

Four Things to Know About Requests From Deaf Applicants and Residents

Follow these simple steps to ensure the rights of the deaf/hard of hearing and avoid fair housing violations.

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The next time it appears that a telemarketer is calling your leasing office, think twice before hanging up. In January 2014, the National Fair Housing Alliance (NFHA) filed nine housing discrimination complaints with the U.S. Department of Housing and Urban Development (HUD) against major apartment community owners for discriminating against the deaf and hard of hearing. NFHA investigated 117 national or regional rental firms in 98 cities and 25 states. Among those tested, one out of four reportedly treated deaf callers differently in a manner that appeared to violate the Fair Housing Act (FHA).

HUD has negotiated settlement agreements with at least one large apartment firm relating to the investigation conducted by NFHA. Under the terms of the agreement, the company is required to pay \$175,000 to NFHA, including \$25,000 in attorneys' fees. The company must provide fair housing training to its employees, adopt a written policy addressing equal access to housing for applicants with disabilities—including deaf and hard of hearing individuals—and pay the National Association of the Deaf \$15,000 for consulting services in the development of these policies.

Here are four things onsite staff should know about fielding requests from deaf applicants and residents:

1. Listen closely to automated calls.

A deaf prospective or current resident may be trying to reach you! Deaf persons use telecommunications relay services to place and receive telephone calls. Several forms of relay services are available. Visit the Federal Communications Commission's website, www.fcc.gov/encyclopedia/relay-services for more information on relay services.

To avoid fair housing violations, onsite staff should be trained to recognize the different technologies available. Several apartment firms were sued based on an investigation by NFHA. The complaints allege that leasing office staff hung up on deaf callers.

2. How do property owners or managers distinguish between relay service calls and other automated calls i.e., "robo-calls?"

During relay service calls, housing providers will likely receive a message from an operator who is facilitating the conversation between the deaf person and the person he or she intends to reach. Operators may begin the call with the following statement: "This is relay operator 345 with a relay call. Do you know how a relay call works?" These operators are NOT selling anything.

3. May deaf or hard of hearing persons request interpreters as reasonable accommodations?

Property owners may be required to provide interpreters (at no cost to the resident) for complex communications such as eviction proceedings.

Under the FHA, it is unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit.

4. Can property owners or managers deny requests from deaf residents to install visible doorbells?

No. Owners or managers cannot prohibit a deaf resident from installing accessible equipment at the resident's expense. See 42 U.S.C. 3604(f)(3)(A).

Under the FHA, it is unlawful to refuse to permit, at the expense of a person with disabilities, reasonable modifications of existing premises, occupied or to be occupied by a person with disabilities, if the proposed modifications may be necessary to afford the person with disabilities full enjoyment of the premises of a dwelling. Rental housing providers may require residents to restore the property to its original condition at the end of the lease term if it is reasonable to do so. ■

For information, refer to NAA's fair housing webinar focusing on issues affecting the deaf and hard of hearing at bit.ly/FHwebinar or contact Nicole Upano, Manager of State and Local Government Affairs for NAA at nicole@naahq.org.

