



Disability Discrimination Laws: The Basics

INCORPORATED

If you have 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 discriminates against you and under what circumstances the discrimination takes 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 know 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, you must have a disability as defined by federal law. An individual with a disability is defined as a person with 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 who is regarded as having such an impairment.

WHAT IS A “MAJOR LIFE ACTIVITY”?

Major life activities include:

- caring for yourself
- seeing, hearing, speaking, and breathing
- eating, sleeping, walking, standing, lifting, and bending
- learning, reading, concentrating, thinking, communicating, and working
- major bodily functions, such as the functions of the immune system, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, and reproductive systems

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 (the “ADA”), prohibits discrimination by:

- employers with fifteen or more employees
- state and local government

- places of public accommodations, meaning places that are open to the public 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 against you just because you have a disability. This includes:

- discrimination when the employer recruits, hires, promotes or trains you
- discrimination when it comes to your pay and other benefits

If an individual with a disability is otherwise qualified for a job, the ADA also requires that employers make reasonable accommodations to the known physical or mental limitations of such an individual.

If an employer discriminates against you just because of your disability, you may file a discrimination complaint 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 and equal opportunity to benefit from all of their programs, services, and activities. This includes public housing, public education, government employment, voting, courts, social services, and public transportation. What this means is that a person with a disability must have access to government programs, and that governments must make reasonable modifications to their 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 that places that are open to the public 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 and commercial facilities may be the basis of a lawsuit in federal court. You can also file a complaint with 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
- programs receiving federal financial assistance
- federal employment, and in the employment practices of federal contractors

WHAT TYPES OF DISCRIMINATION DOES THE REHABILITATION ACT COVER?

The Rehabilitation Act requires equal access to programs that are conducted by the federal government or receive federal financial assistance. Such programs are required to make reasonable accommodations and to make sure 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. You may also file a complaint with 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?

Under the Fair Housing Act, you cannot:

- be denied the right to buy or rent because you have a disability or because someone associated with you has a disability
- be given different terms, conditions, or privileges associated with housing, including the provision of services related to housing, just because you or someone associated with you has a disability

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)).

WHO CAN I CONTACT IF I HAVE QUESTIONS OR NEED HELP WITH MY APPLICATION OR AN APPEAL?

You may call MFY Legal Services, Inc. toll free at 877-417-2427 Monday through Friday from 10:00 a.m. to 5:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.