

SENIORS – PROTECTING YOUR HOUSING RIGHTS

Seniors – As you get older, you may find it hard to do your daily activities. As a result, you may have problems finding or keeping the housing of your choice.

Know your housing rights! It's important.

Families of seniors – Is a senior family member having difficulty finding or keeping housing of his or her choice?

Do not accept housing discrimination as part of growing older.

As you get older, you may find it harder to take care of yourself and your home. For example:

- You may find it harder to move around, to see, to use your hands or to talk.
- You may find it harder to do mental chores, like paying bills.
- You may have memory loss.

These problems may be caused by medical conditions that become common as you age – such as bad hips or knees, stroke, arthritis, Parkinson's disease, Alzheimer's, or hardening of the arteries.

Some housing providers do not want you as a resident if you have difficulties doing your daily activities or if you are frail:

- If you are renting, the landlord might ask you to leave or refuse to renew the lease.
- If you want to move into an apartment or condominium, the building management might ask you for your medical records, or refuse to rent or sell to you, or try to steer you to an assisted living center.

If this happens, the housing provider may be breaking the law by discriminating against you because of your disabilities.

Even some operators of senior housing discriminate against seniors with disabilities. They may say they are “helping” seniors or acting in the senior's best interest; but in fact they are breaking the law.

You DO NOT have to accept housing discrimination as part of growing old!

Who is protected?

A federal law, called the Fair Housing Act, makes it illegal to discriminate in housing against people (including seniors) with disabilities.

“Disability” means having a physical or mental impairment that greatly limits one or more major life activities. Some examples are loss of sight, loss of hearing, loss of the ability to walk or use your hands, or forgetting to pay your bills.

“Disability” also covers the situation in which the housing provider erroneously thinks that a person has a problem doing major life activities when the person doesn't. A senior who is frail but who can still perform major life activities may be regarded as being disabled and is protected under the law.

What is prohibited?

The Fair Housing Act applies to most housing, including senior living communities. Under the law, a housing provider:

- Cannot refuse to rent or sell to anyone, including a senior, because of a disability. For example, a landlord cannot refuse to rent to people using wheelchairs and cannot require that a person be able to live independently or without help.

- Cannot ask a housing applicant if he or she has a disability or details about it. A landlord is not supposed to ask for medical records or a medical evaluation.
- Cannot treat a resident with a disability differently from residents without disabilities. For example, people using wheelchairs cannot be refused service in a dining room at a senior community, and people with disabilities cannot be required to have special insurance.
- Must not retaliate against residents with disabilities.

People with disabilities may request a reasonable accommodation or modification.

Reasonable Accommodations. Landlords and homeowner's associations must make exceptions to rules, policies, practices or services if an exception is needed for a person with a disability to use and enjoy his or her home. For example:

- If a building has a “no pets” rule, a person with a mental or physical condition who needs to have a support or service animal must be allowed to have the animal.
- If a building has unassigned parking, a person who has trouble walking must be assigned a parking space close to the building's entrance.

The person with a disability must request a reasonable accommodation. Exceptions do not have to be made if it would be too expensive or too burdensome for the landlord.

Reasonable Modifications. A housing manager must allow a person with a disability to make physical changes to their home if they are reasonable and necessary for the person to use the unit. For example:

- A person using a wheelchair needs to install a ramp to get into his or her

townhouse or widen the door to the unit to allow easy entrance and exit.

- A person who has trouble getting out of a bathtub or shower needs to install grab bars.

The person with a disability must request the modification. Normally, the person who requests the modification pays for it. However, in housing subsidized by the federal government, the landlord may be required to pay.

Accessible Multifamily Housing. If a building with four or more units is built for first occupancy after March 1991, it has to meet certain requirements to make housing accessible for people with disabilities. While the building has to meet the minimum requirements of the law, this does not mean that the building is fully accessible or that the resident will not have to make some modifications to it.

Proof of a Direct Threat

A landlord does not have to sell or rent to any person who is a direct threat to the health or safety of others or their property. But a landlord cannot assume that a person with a disability is dangerous. The threat must be shown by recent facts about that specific person.

This brochure is just a brief summary of some important provisions of the law. **It is not to be understood as legal advice.** For specific legal advice, please talk to an attorney.

In addition to federal law, many states and local governments have laws against housing discrimination based upon disability. Some of these laws are broader and cover discrimination based upon age and source of income.

Questions about your housing rights or if your housing rights are being violated:

The John Marshall Law School
Fair Housing Legal Clinic
55 East Jackson Blvd. Suite 1020
Chicago, IL 60604
Telephone: 312-786-2267
TTY 312-427-3066
Fax: 312.786.1047
E-mail: 6clinic@jmls.edu

Equip For Equality
20 N. Michigan Avenue, Suite 300
Chicago, IL 60602
Telephone: 312-341-0022
TTY: 800-610-2779
www.equipforequality.org
American Sign Language and other interpreting services available

Office of Fair Housing & Equal Opportunity,
U. S. Dept. of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410
Telephone: 202-708-1112
TTY 202-708-1455
www.hud.gov

Area Agency on Aging, locate one near you by calling 800-677-1116 or www.eldercare.gov/eldercare

A handbook – *Fair Housing Rights Of Seniors With Disabilities: What Seniors And Their Families Need To Know* – is available at <http://jmls.edu/fairhousingcenter/resources/FHRts-SR-Hndbk2.pdf>
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