85225  
480-786-2600

Cochise County Housing Authority  
1415 W. Melody Lane, Bldg. A  
Bisbee, Arizona 85603  
520-432-9460

Douglas Housing Authority  
455 11<sup>th</sup> Street  
Douglas, Arizona 85607  
520-364-8458

Housing Authority of the City of Eloy  
100 W. Phoenix Avenue  
Eloy, Arizona 85231  
520-466-7162

Flagstaff Housing Authority  
3481 N. Fanning Drive  
Flagstaff, Arizona 86002  
520-526-0002

Gila County Housing Authority  
149 S. Broad, Suite A  
Globe, Arizona 85501  
520-425-0858

City of Glendale Housing Authority  
6842 N. 61<sup>st</sup> Avenue  
Glendale, Arizona 85301  
623-930-2180  
TTY:623-930-2197

Graham County Housing Authority  
118 Arizona Street  
Bisbee, Arizona 95603  
520-432-5301

Housing Authority of Maricopa County  
2024 N. 7<sup>th</sup> Street, Ste. 101  
Phoenix, Arizona 85006-2155  
602-257-1113

City of Mesa Housing Authority  
415 N. Pasadena  
Mesa, AZ 85201-5916  
480-644-3535  
Application Line - 480-644-3571

Mohave County Housing Authority  
809 E. Beale Street  
Kingman, Arizona 86402  
520-753-0744

Nogales Housing Authority  
951 N. Kitchen Street  
Nogales, Arizona 85621  
520-287-4183

City of Peoria Housing Department  
8355 W. Peoria Avenue, Suite 160  
Peoria, Arizona 85345-6599  
623-773-7140

City of Phoenix Housing Department  
830 East Jefferson Street  
Phoenix, Arizona 85034-2298  
602-534-5345  
TTY:602-534-5345

**PUBLIC HOUSING AUTHORITIES,  
CONTINUED**

Pima County Housing Dept.  
City of Tucson Community Services Dept.  
1501 N. Oracle Road  
Tucson, Arizona 85705  
520-791-4739

Pinal County Housing Department  
970 N. Eleven Mile Corner Road.  
Casa Grande, Arizona 85222  
520-868-7201

City of Scottsdale Housing Agency  
7522 E. 1st Street  
Scottsdale, Arizona 85251-4502  
480-312-7717 Section 8  
480-312-2528 Section 8 Information Line

City of Tempe Housing and Redevelopment  
132 E. 6th Street, Suite 201  
Tempe, Arizona 85280-5002  
480-350-8974  
TTY:480-350-8913

City of South Tucson Housing Authority  
1713 S. Third Avenue  
Tucson, Arizona 85713  
520-623-8481

City of Tucson Community Services  
Department  
800 E. 12th Street  
Tucson, Arizona 85719  
520-791-4616  
TDD:520-791-5481

Williams Housing Authority  
113 S. First Street  
Williams, Arizona 86046  
520-635-4717

Winslow Housing Authority  
900 W. Henderson Square  
Winslow, Arizona 86047  
520-289-4617

Yavapai County Housing Authority  
119 E. Aspen Avenue  
Flagstaff, Arizona 86001  
520-774-1895

Yuma City Housing Authority  
1350 W. Colorado Street  
Yuma, Arizona 85364  
520-782-3823

Yuma County Housing Authority  
8450 W. Highway 95  
Suite #88  
Somerton, Arizona 85350  
520-627-8828

**LEGAL ASSISTANCE WITH PUBLIC  
HOUSING ISSUES**

Community Legal Services  
305 S. 2nd Avenue  
Phoenix, AZ 85003-2402  
602-258-3434/800-852-9075  
TTY:602-254-9852  
Area Served: La Paz, Maricopa, Mohave,  
Yavapai, Yuma counties

Southern Arizona Legal Aid-Tucson  
Section 8 Housing  
520-623-9461  
800-248-6789

**OTHER HOUSING RELATED  
COMPLAINTS**

Complaints against home builders or  
licensed subcontractors:  
Registrar of Contractors  
602-542-1525  
888-271-9286

Complaints against real estate agents:  
Arizona Department of Real Estate  
2910 N. 44th Street, Suite 100  
Phoenix, Arizona 85018-7272  
602-468-1414

Empowerment Zone/Enterprise Community  
Programs  
[www.ezec.gov](http://www.ezec.gov)

## **FORECLOSURES (MORTGAGE)**

Community Legal Services  
305 S. 2nd Avenue  
Phoenix, AZ 85003-2402  
602-258-3434/800-852-9075  
TTY:602-254-9852  
Area Served: La Paz, Maricopa, Mohave,  
Yavapai, Yuma counties  
Southern Arizona Legal Aid-Tucson  
520-623-9461  
800-248-6789

The Fair Housing Institute  
[www.mindspring.com/~fairhous/](http://www.mindspring.com/~fairhous/)

Disabilities Law Project (article on  
“Discriminatory Zoning and the Fair  
Housing Act”)  
[www.dlp-pa.org](http://www.dlp-pa.org)

## **FAIR HOUSING WEB SITES**

National Fair Housing Advocate Online  
[www.fairhousing.com](http://www.fairhousing.com)

Home Mortgage Disclosure Act Data  
[www.rtk.net](http://www.rtk.net)

Fair Housing Best Practice  
[www.hud.gov/fhe/fhebestp.html](http://www.hud.gov/fhe/fhebestp.html)

The Fair Lending Guide Page  
[www.ffhsj.com/fairlend/fair.htm](http://www.ffhsj.com/fairlend/fair.htm)

Fair Housing Technology Forum  
[www.home.att.net](http://www.home.att.net)

Alpha-One Fair Housing Accessibility  
Information  
[www.alpha-one.org/builder.htm](http://www.alpha-one.org/builder.htm)

Census Bureau  
[www.census.gov](http://www.census.gov)

Community Connections  
[www.comcon.org](http://www.comcon.org)