



Disability Housing: **FAQ Series**

Housing Modifications

Q: Does the ADA cover housing?

A: Many people think of the Americans with Disabilities Act (ADA) as the umbrella disability rights law, however, it is not the primary law protecting people with disabilities from discrimination in housing. That would be the 1988 Fair Housing Act Amendments, which included people with disabilities under its protections. That law makes it illegal to discriminate against people with disabilities in sales or rentals of housing, setting different terms or conditions for sale or rental of a dwelling, provision of housing services or facilities, qualification criteria or applications requirements, and other housing related circumstances.

The law's accessibility guidelines call for certain accessibility features in all private multi-family residential buildings constructed for first occupancy after March 13, 1991. The only area where the ADA generally applies with regard to buildings like apartments and condominiums is in their sales and leasing offices.

Information about the Fair Housing Act Amendments and their accessibility requirements can be found [here](#).

Q: My condo was built in 1993. What are the accessibility features required by the Fair Housing Act Amendments?

A: Accessibility features required by the Fair Housing Act Amendments include:

- an accessible building entrance on an accessible route;
- accessible common and public use areas;
- usable doors (usable by a person in a wheelchair);
- accessible route into and through the dwelling unit;
- light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- reinforced walls in bathrooms for later installation of grab bars; and
- usable kitchens and bathrooms.

Once a family is determined eligible for HUD assistance and is selected to receive it, the rent they pay is generally based on 30 percent of their adjusted income. Those adjustments include deductions for elderly and disabled family members, certain medical costs, and certain child care costs.

Q: How are assets treated under HUD-assisted housing rules?

A: There is no asset limit for eligibility under many HUD programs. Instead, public housing authorities and owners of multifamily housing must either count the actual income earned on assets, or impute income from assets, and include that amount in a household's annual income calculation for purposes of determining eligibility and rent. Assets include real property, savings accounts, stocks, and bonds. They do not include necessary personal items such as furniture and automobiles.

Q: What is included in income in determining eligibility or calculating a tenant's rent?

A: Among items included in income are:

- earnings from employment, including overtime pay, tips, and bonuses;
- income earned on assets;
- payments from Social Security, pensions, or other retirement benefits;
- disability income, including veterans' disability benefits, death benefits, and insurance payments;
- unemployment compensation, disability compensation, and workers' compensation;
- Temporary Assistance for Needy Families (TANF) cash assistance (with exceptions);
- alimony and child support; and
- military pay.

Q: I need to install grab bars in the bathtub in my apartment. Who pays for that?

A: In private unsubsidized multifamily properties covered by the Fair Housing Act, the resident is responsible for paying for alterations to the unit to accommodate a disability. The management must allow that alteration as a reasonable accommodation but, if it is a rental unit, can require the resident to restore it to its original status if the resident moves out. If you live in a federally subsidized property, Section 504 would apply and the property may have to make and pay for your modifications. Information concerning sources of funding for home modifications can be found below.

Q: My condo was once an old warehouse that was converted into housing in 2015. Does the Fair Housing Amendments Act apply to such a building?

A: No, the Fair Housing Act applies to covered multifamily dwellings built for first occupancy after March 13, 1991, and the Fair Housing Act regulation defines first occupancy as a building that has never before been used for any purpose other than as a residential property. If a building was used previously for a nonresidential purpose, such as a warehouse, office building, or school, and is being converted to a multifamily dwelling it does not have to meet the accessibility requirements of the Fair Housing Act.

Q: Is public housing covered by the ADA?

A: Federally funded housing like Section 8 or other federally subsidized housing is covered by Section 504 of the Rehabilitation Act. That law calls for compliance with its accessibility standards which are somewhat broader than the accessibility standards under the Fair Housing Act.

Since July of 1988, newly-constructed housing and non-housing facilities must be designed and constructed to be readily accessible to and usable by persons with disabilities. In new construction multifamily housing projects, a minimum of five percent of the total dwelling units (or at least one unit, whichever is greater) must be made accessible for persons with mobility impairments. An additional two percent of the total units (or at least one unit, whichever is greater) must be made accessible for persons with hearing or vision impairments. In circumstances where greater need is demonstrated, the Department of Housing and Urban Development (HUD) may prescribe higher percentages or numbers.

Q: If an older public housing development undergoes renovation, does Section 504 apply?

A: Physical accessibility requirements apply to any alterations of existing housing and non-housing facilities. Under HUD's Section 504 regulation, alterations include any change in a facility or a change to its permanent fixtures or equipment. If alterations are undertaken to a multifamily housing project that has 15 or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility, this qualifies as "substantial alteration," in which all of the new construction provisions of HUD's Section 504 regulation apply.

Q: Are single family homes covered under the Fair Housing Act?

A: No. The Fair Housing Act Amendments only apply to private multi-family buildings such as apartments or condominiums built for first occupancy after March 13, 1991.

Q: Are there any efforts to make single family homes more accessible to people with mobility impairments?

A: There have been initiatives in some localities to adopt "Visitability" ordinances to promote a basic level of access in single family homes. Visitability seeks to provide single family homes, not otherwise regulated for access, with the bare minimum level of accessibility, so a wheelchair user or anyone else with a mobility issue can comfortably visit the home. Basic features for visitability include one no-step entrance to the home, 32-inch wide doors throughout the home and one bathroom on the main level that is wheelchair accessible. Some guidelines also promote providing a gathering area such as a living room and kitchen with adequate wheelchair maneuvering space on the main level.

Does the VA provide any help with accessible housing?

Currently, the Department of Veterans Affairs (VA) may provide adaptations to veterans or service members' residences through the Veterans Health Administration under the Home Improvements and Structural Alterations Grant Program, otherwise known as HISA. Help with paying for home modifications is also available through the Veterans Benefits Administration under the Specially Adapted Housing (SAH), Special Housing Adaptation (SHA), temporary residence adaptation, or independent living programs. Information about these VA housing programs can be found [here](#).

Q: How can I finance accessibility modifications to my home?

A: There are a number of federal, state or local programs, as well as private non-profit organizations, that offer help in managing the costs of accessibility modifications on homes. Unfortunately, they are scattered throughout agencies and at various levels of government so locating them can be a challenge. On top of that, many of these programs have eligibility criteria that someone must meet in order to obtain assistance from them.

In addition to the VA programs noted above, other home modification resources include:

- [Home Modification Information Network](#) - a joint initiative of the Administration on Community Living (ACL) with the USC Leonard Davis School of Gerontology. This website offers a searchable tool providing information about each state's home modification policies, funding sources and programs, and a national directory of home modification resources.
- [The Rural Housing Repair Loans and Grants Program](#) operated by the United States Department of Agriculture provides grants for low-income people over 62 years old who prefer to age in place.
- Under [ACL's umbrella website](#) are links to Aging and Disability Resource Centers, Centers for Independent Living, Paralysis Resource Centers, and other programs that can assist people in finding information about home modifications, aging in place, and related services.

Q: What should I do if I encounter housing discrimination?

A: If you believe you have been discriminated against in any housing transaction because of your disability or any other protected class characteristic or if you encounter inaccessible housing that should comply with the Fair Housing Act or Section 504, you may file a complaint with HUD. You must file your complaint within one year of the last date of the alleged discrimination under the Fair Housing Act. Other civil rights laws allow for complaints to be filed after one year for good cause, but HUD's Fair Housing and Equal Opportunity Office recommends filing as soon as possible. Information about filing a complaint with HUD and the complaint process can be found [here](#).