

Fair Housing Fact Sheet

The Fair Housing Act

The Fair Housing Act protects people from discriminating when they are renting a home, buying a home, seeking housing assistance, or engaging in other housing related activities.

The Fair Housing Act prohibits discrimination because of race, color, national origin, religion, sex, familial status, and disability. A person in recovery from a substance use disorder is considered a person with a disability and the Fair Housing Act protects them from discrimination. It is important to note that people actively using illicit substances are not considered protected under the Fair Housing Act.

This means that communities may not prohibit a recovery house from operating in their community simply because recovery housing is for people in recovery. However, recovery housing must follow all other non-discriminatory laws and regulations in the local community.

Reasonable Accommodations

If a recovery housing operator encounters a barrier to housing for people in recovery they may request a reasonable accommodation from the zoning board, commission, or city council on behalf of people with disabilities.

“A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations”
(HUD

https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications#_Reasonable_Accommodations).

For example, a recovery home may request a reasonable accommodation from a policy that requires occupants in a single-family home to be related by blood or marriage. Other requests for reasonable accommodations can be made based on individual circumstances.

What is Reasonable?

A request can be denied if it is not “reasonable.” A request is not considered “reasonable” if it imposes a fundamental alternation in the nature of the program or an undue financial or administrative burden on the party to whom it was submitted or if it is technologically impossible.

How to submit a request for Reasonable Accommodation

To request a reasonable accommodation, you must first understand the rule, policy, practice, or service that is the barrier to you. Determine the entity that is responsible for enacting or enforcing the rule, policy, or practice. While not required, it is best practice to submit a written reasonable accommodation request. Keep all documents relating to each reasonable accommodation request you make.

It is a good idea to include the following in your written request

- A clear statement of request for reasonable accommodation under the Fair Housing Act
- Who you are requesting reasonable accommodation for and why. Be clear that you are requesting the accommodation on behalf of a person with a disability and that the accommodation is necessary for them to have an equal opportunity to use and enjoy a dwelling and public and common use areas.
- The specific policy, rule, practice, or ordinance you would like reasonable accommodation for
- Give a clear reasonable timeline for when you would like to hear back

What to do after submitting a request?

Follow up with on reasonable accommodation request. Request a written response that confirms that your request was received. Keep copies of all communication regarding your reasonable accommodation request

Valuable Resources and Information

For more information on the fair housing rights of residents and addressing NIMBY (Not in my backyard) concerns, please reference Ohio Recovery Housing's [Best Practice Guidance for Addressing NIMBY](#).

The following resources from the Coalition on Homelessness and Housing in Ohio provide more detailed information on fair housing rights as well as landlord tenant information

- Fair Housing - <https://cohhio.org/housing-information/fair-housing/>
- Repairs and Escrow - <https://cohhio.org/wp-content/uploads/2016/09/Escrow.pdf>
- Frequently Asked Housing Rights Questions <https://cohhio.org/wp-content/uploads/2016/10/FAQs.pdf>
- Tenant Rights Summary - http://cohhio.org/wp-content/uploads/2016/09/Know-Your-Rights_Good.pdf

Important Note

Federal Fair Housing law also protects residents against potential discrimination from recovery housing operators. This means that you have obligations under this law to not discriminate against any residents or potential residents. This also means that potential residents or residents living in recovery housing may also request reasonable accommodations from the you. Recovery Housing operators are required to consider these requests in accordance with Fair Housing Laws.

For more information see: HUD's Guidance on Reasonable Accommodations and Modifications: https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications

As well as Ohio Recovery Housing's Best Practice on Medication Assisted Treatment and Recovery Housing. https://63f78b26-80cc-40a7-b987-4819ba5e1208.filesusr.com/ugd/3c8c7e_33b57dbdab2447f393be939fee13f4b7.pdf