Disability Discrimination Laws: The Basics

If you are a person with a disability and you have been discriminated against because of your disability, a number of laws might protect you. Different laws apply depending on who discriminated against you and in what context that discrimination took place. Three major federal laws prohibit discrimination against people with disabilities: the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act.

You should be aware that there may also be state and/or local laws that protect you. This fact sheet will only discuss federal disability discrimination laws.

**Who qualifies for protection under the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act?**
To qualify for protection, a person must have a disability as defined by the statutes. An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, who has a history or record of such an impairment, or who is regarded as having such an impairment.

**What is a “major life activity”?**
Major life activities include caring for oneself, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, and reproductive functions. If you have difficulty with any of these activities, you might qualify for protection by disability discrimination laws.

**AMERICANS WITH DISABILITIES ACT**

**What is the Americans with Disabilities Act?**
The Americans with Disabilities Act, which is also known as the ADA, prohibits discrimination by employers with fifteen or more employees, by state and local governments, and by public accommodations such as restaurants, retail stores, hotels, movie theaters, private schools, doctors’ offices, homeless shelters, and recreation facilities.

**What types of employment discrimination does the ADA cover?**
Title I of the ADA prohibits employers from discriminating in recruitment, hiring, promotions, training, pay, and other privileges of employment based on disability. It also requires that employers make reasonable accommodations to the known physical or mental limitations of individuals with disabilities who are otherwise qualified for the job. Complaints of employment discrimination on the basis of disability may be filed with the New York District Office of the Equal Employment Opportunity Commission ((800)-669-4000 (voice); ((800)-669-6820 (TTY)).

**What types of discrimination by state and local governments does the ADA cover?**
Title II of the ADA requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, including public housing, public
education, government employment, voting, courts, social services, and public transportation. This includes ensuring physical accessibility to government programs as well as making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination. Complaints regarding government discrimination may be filed in federal court or with the U.S. Department of Justice ((800) 514-0301 (voice); (800) 514-0383 (TTY)).

**What types of discrimination by public accommodations does the ADA cover?**

Title III of the ADA requires public accommodations and commercial facilities to be accessible for people with disabilities. This includes making reasonable modifications to policies, practices, and procedures where they are necessary to enable access by an individual with a disability. Complaints regarding discrimination by public accommodations may be the basis of a lawsuit in federal court or made to the U.S. Department of Justice ((800) 514-0301 (voice); (800) 514-0383 (TTY)).

**REHABILITATION ACT**

**What is the Rehabilitation Act?**

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal governmental agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors.

**What types of discrimination does the Rehabilitation Act cover?**

The Rehabilitation Act requires programs that are conducted by the federal government or receive federal financial assistance to be accessible to people with disabilities. This includes a requirement that such programs make reasonable accommodations and ensure that their services are accessible to individuals who have disabilities. Public housing funded by the Department of Housing and Urban Development and schools that receive federal financial assistance are two examples of programs that are covered by the Rehabilitation Act. Complaints may be the basis of a lawsuit in federal court or made to the U.S. Department of Justice ((800) 514-0301 (voice); (800) 514-0383 (TTY)).

**FAIR HOUSING ACT**

**What is the Fair Housing Act?**

The Fair Housing Act prohibits housing discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. It covers private housing, housing that receives federal financial assistance, and state- and locally-subsidized government housing.

**What types of disability discrimination does the Fair Housing Act cover?**

The Fair Housing Act prohibits denying housing to a buyer or renter because of that person’s disability or because of the disability of an individual associated with the buyer or renter. The Fair Housing Act also prohibits disability discrimination in the terms, conditions, or privileges associated with housing, including the provision of services related to housing. Owners of housing are required to make reasonable accommodations to their policies and procedures to afford people with disabilities equal housing opportunities. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable modifications to their units or common areas to improve their accessibility. Complaints may be filed with the Fair Housing Justice Center (1-866-350-FHJC) or the U.S. Department of Housing and Urban Development ((800) 669-9777 (voice); (800) 927-9275 (TTY)).