

Tenant Rights and Disability

How does having a disability impact the tenant experience?

1. Being a tenant is can be difficult enough to navigate. Having a disability and/or other marginalized identities increases the likelihood of someone experiencing housing discrimination or mistreatment.
2. Statistics from Hamilton County prove that people with disabilities are facing high rates of discrimination.
3. Many rental units and facilities are not accessible, and landlords do not always follow Fair Housing Laws.

All Tenants Have Rights Under Ohio Tenant-Landlord Law

In Ohio, landlord-tenant relations and obligations are governed by the Ohio Landlord Tenant Act (Ohio Revised Code 5321) and by the Eviction statute (Ohio Revised Code 1923).

The Code defines both tenant and landlord responsibilities, and consequences if these laws are violated. Each state has different laws.

Contact us with any questions or requests for this document in an alternative format.



Fair Housing Act and Disability

The Fair Housing Act protects against discrimination when an individual is engaging in housing related activities such as:

- Renting a home or apartment, buying or selling a home, and mortgage lending.

Who is considered a person with a disability?

The Fair Housing Act defines a person with a disability to include:

- Individuals with a physical or mental impairment that substantially limits one or more major life activities;
- Individuals who are regarded as having such an impairment; and
- Individuals with a record of such an impairment. Under fair housing laws, the definition of disability is very broad and does not just apply to someone with a physical disability or someone who receives Social Security Disability Insurance (SSDI).

Reasonable Accommodations

A reasonable accommodation is a change in rules, policies, practices, or services that enables a person with a disability an equal opportunity to use and enjoy a dwelling.

Accommodations are considered “reasonable” if they do not create an undue hardship or a direct threat.

What if there is a cost to the accommodation?

- Changes to rules, policies, procedures or practices usually do not cost anything. If there is a cost associated with the reasonable accommodation, then the cost is the landlord’s responsibility.

Fair Housing Act and Disability

Housing Modifications

A reasonable modification is a change in the physical structure of a dwelling that enables a person with a disability an equal opportunity to use and enjoy that dwelling.

- This includes the interior and exterior of a building or a unit, including public and common-use areas.

What if there is a cost to the modification?

- The cost of purchasing and installing reasonable modifications is the responsibility of the tenant. Private landlords who accept housing vouchers are also not responsible to pay for reasonable modifications.
- If the rental housing is federally funded (Ex. A property owned by a Housing Authority) then it is the owner's responsibility to pay for the reasonable modification.

Animal Assistants

Animal Assistants include service animals and emotional support animals. Nothing in fair housing law requires that any animal meet training or certification requirements. An emotional support animal, for example, could seldom meet such requirements. It can, however, meet the standard of being determined by a physician to be psychologically necessary to enable a person to reside in a particular dwelling. That should be the end of the inquiry (Disability Rights Ohio).

- A fee cannot be charged to a tenant for their animal assistant.
- 'No Pets Policies' cannot be applied to animal assistants.
- Potential damage to property would be paid for like any property damage - at the end of the lease.

Using Your Rights

How to Ask for Reasonable Accommodations and/or Home Modifications

Requests can be submitted in writing or verbally. A landlord cannot require you to use a specific form to submit a request for accommodation/home modification.

- It is recommended that you make these requests in a way that creates a record (such as an email conversation), so that there is evidence if needed in the future.
- You can also CC a third-party advocate on an email or include them in any verbal conversations to ensure accountability.

If you feel you are being unlawfully denied your request for a reasonable accommodation/home modification, you can work with a number of organizations to advocate for yourself.

Applying Self-Advocacy to Tenant Issues

There are many situations that call for self-advocacy when you're a tenant with a disability:

- Requesting a reasonable accommodation or housing modification.
- Navigating conflict with neighbors.
- Reporting discrimination to the appropriate places.

Self-Advocacy is:

- Knowing your rights as a tenant with a disability.
- Knowing what you need to live and thrive within your home.
- Knowing the best ways to communicate your needs to a landlord or property manager.
- Asking for help if you need it.

Some More Tenant Rights

- Right to complain to a government agency if your landlord violates:
 - Housing laws, or
 - Regulations affecting health and safety
- Right to complain to your landlord for failing to perform any legal duties.
- Right to no retaliation.
 - If you complain and the landlord retaliates by increasing rent, decreasing services, or seeking to evict you for complaining, the landlord has broken the law.
- Right to privacy, which the landlord must respect.
 - The landlord may enter your apartment after reasonable notice (at least 24 hours) for certain legitimate reasons and without notice in certain emergency situations.

If you have notified your landlord, in writing, of problems at your rental property or of an insect or rodent infestation, the landlord should remedy the problems within a “reasonable” amount of time. For a broken furnace in mid-January, a reasonable amount of time may be just a few days. The landlord may take up to 30 days to make less critical repairs.

Access [A Summary of Fair Housing Laws](#) from the State of Ohio here:

