

**Questions from Pike and Wayne County Fair Housing Training for Landlords
May 31, 2022**

What happens if you have a tenant who becomes disabled after signing a lease?

If a tenant becomes disabled after signing a lease, then the legal protections of the Fair Housing Act and Pennsylvania Human Relations Act related to having a disability apply to them.

Is mental illness considered a disability?

According to the [U.S. Department of Justice](#), a person with a disability is defined as “individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.”

If a tenant with a disability makes a modification to my rental unit, are they required to put everything back the way it was before they move out?

According to the [U.S. Department of Housing and Urban Development](#), “The tenant is obligated to restore those portions of the interior of the dwelling to their previous condition only where “it is reasonable to do so” and where the housing provider has requested the restoration. The tenant is not responsible for expenses associated with reasonable wear and tear. In general, if the modifications do not affect the housing provider’s or subsequent tenant’s use or enjoyment of the premises, the tenant cannot be required to restore the modifications to their prior state.”

If a tenant has a disability and violates a Homeowners’ Association rule, how do we address this?

A tenant with a disability should be treated the same as other tenants who violate a HOA rule.

I have a tenant who has a disability and I do not want to renew the lease because they have violated the terms of the lease. How do I go about doing this?

All tenants who violate the terms of their lease should be treated equally. You cannot choose to terminate or not renew a lease *because of* the tenants’ disability.