



Fair Housing for Seniors with Disabilities

Fair Housing Laws Mean *Equal Opportunity* in Housing

Fair housing laws protect everyone from discrimination. This includes the elderly and disabled.

Are Seniors with Disabilities Protected in All Types of Housing?

Fair housing laws protect seniors with disabilities who live or apply to live in:

- single family homes,
 - condominiums,
 - cooperatives,
 - townhomes,
 - nursing homes,
 - assisted living,
 - housing with services,
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- continuing care facilities,
 - senior apartments,
 - mixed age apartment buildings,
 - mobile home communities, and
 - other settings.

Fair housing laws apply to renters **and** home buyers – but some protections only apply to one or the other.

Hold On – Why Can't Nursing Homes Pick Residents Based on Disability?

Nursing homes, assisted living facilities, and similar housing must follow disability rights laws. Some people think these providers can pick and choose residents based on any disability. This is **not true**. If these providers reject your application, evict you, or treat you differently because of your disability, they may have broken the law.

These Things May be Signs of Illegal Housing Discrimination:

- **Was your application denied because of your disabilities? Are you being evicted because of your disabilities?**

For example, is anyone saying things like:

- “I cannot allow you to rent that apartment; I am afraid of liability if you get hurt.”

- We are evicting you because you cannot live independently.”
- You must move out; this assisted living facility can’t meet your needs anymore.”
- “Our nursing home cannot accept people with your disabilities.”

- **Are you being questioned about your ability to “live independently?”**

For example, is someone asking any of the following:

- “Are you able to live on your own?”
- “Do you have a disability?”
- “How bad is your disability?”
- “Do you take medications?”
- “Why do you get social security benefits?”
- “I’ll need to look over your medical records.”
- “Have you ever been hospitalized because of mental illness?”

- **Are you being treated differently because of your disabilities?**

For example, is anyone saying things like:



- “We must take away your wheelchair because you cannot operate it properly.”
- “Residents with walkers live on the first floor.”
- “Only our active seniors live in these units.”
- “You can’t eat in the dining room because your disability makes others uncomfortable.”
- “People who use wheelchairs cause damage; you’ll have to pay a double security deposit.”

- **Does advertising discourage people with disabilities?**

For example, a poster or ad that says things like:

- “Ambulatory persons only.”
- “Building ideal for agile/physically fit.”
- “No mentally ill.”

You Have the Right to Ask for Reasonable Changes

You may ask for structural or physical changes to a place you rent if you need them because of your disabilities. These are called “reasonable modifications.” These changes can be in your unit or in common areas. You have the right to equal use of all the common areas – including the main entrance and the residential elevator.

For example, you may ask for structural changes like:

- bathroom grab bars,
- adjusted door knobs,
- a ramped entry, and
- a wider door to allow wheelchair passage.

You may be asked to pay for these changes unless your housing provider gets federal funding.

You may also ask for a change in policies or rules if you need them because of your disability. These are called “reasonable accommodations.”

For example:

- a change in the place where community gatherings and meetings are held,
- a more convenient parking space,
- the reconsideration of an application denial or eviction,
- the use of a service or companion animal, and
- the adjustment of services.



In most newer, multi-unit buildings – occupied after March 1991 – higher levels of accessibility are required. This includes accessibility for the elevator, public/common areas, doors, bathrooms, and kitchens.

Contact your local Legal Aid office if you feel you are the victim of housing discrimination and want to understand your rights. This service is *free to eligible individuals*.

In Hennepin and Anoka counties, call:

The Housing Discrimination Law Project at the
Legal Aid Society of Minneapolis at (612) 334-5970.

In Dakota, Ramsey, Carver, and Washington counties, call:

Southern Minnesota Regional Legal Services at (651) 224-7301.

This was adapted from a document created by Interfaith Housing Center Staff 11/07.