

REQUESTING A REASONABLE ACCOMMODATION

- Although it is not required, requests for reasonable accommodation should be made in writing.
- Indicate that you qualify as a person with a disability. It is not necessary to reveal the nature or severity of your disability.
- State where you live and who is responsible for the building.
- Describe how the policy interferes with your needs, rights, or enjoyment of your housing.
- In clear and concise language, describe the change you are seeking in the policy.
- Ask for a written response within a certain amount of time.
- Sign and date the request. Keep a copy for your files.
- If the request is denied, contact an advocate.
- Your landlord may request documentation of your need for the reasonable accommodation. You can satisfy this request by providing a letter from any person with knowledge of your situation. Good examples are a peer group leader, a case worker at your recovery center, or a medical professional. The letter should explain your need for the accommodation requested.

Direct Threats

Please be aware that a housing provider always has the option to evict a tenant if that tenant's conduct causes a direct threat to the health and safety of staff or other tenants. However, a housing provider cannot discriminate against someone based on speculation about the nature of that person's disability.

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government



Have a fair housing claim?

Call the Legal Aid
Fair Housing Helpline
1-870-338-9834

The logo for Legal Aid of Arkansas, featuring a stylized building with a pediment and the text "LEGAL AID of ARKANSAS" and "Equal Access to Justice" below it.

LEGAL AID of ARKANSAS
Equal Access to Justice
Fighting Poverty, Maintaining Dignity, Assuring Justice



A Fair Housing Guide for

Persons Recovering
from Substance
Use Disorder

The Fair Housing Act

The Fair Housing Act (FHA) prohibits discrimination in housing against individuals based on their race, color, national origin, religion, sex, disability and familial status.

Persons with disabilities and those who are associated with persons with disabilities cannot be treated differently in housing situations because of their disability.

A disability is defined as a physical or mental impairment that substantially limits one or more of a person's "major life activities," or a record of having such an impairment.

Substance Use Disorder and Your Fair Housing Rights

Substance use disorders (SUD) occur when the recurrent use of alcohol and/or drugs causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home. SUD can be considered a disability under the FHA, as long as the person with SUD is not an active user of illegal drugs.

A housing provider cannot refuse to rent or sell, or otherwise discriminate in housing, to someone because that person has SUD. The FHA also applies to group homes and some shelters.

COMMONLY ASKED QUESTIONS

Can my landlord charge me extra in rent or fees because I am recovering from SUD?

No. Your landlord may not charge you extra in rent or fees due to your past illegal drug use or dependence.

Can my landlord force me to live in a specific area of an apartment complex because of my past drug use or dependence?

No. Your landlord may not force you to stay in a specific building or area or prevent you from living in a certain unit or building because of your past substance use.

Can my landlord ask for confirmation that I can live independently?

No. A housing provider cannot ask for confirmation that you can live independently from a physician, social worker, drug counselor or any other third party.

Am I still provided protection under the FHA if I relapse?

Yes. Courts have established that if you were not using illegal drugs at the time of the FHA violation, even if you resume use later, you are still protected.

Can I be denied by a housing provider for a drug-related conviction in my past?

Yes. Those who have any drug-related convictions may be subject to denial from certain federal housing programs since federally subsidized housing providers have significant discretion on this issue.

Can a housing provider refuse to rent to me solely because I just got out of rehab?

No. A housing provider cannot refuse to rent to you because you received treatment for SUD. A housing provider cannot ask you for more information than any other tenant solely due to your recovery.