



Disabled Parents Rights

Subsidized disability housing and children

Parents living in disability/senior subsidized housing complexes are often told children are not allowed. However, these statements violate the Fair Housing Act, 42 U.S.C. § 3601 and US Housing and Urban Development (HUD) guidance and rules.

In many instances, a single parent with a child, or a couple with a very small child can continue to reside in small subsidized apartments.

The Fair Housing Act (“FHA”) states, “[I]t shall be unlawful to refuse to sell or rent ..., or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of ... familial status.” 42 U.S.C. § 3604 (a).

Familial status means discrimination against any person under the age of 18 who is living with (or planning to live with) a parent, guardian or other individual with the parent or guardian’s written permission. See 42 U.S.C. § 3602(k).

In addition to the discrimination prohibitions in the Fair Housing Act, the Housing and Urban Development (“HUD”) Handbook 4350.3 2-23(D)(3), “Occupancy Requirements of Subsidized Multifamily Housing Programs” states: “Owners may

not exclude otherwise eligible elderly families with children from elderly properties or elderly/disabled properties covered by this handbook.”

If a parent qualifies for housing in elderly/disabled housing, then the building cannot prevent the parent from renting in the building because the parent has a child, as long as the family can meet occupancy standards.

Occupancy standards are the non-discriminatory limits on the number of people who can reside in a unit.

The typical rule of thumb for occupancy standards are two people per bedroom.

In other words, in a one-bedroom unit, a single parent and one child should always be permitted.

If the unit is particularly large, particularly with a large bedroom and living room, it may be reasonable for the housing provider to allow three people to live in the unit.

In no circumstances should a family with children be prohibited from a unit when a family of the same size without children would be permitted. (e.g. a married couple and live-in aide is permitted in the building, a family with one parent and two chil-

dren must be allowed.)

If you believe your rights have been violated, you can file a complaint with HUD.

Disabled Parents Rights is a small organization dedicated to combating discrimination that impacts parenting for parents with all types of disabilities.

You can visit us on the internet at www.disabledparentsrights.org.

You can “like” our Facebook page at <http://fb.me/DisabledParentsRights>

This fact sheet does not provide legal advice, and does not create an attorney-client relationship. If you need legal advice, please contact an attorney directly.

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