

Disabilities:

A Guide for Landlords



**City of Lawrence, Kansas
Legal Department
Human Relations Division
and
Human Relations Commission**

1006 New Hampshire
Lawrence, KS 66044
785-832-3310
785-832-3315 FAX
Office Hours:
8:00 a.m. to 5:00 p.m.
Monday—Friday

**The Human Relations
Division and Human
Relations Commission**
is a civil rights enforcement
agency.

It investigates complaints from persons alleging they have been discriminated against in housing because of race, sex, religion, color, national origin, age, ancestry, sexual orientation or disability, in addition to familial status in housing.

Chapter X, Article 1 of the Code of the City of Lawrence, Kansas as amended, authorizes the agency to receive, investigate, decide, and attempt to conciliate a complaint or complaints alleging discrimination, segregation, or separation in housing inside the city limits and to hold public hearings.

**City of Lawrence
Human Relations Commission and
Human Relations Division
1006 New Hampshire
Lawrence, Kansas 66044
(785) 832-3310**

If you have questions about your rights or responsibilities under fair housing laws, contact the specialists in the Human Relations Division for a consultation.

They can also provide you with copies of Chapter X, Article 1 of the Code of the City of Lawrence, Kansas, the Kansas Residential Landlord and Tenant Act, the Mobile Home Parks Landlord and Tenant Act, as well as informational brochures and posters.

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1006 New Hampshire

P.O. Box 708
Lawrence, Kansas 66044

Phone: 785-832-3310
Fax: 785-832-3315

Email: humanrelations@ci.lawrence.ks.us
Website: www.lawrencehumanrelations.org



City of Lawrence



If someone is disabled, you cannot refuse to rent to them because of their disability. People who use walkers, wheelchairs, service dogs, or a personal care attendant are all protected against housing discrimination. Being disabled also includes, but is not limited to, psychological disorders, emotional and mental illnesses, learning disabilities and recovering drug addicts and alcoholics.

Service Animals

If someone is disabled you cannot refuse to rent to them because of their disability. Just as important, if you are a housing provider the law also requires you to accommodate a person's disability by changing or modifying a rule or policy or practice when doing so is necessary to give the disabled person equal opportunity to use and enjoy his or her unit.

Under the fair housing law, a housing provider who has established a no pet policy must allow a disabled resident to keep a service animal as a reasonable accommodation. The housing provider must allow the disabled resident to keep the service animal if three conditions are met: first, the resident must meet the definition of disability as defined in the fair housing law; second, the housing provider must know about, or should have known about, the resident's disability and third, the accommodation must be necessary to afford the disabled resident an equal opportunity to use and enjoy the dwelling.

Parking Spaces

If someone disabled asks a housing provider to create or designate a parking space for them, generally the law is going to require the housing provider to create or designate the space if three conditions are met. First, the resident must ask for a designated space; second, creating or designating the parking space would allow the disabled resident to live in and fully enjoy the premises; and third, creating or designating the parking space would not create an undue financial or administrative burden for the housing provider.

In processing a parking space request from someone who is disabled you are entitled to ask for medical evidence that proves the resident has a disability. This does not give a housing provider the right to ask about the nature of the resident's disability but it does give them the right to ask for proof of their disability. Acceptable proof would be handicapped vehicle identification plates or tags or a letter from the resident's doctor, chiropractor or social worker. Once the resident provides proof, the housing provider has a duty to provide the parking space. And, if more than one disabled resident asks for a parking space the housing provider will have a duty to accommodate each request.

Evicting a Disabled Tenant

If you're a housing provider and one of your tenants violates his/her lease and if you know or suspect that they have a disability, you may not automatically evict the tenant. As a housing provider, before you evict any tenant with a disability you must first ask him/her if there is an accommodation that you can make that would alleviate or modify the behavior that caused the lease violation.

Reasonable Modifications

If someone is disabled you cannot refuse to rent to them because of their disability. Just as important, the law requires that you allow someone who is disabled, at their expense, to make reasonable modifications to their unit if such modifications will allow the disabled person full enjoyment of the premises.

In many circumstances, a housing provider may condition approval of the modification on having the tenant establish an escrow fund to pay to have the unit restored to its original condition when the tenant moves. The housing provider can also ask for assurances that the modification will be done in a professional manner.

Newly constructed 4-unit multifamily apartments must be designed to accommodate the disabled, including doors, light switches, electrical outlets, thermostats, bathroom grab bars, and kitchens.

Recognizing Housing Discrimination:

Landlords and real estate agents usually don't say, "You can't live here because you are disabled."

Some of the things they do say are:

- "You can't live here because there's no one to take care of you."
- "We don't want alcoholics or drug addicts here, even if they're in recovery programs."
- "We have a no-pets rule and that includes your guide dog."
- "I want to see your medical records."
- "Your wheelchair will damage the carpet and walls, and you won't be able to get out if there's a fire."

If you would like more information, you should contact the Human Relations Division at (785) 832-3310.



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