



FAIR HOUSING RIGHTS of PEOPLE LIVING with HIV

Housing discrimination against people with HIV:

Safe, stable housing is critical to persons living with HIV for whom housing affects their access to healthcare and their ability to receive treatment. Yet, people with HIV and their families may face discrimination in meeting this fundamental need as a result of prejudice and misinformation regarding the communicability of the virus. The federal Fair Housing Act (FHA) provides strong protection from housing discrimination based on an individual's or family member's HIV status.

How does the Fair Housing Act protect people living with HIV from housing discrimination?

The FHA is a federal civil rights law. The purpose of the law is to ensure equal housing opportunity for people who have historically faced housing discrimination, including people with disabilities. The protections for people with disabilities include people living with HIV, people perceived to be living with HIV, and people associated with someone living with HIV. Individuals who are asymptomatic are also covered under the FHA.

The FHA makes it illegal to treat people differently in sales, rental, lending, and insurance transactions because of their disability. Owners and managers of housing cannot limit housing options, refuse to rent, deny that housing is available, or set different terms based on an individual's disability. The FHA also requires that housing owners and managers make certain accommodations for people with disabilities so that they can use and enjoy their homes safely and fully. The FHA applies to a wide range of private and publicly supported housing, including apartment complexes, "independent living" facilities, assisted living facilities, and Continuing Care Retirement Communities.

Examples of illegal conduct under the Fair Housing Act:

- An apartment manager asks an applicant about the nature and severity of their disability.
- A director of an "independent living" complex tells applicants they can't live in the complex if they need a home health aide or other assistance.
- An apartment manager tells a resident that their live-in aide has to be on the lease.
- An apartment manager tells a resident rumored to have HIV that they can't use the pool because he is concerned about liability.
- The maintenance staff is slower in making repairs in the apartment of a resident living with HIV.
- An apartment manager refuses to renew the lease of a resident with disabilities, although she routinely renews the leases of residents without disabilities.

The Fair Housing Act can help people with HIV live more safely and comfortably in their homes:

The FHA requires that housing owners and managers make Reasonable Accommodations and permit Reasonable Modifications for people with disabilities. A Reasonable Accommodation is a change in a rule or practice property managers make. A Reasonable Modification is a change to the physical structure of a unit or common space property managers make or permit tenants to make. If the housing is funded by the federal government or does not meet federal accessibility requirements, the owners must pay for the Modifications; otherwise, the tenants must pay for the Modifications.

A Few Examples of Reasonable Accommodations and Modifications:

- Providing a reserved parking space for a tenant with a mobility impairment
- Allowing a roll-in shower and grab bars to be installed
- Accepting a reference from a caseworker or employer in place of a rental history for an applicant who was unable to live independently for a time due to HIV-related illness
- Permitting a tenant to have a live-in aide without requiring them to be on the lease
- Permitting a service or therapy animal even though there is a “no pet” policy
- Permitting a tenant who develops a mobility impairment to move from a third floor unit to a first floor unit

The Central Alabama Fair Housing Center works to ensure equal housing opportunity for all people regardless of disability, race, national origin, color, gender, family status, or religion. If you feel you've been discriminated against or need help with a Reasonable Accommodation or Modification, please call us at 334-263-4663 (HOME).

