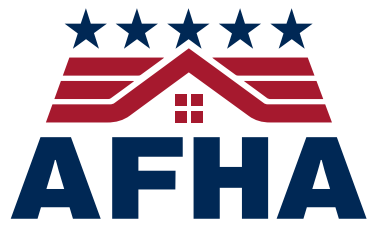


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Rights and Laws You Should Know About



RIGHTS AND LAWS

This guide shares the rights and laws an MHPI resident can reference while residing in their home. This document will be periodically updated-please check our website and social media for the most recent, applicable information.

Window Safety-Evan's Law

The safety of children in your home is paramount. Since 2017, the Department of Defense has recorded at least 20 window falls of small children in Navy-affiliated housing alone. The actual numbers are still unknown for all branches of the DoD. We continue to work on legislation to fix this issue; please be aware of your right to a window fall-prevention device in your home. The FY22 NDAA, the newest language AFHA supported, and was signed into law, states that Evan's Law is now applicable to all MHPI homes. If you have a second floor in your home, and your window sills measure 42 inches or less from sill to floor, ask for a window guard. While we cannot, and do not, promote any specific brand of safety device, the most commonly requested device amongst residents has been a Guardian Angel Window Guard or a similar device. The key is to ask for a passive barrier, NOT a window-opening control device (i.e., an angel vent-lock, limiter, etc.). If you have requested the devices and documented your request in writing, and housing will not provide a guard, don't hesitate to contact AFHA for assistance. If the MHPI company asks you to pay for a window safety device, please cite the following from Evan's Law and request a grant from AFHA to pay for the guards:

"Fiscal Year 2018, National Defense Authorization Act: 2) GRANTS.—The Secretary concerned may carry out the program under this subsection by making grants to private entities to retrofit or replace existing windows, in accordance with such criteria as the Secretary may establish by regulation. (3) USE OF OPERATIONS FUNDING.—The Secretary may carry out the program under this subsection during a fiscal year with amounts made available to the Secretary for family housing operations for the fiscal year. (b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the fiscal year 2019 and each succeeding fiscal year."

EFMP and Housing Waitlist

Some circumstances may move families who are part of EFMP to the top of the waitlist for accessible housing, or housing in general-you will need to provide the required EFMP paperwork. When accepting a home, ask to receive in writing if the home is accessible (ADA compliant) or readily and easily modifiable. **Not all installations move EFMP families to the top of the waitlist.* DOD Policy (DoD Manual on Housing Management):

"Special Needs. No family shall be discriminated against in the assignment of DoD family housing because of disability requirements. At least 5 percent of the total military family housing inventory (no less than one house) at an installation shall be accessible or readily and easily modified for use by persons with disabilities. When needs exist, modifications to housing shall be accomplished on a high-priority basis (regardless of the inventory of accessible units in use) to ensure the housing assignment at least as soon as it would have been otherwise available. In addition, persons with disabilities must have access to programs and activities conducted in public entertainment areas of DoD family housing and support facilities provided for DoD family housing occupants, per section 794 of title 29, U.S.C. (Reference (r)). In locations with more than one installation (e.g., joint bases), provisions should be made, where possible, to provide increased access to housing and related services to families with special needs."

Americans with Disabilities Act (ADA)

The ADA prohibits discrimination based on disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. The ADA defines an individual with a disability as a "person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person perceived by others as having such an impairment." The ADA does not specifically name all of the impairments that are covered.

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The Fair Housing Act

As amended in 1988, it "prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin." Its coverage includes:

- Private housing
- Housing that receives Federal financial assistance
- State and local government housing

It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising. In addition, the Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy could grant an exception to this rule and allow an individual who is blind to keep a guide dog in residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living and common-use spaces. (The landlord is not required to pay for the changes.) The Act further requires new multifamily housing with four or more units designed and built to allow access for persons with disabilities. The design includes accessible common-use areas, doors wide enough for wheelchairs, kitchens, bathrooms that will enable a person using a wheelchair to maneuver, and other adaptable features within the units. **AFHA has two FHA-certified advocates.**

**Complaints of Fair Housing Act violations may be filed with the U.S. Department of Housing and Urban Development. Section 504 of the Rehabilitation Act of 1973 Under Section 504 of the Rehabilitation Act of 1973, it is unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and everyday use areas. Reasonable accommodations also include any structural changes that may be necessary. In addition, under Section 504, reasonable accommodations must be provided and paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental program alteration. In such cases, the provider must give any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient or constitute a fundamental alteration of the program.*

Protecting Military Families with Disabilities Act

This legislation clarifies that MHPI companies must provide disability-required home accommodations and modifications at no cost to the tenant:

"FY22 NDAA, Section 2813: Applicability of Disability Laws To Privatized Military Housing Units and Clarification Of Prohibition Against Collection From Tenants Of Amounts In Addition To Rent."

Examples of modifications include, but are not limited to:

Wheelchair ramps · Removal of carpet for mobility aids or allergies · Locks on doors or fenced yard for eloping · Window guards · Lowered or roll up counters/sinks/cabinets · Accessible shower · Visual doorbells, smoke, CO2 detectors · Electric stair lift chair when placed in 2 story home · Door levers instead of knobs · Grab bars · Handrails

