

A GUIDE FOR SENIORS
AND THEIR FAMILIES

PROTECTING YOUR
**HOUSING
RIGHTS**



As you grow older, you may find it harder to do your daily activities. You could face problems finding or keeping the housing of your choice. It's important that you, and your family members, know your housing rights.

DO NOT ACCEPT HOUSING DISCRIMINATION AS PART OF GROWING OLDER!

AS YOU GROW OLDER, you may have a harder time taking care of yourself or 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 more 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 may 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 your lease.
- If you want to move into an apartment or condominium, the building management might ask you for your medical records, 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 housing for seniors discriminate against those with disabilities. For example, a retirement community may seek to keep out people who need assistance in the activities of daily living. They may say they are “helping” seniors or acting in their best interests, but in fact they are breaking the law.

HOW THE LAW HELPS YOU

A federal law called the **Fair Housing Act** makes it illegal to discriminate in housing against people of any age with disabilities. The Fair Housing Act applies to most housing, including rental units and condominiums for people over a specific age, retirement communities, assisted living centers, and continuing care retirement communities.

“Disability” means having a physical or mental impairment that significantly limits one or more major life activities. Many seniors have disabilities resulting from medical conditions common among older people. Some examples are partial or complete loss of sight, loss of hearing, loss of the ability to walk without a cane or use hands, or forgetting to pay 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.

To comply with the law, a landlord must demonstrate, based on recent facts, that the person with a disability cannot be safely accommodated.



UNDER THE LAW, A HOUSING PROVIDER:

- **CANNOT REFUSE TO RENT OR SELL TO ANYONE, INCLUDING SENIORS, 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 any details about it. A housing provider 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.**
- **MUST MAKE EXCEPTIONS TO RULES, POLICIES, PRACTICES OR SERVICES IF AN EXCEPTION IS NEEDED** for a resident with a disability to use and

enjoy his or her home (known as a “reasonable accommodation”). 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.
- Similarly, 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.

- **MUST ALLOW A RESIDENT WITH A DISABILITY TO MAKE PHYSICAL CHANGES TO HIS OR HER HOME** if they are reasonable and necessary for the person to use the unit (referred to as a “reasonable modification”). For example:
 - A person using a wheelchair may need 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 may need 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.

ACCESSIBILITY OF NEWER MULTIFAMILY UNITS

If a building with four or more units was built for first occupancy after March 1991, it had to meet certain requirements to make housing accessible for people with disabilities. While the building had 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.

PROHIBITIONS ON USING DISABILITY STEREOTYPES

To comply with the law, a landlord must demonstrate, based on recent facts, that the specific person cannot be safely accommodated. The law prohibits housing providers from using disability stereotypes (such as saying that a person is a “direct threat,” meaning dangerous to others or their property, due only to person’s disability label) as a reason to exclude a specific person from housing.



FOR QUESTIONS ABOUT YOUR HOUSING RIGHTS *or if your housing rights are being violated, contact:*

Equip for Equality

20 North Michigan Avenue, Suite 300
Chicago, IL 60602
Tel: 312-341-0022
Toll Free: 800-537-2632
TTY: 800-610-2779

www.equipforequality.org

American Sign Language & other interpreting services available

The John Marshall Law School Fair Housing Legal Clinic

28 East Jackson Boulevard, Suite 500
Chicago, IL 60604
Tel: 312-786-2267
TTY: 312-427-3066

www.jmls.edu/fairhousingcenter/fairhousingclinic.shtml

Office of Fair Housing & Equal Opportunity, U.S. Department of Housing and Urban Development

77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
Tel: 312-353-7776 ext. 2453
TTY: 312-353-7143

Illinois Department on Aging Senior HelpLine

Tel: 800-252-8966
TTY: 888-206-1327

Area Agency on Aging

Locate one near you by calling 800-677-1116 or visiting www.state.il.us/aging



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