



FAIR HOUSING RIGHTS of SENIORS

Why should seniors care about fair housing laws?

According to the U. S. Census, 40% of Americans 65 and older have at least one disability. Other older Americans, while not disabled, may face prejudices based on generalizations or stereotypes about their health and abilities. The federal Fair Housing Act (FHA) ensures equal housing opportunity for people living with disabilities and those perceived to have disabilities. The FHA is a critical legal right that can enable older Americans to live in the environment that best meets their needs as they grow older.

How does the Fair Housing Act protect seniors from housing discrimination?

The Fair Housing Act is a federal civil rights law. The FHA makes it illegal to treat people differently in sales, rental, lending, and insurance transactions based on real or perceived disabilities. Owners and managers of housing cannot limit housing options, refuse to rent, deny that housing is available, or set different terms based on an individual's disability. The FHA also requires that housing owners and managers make certain accommodations for people with disabilities so that they can use and enjoy their homes safely and fully. The FHA applies to a wide range of private and publicly supported housing, including apartment complexes, "independent living" facilities, assisted living facilities, and Continuing Care Retirement Communities.

Examples of illegal conduct under the Fair Housing Act:

- An apartment manager asks an applicant about the nature and severity of their disability.
- A property manager says he doesn't rent to people with mobility impairments because he is afraid they will fall on his property.
- The director of an "independent living" facility tells applicants they cannot live there if they need a home health aide or other assistance.
- The director of a retirement community tells people who use scooters that they have to pay an extra deposit because he is afraid of property damage.
- An apartment manager tells a resident that their live-in aide has to be on the lease.
- The director of a Continuing Care Retirement Community tells people applying to live there that they have to pass a health exam by the company's physician.

The Fair Housing Act can help seniors live more safely and comfortably in their homes:

The FHA requires that housing owners and managers make Reasonable Accommodations and permit Reasonable Modifications for people with disabilities. A Reasonable Accommodation is a change in a rule or practice property managers make. A Reasonable Modification is a change to the physical structure of a unit or common space property managers make or permit tenants to make. If the housing is funded by the federal government or does not meet federal accessibility requirements, the owners must pay for the Modifications; otherwise, the tenants must pay for the Modifications.

A Few Examples of Reasonable Accommodations and Modifications:

- Providing a reserved parking space for a tenant with a mobility impairment
- Allowing grab bars and a roll-in shower to be installed
- Waiving a guest or parking fee for a home health aide
- Permitting a service or therapy animal even though there is a “no pet” policy
- Providing notices in large print and verbal reminders that rent is due to tenants who need them
- Permitting installation of automatic water shut offs
- Allowing the heights of switches and thermostats to be lowered or raised

The Central Alabama Fair Housing Center works to ensure equal housing opportunity for all people regardless of disability, race, national origin, color, gender, family status, or religion. If you feel you've been discriminated against or need help with a Reasonable Accommodation or Modification, please call us at 334-263-4663 (HOME).