

## The Fair Housing Project

The Fair Housing Project of Legal Aid of North Carolina is available to provide information concerning a person's rights under the federal Fair Housing Act. If you believe you are a victim of housing discrimination, contact us at **1-855-797-FAIR (3247)** for assistance. A Project staff person will discuss the situation with you and help you to decide what to do next. Your response to us will be kept confidential.

When necessary, our staff can assist you in filing a complaint with the U.S. Department of Housing and Urban Development (HUD) or other appropriate administrative or judicial bodies.

### LEGAL AID OF NORTH CAROLINA

#### Fair Housing Project

P.O. Box 26087

Raleigh, NC 27611

**(855) 797-FAIR (3247)**

[www.fairhousingnc.org](http://www.fairhousingnc.org)

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P.O. Box 26087  
Raleigh, NC 27611



# Housing Discrimination and the Rights of Persons with HIV & AIDS



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## WHO IS CONSIDERED DISABLED?

The federal Fair Housing Act and North Carolina State Fair Housing Act both prohibit discrimination against individuals who are disabled or who are associated with people with disabilities. Under the law, a person is disabled if he or she has a physical or mental disability that affects a major life activity, has a record of having such a disability, or is regarded as having a disability.

People with AIDS or who are HIV-positive are considered disabled under fair housing laws. It is therefore illegal to discriminate against a person in the provision of housing because: (1) that person has HIV infection or AIDS; (2) a person has family members or visitors who have HIV infection or AIDS; or (3) a person is erroneously thought to have HIV infection or AIDS, even if they do not.

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## DOES HOUSING HAVE TO BE ACCESSIBLE?

The Fair Housing Act requires multi-family housing built for first occupancy after March 13, 1991, to have certain accessibility features. Some housing may be subject to accessibility requirements of other laws, such as the Americans with Disabilities Act (ADA), local building codes, and other laws. In addition, disabled individuals can request reasonable accommodations and modifications. If you have questions about accessibility, contact the Fair Housing Project.

## WHAT IS A REASONABLE ACCOMMODATION?

A *reasonable accommodation* is a change in a rule, policy, practice, or service that allows a person with a disability to live in a property on an equal basis with people without disabilities. Examples of reasonable accommodations include:

- ◆ allowing a service or therapy animal, despite a no-pet policy
- ◆ allowing a tenant to have a live-in aide who is not on the lease to assist with daily care
- ◆ assigning a reserved parking space to a tenant with a mobility impairment, even if parking is typically “first come/first serve”

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## WHAT IS A REASONABLE MODIFICATION?

A *reasonable modification* is a physical change to a unit or common area that allows a person with a disability to fully utilize the premises. In situations involving a private landlord, the person making the request must pay the cost of the modifications. Examples of reasonable modifications include:

- ◆ installing a ramp;
- ◆ installing grab bars in the bathroom;
- ◆ widening doorways;
- ◆ installing lever door handles

## WHAT IS PROHIBITED?

Some examples of illegal discrimination under the federal Fair Housing Act are:

- **False denial of availability** based on a person’s disability.  
*“Sorry we just rented the last unit.”*
- **Making inquiries** into the nature or existence of a person’s disability.  
*“You look fine to me. Why are you getting disability payments?”*
- **Refusal to rent or sell** a dwelling because of a person’s disability or perceived disability.  
*“I’m sorry, but we don’t rent to people with AIDS; the other tenants are just afraid.”* or  
*“I don’t rent to gay men because they usually have AIDS”*
- **Discriminatory terms, conditions and provision of services or facilities** because of a person’s disability.  
*“You must obtain liability insurance (or pay a pet deposit) for your service animal.”*
- **Refusal to permit a reasonable modification** to the unit at the expense of the person with a disability.  
*“You may not install a ramp to the porch or grab bars in the bathroom.”*
- **Denial of a reasonable accommodation** to the rules and regulations of rental or sale.  
*“It’s against the rules to have another person live with you, even though there is enough room and the person is necessary to help you with your health needs.”*
- **Discriminatory Advertising.**  
*“Persons with AIDS need not apply.”*