

Section 504 of the 1973 Rehabilitation Act, the forgotten Fair Housing Law, might be just what you need.

Section 504 requires that programs that receive federal funding must make accommodations or modifications to permit full participation by people with disabilities.

If you live in an apartment where the owner receives a subsidy from HUD, that owner is required to make modifications or accommodations at the owner's expense as long as **the accommodation or modification is economically and architecturally feasible.**

Who's covered?

Any property which receives financial assistance from HUD...that includes

- ✓ Public housing authority owned units (conventional public housing),
- ✓ Project based Section 8 housing where the subsidy goes with the building,
- ✓ 202/811 buildings for seniors or persons with disabilities,
- ✓ Section 236 buildings where there is a mortgage subsidy,
- ✓ Rural Development 515 properties, and
- ✓ SOME Low Income Housing Tax Credit properties (where the owners also received HOME assistance from the state or the local government.)

IMPORTANT: 504 DOES NOT cover owners of properties who accept Section 8 vouchers unless there's some other Federal Assistance.

How does 504 work?

If there's a rule that prevents you from making full use of your apartment or building, you can ask the owner to make an accommodation for your disability. Here's an example: You live on a 2nd floor of a building and need a transfer to the first floor. Manager says that there is a waiting list and you'll have to wait your turn. Make a 504 request to waive the waiting list requirement.

If there's a physical change that's preventing you from making full use of your apartment/building. For example: your new wheelchair won't fit through the bathroom door. Make a request for a transfer to an accessible unit...or to have your bathroom door widened. Remember: When an owner receives Federal Funds and is subject to 504 THE OWNER must pay for the cost of the modification. THIS IS DIFFERENT FROM THE DUTY OF A PRIVATE LANDLORD under the Federal Fair Housing Act.

YOU HAVE TO MAKE THE REQUEST

Owners and managers are not permitted to ask you if you need a modification or accommodation because of your disability...you have to ask. Here's the process:

1. Give a written request to the person or at the place where you normally pay rent. Be specific about what you want. Make sure the request says 504 REQUEST. Keep a copy. Be prepared to wait for a reasonable time (not more than 30 days). You do not need to provide proof of your disability at this point, but the owner/manager may request that you provide it along the way.
2. Owner/manager may do one of three things: request additional info, grant your request or offer you an alternative solution to the problem. If the owner/manager says NO, then you may file a complaint with HUD. If owner offers an alternative, you can accept it or make a counter offer.
3. If owner/manager says NO! or if you and the owner/manager are unable to work out a solution by discussion, you may file a complaint with HUD using HUD's 903 form. If you file a complaint with HUD make sure that it is clearly labeled "504 complaint!"
4. When you file a complaint, HUD will assign a staff person to review the facts of the situation and make a recommendation to solve the problem. If that doesn't work, you may take your case to a private attorney to bring a civil action against the owner/manager.

What constitutes a disability?

HUD says: An individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities. The term "physical or mental impairment" may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, mental retardation, drug addiction (except current illegal use of or addiction to drugs), or mental illness. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Section 504 also protects persons who have a record of such impairment, or are regarded as having such an impairment. Just because you are not receiving a disability check, you may still have a disability.

WHO NEEDS TO KNOW about 504?

Tenants in Federally assisted properties, their friends/family members/caretakers, people who provide health and social services to people living in HUD assisted buildings, owners and managers of HUD assisted buildings.




Not in Federally assisted housing? You still have rights to disability accommodations and modifications-- check these resources below:

Need More Fair Housing Information?

Fair Housing Laws


US Department of HUD:


 <http://www.hud.gov/groups/fairhousing.cfm>

 800-669-9777

Disability

Ohio Legal Rights Service:

 <http://www.ohio.gov/ASP/HomePage.asp>

 800-282-9181 (toll-free in Ohio)

US Department of HUD:

<http://www.hud.gov/offices/theo/disabilities/index.cfm>

<http://www.hud.gov/offices/theo/disabilities/sect504.cfm>

NEED ASSISTANCE IN OHIO?

Call, write or email Joe Maskovyak

COHHIO

175 South 3rd Street Suite 580

Columbus, Ohio 43215

toll free: 888-485-7999

email: joemaskovyak@cohhio.org

web: www.cohhio.org

Disabled & Renting?

Maybe you need a

Modification or Accommodation in your Federally assisted apartment!

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