

## Facts on Fair Housing in New Jersey for Persons with Disabilities

Discrimination against persons with disabilities in the rental, use or sale of housing is illegal. It is prohibited by both federal and state law. Persons with disabilities have the right to rent or buy housing in the same way as anyone else. They cannot be excluded through advertising. They cannot be required to provide information on their disability or pay extra charges for special equipment such as wheelchairs, scooters or hospital beds. They also have the right to reasonable accommodations including the right to have a service or guide dog at no extra fee regardless of “no pets” lease provisions and the right to make reasonable modifications to the premises at the tenant’s expense, if the modifications are needed for full enjoyment of the premises.

The Fair Housing Act is a federal law that prohibits discrimination in housing based on race, color, religion, sex, national origin, familial status or handicap (disability). “Handicap” is defined as a physical or mental impairment which substantially limits one or more major life activities. The Fair Housing Act covers most housing but exempts owner occupied buildings of 4 units or less and noncommercial lodgings owned by religious organizations and private clubs. This law has prohibited architectural barriers since 1991 in covered buildings of 4 units or more and includes 7 specific technical requirements for accessibility. The U. S. Dept. of Housing and Urban Development (HUD) enforces the Fair Housing Act. Complaints must be filed within one year of the violation.

HUD Housing Discrimination Hotline: 1-800-669-9777

HUD Fair Housing Enforcement Center (for complaints): 1-800-496-4294

The New Jersey Law Against Discrimination (LAD) is a state law that prohibits discrimination in several regards (including housing and employment) on the basis of race, creed, color, national origin, nationality, ancestry, age, sex, familial status (including pregnancy), marital status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability including perceived disability and AIDS or HIV status. The term “disability” in the LAD can be interpreted more broadly than in federal law. The LAD covers most property including open land. It does not cover owner occupied 2-family residences, room rental in an owner occupied single family home, or lodgings owned by religious groups. The LAD has prohibited architectural barriers since 1977 in covered buildings of 4 units or more. In 2002 the LAD was amended to prohibit discrimination against tenants based on their income source (for example, Section 8 vouchers) or due to the age of their children. The N. J. Division of Civil Rights (DCR) enforces the LAD free of charge but requires that complaints be filed within 180 days of the violation. Alternatively a complaint may be filed in Superior Court within 2 years of the violation.

DCR Housing Hotline: 1-866-405-3050

DCR requires that complaints be filed at one of their six regional offices in Atlantic City, Camden, Jersey City, Newark, Paterson, and Trenton. Monmouth County residents are served by the Trenton office at 140 E. Front St., 6<sup>th</sup> floor, P. O. Box 090, Trenton 08625-0090, 609-292-4605, TTY 609-292-1785.

Monmouth County residents may obtain information and technical assistance on fair housing issues from the Monmouth County Fair Housing Board, Hall of Records Annex, 1 East Main Street, 2<sup>nd</sup> floor, Freehold 07728, 732-431-7490.

Informative websites: [www.njcivilrights.org](http://www.njcivilrights.org); [www.lsnjlaw.org](http://www.lsnjlaw.org); [www.chlp.org/Fairhousing](http://www.chlp.org/Fairhousing); [www.state.nj.us/dca/fairhousing/](http://www.state.nj.us/dca/fairhousing/); [www.hud.gov/offices/fheo/index.cfm](http://www.hud.gov/offices/fheo/index.cfm)