



DISASTER RECOVERY PROJECT

After a Hurricane

Housing & Shelter Rights Information for people with disabilities¹

What this handout includes

1. Your rights under the Americans with Disabilities Act (ADA).
2. Your rights under the Federal Fair Housing Amendments Act (FHA).
3. A sample Letter for early termination of lease under FHA.

Part 1: Staying at a Hotel or Shelter: Your Rights under the Americans with Disabilities Act

The ADA gives you the right to use and enjoy the same public places and services as anyone without a disability.

What does that mean to me right now?

1. You have the right to full and equal access to most hotels and shelters.²
 - Full access means being able to enter

the building and to have what you need while you are there. Examples:

- If you have diabetes or another medical condition, you might need a special diet.
 - If you have autism and need to get away from noise, you may request a quiet space, ear plugs or headphones.
2. A shelter or hotel cannot refuse your service animal.
 - A hotel or shelter must change its “no pets” policy for you.
 - Only dogs and miniature horses can

1 Adapted from “Housing Rights Information for People with Disabilities Impacted by Hurricane Harvey” by Disability Rights Texas.

2 If the shelter is operated by a religious organization that receives no government funds, the ADA might not apply.

be service animals under the ADA.³

3. A shelter or hotel cannot turn you away if you do not have a driver's license because of your disability.
 - They must let you use a different kind of ID if you do not have a driver's license.

Part 2: Your Rights under the Federal Fair Housing Act and How It Impacts Where You Live

The FHA protects you from discrimination when you rent housing, including temporary housing. This means that you cannot be denied housing because of your disability. It also means that you can ask for changes to rental policies if you need. In addition to the FHA, you also have protections under Section 504 of the Rehabilitation Act (Section 504). Section 504 prohibits discrimination on the basis of disability.

Any federal government agency must ensure that people with disabilities are not being discriminated against on the basis of disability in all federal government programs and activities. This means that all services provided by the FEMA (Federal Emergency Management Agency) or any other government agency must be accessible to you, regardless of your disability.

What does this mean to me right now?

1. You can end your lease right away if damage from the storm makes it hard for you to return to your home.
 - Make your request in writing (e-mail or by letter. **Always keep a copy**). A sample letter is on the next page.
 - **Voucher Holders – Please note:** If you are receiving a housing choice voucher, or any other type of government financial housing assistance, you will need to make your request to the local housing authority or governmental housing agency that gave you a voucher.
2. You have rights while staying at housing provided by the FEMA (Federal Emergency Management Agency) or any other government agency.
 - If you have trouble getting into or using your emergency housing because of your disability, you can ask the agency to make it accessible to you. Here are some examples:
 - If you have a mobility impairment, you can have ramps built or doors widened.
 - If you need a walk-in shower instead of a tub, you can ask them to give you one.

3 "Service animals" are different from "emotional support animals." The ADA only covers service animals. The FHA covers both

Part 3: Sample Letter Requesting Reasonable Accommodation under Federal and North Carolina Fair Housing Acts for Early Lease Termination

Date

Landlord Name

Landlord Address

Re: Reasonable Accommodation Request under the Federal and North Carolina Fair Housing Acts by Name of Person Requesting the Accommodation for Early Termination of My Lease

Dear Landlord Name:

My name is Insert your name here. I reside at your apartment complex, complex name, specifically, list address of where you live. My lease term is set to expire on date lease expires.

I am a person with disabilities affecting my ability to list major life activity (walk, breathe, sleep, eat, etc...) that is impacted by the problem with your housing.

My apartment / home is list damage here. Because of the conditions of my apartment/home that I am renting from you, my major life activity stated above is getting worse. Name of Apartment Complex policy states that tenants must fulfill the lease or be penalized monetarily by having to pay list any fees or fines due to breaking the lease early. I request that you release me early from my lease with no fees and/or fines assessed. This accommodation is reasonable and necessary to afford me the full use and enjoyment of my home and will help ameliorate the effects of my disability. I will turn in my keys on date.

Please respond by date if you have any other questions.

Sincerely,

Your Name

The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.

This handout is available in Braille and/or on audio tape upon request.

Disability Rights North Carolina strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate.

This Hurricane Florence recovery project was funded in part by grants from the American Red Cross and the Center for Disaster Philanthropy



**American
Red Cross**



**Get
Help**

For more information about the Disaster Recovery Project,
visit DisabilityRightsNC.org, or call [\(919\) 856-2195](tel:9198562195)