



Fair Housing for Older Adults with Disabilities

Fair Housing Laws Mean *Equal Opportunity* in Housing

Fair housing laws protect people from discrimination in housing. You are protected when you are looking for housing and protected from unequal treatment once you are living somewhere. See our fact sheet [Housing Discrimination](#) for basic fair housing information. This fact sheet is for older adults with disabilities who think they have faced or are facing discrimination from their housing provider.

Who qualifies as disabled?

A person is considered disabled if they:

- have a physical or mental impairment that greatly limits them in one or more major life activities
- are a person who is seen by others as having an impairment that limits them
- have a history or record of the impairment

Are disabled older adults protected in all types of housing?

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

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



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

There are also situations that don't have to follow the same rules. Like:

- If you live in a home run by a nonprofit organization, they can have rules about only letting people of a certain gender live there.
- If you rent a room or rooms in a house where the owner lives, they can decide who to rent to based on sex, marital status, if you get public benefits or not, sexual orientation or disability.

Can nursing homes pick residents based on disability?

Some people think nursing homes can pick and choose residents based on disability. This is **not true**. Nursing homes assisted living facilities, and similar housing must follow disability rights laws. Most of these housing types were created to serve people with disabilities. For many people, moving into these places is more a matter of need than choice.



Generally, these kinds of providers can't discriminate against people based on their type of disability. So, if the landlord or management turns down your application, tries to evict you, or treats you differently because of your disability, they may be breaking 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:

- You can't rent that apartment. I don't want to be responsible if you get hurt.
- We are evicting you because you can't live independently.
- You can't live here with an assistance or companion animal.
- You have to pay a pet deposit if you have an assistance or companion animal.

- Our nursing home can't accept people with your kind of disabilities.
- You must move out. This assisted living facility can't meet your needs anymore.

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 can't operate it properly.
- Residents with walkers have to live on the first floor.
- Only our active older adults live in these units.
- You can't eat in the dining room because your disability makes others uncomfortable.
- People who use wheelchairs cause damage, so you 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 residents allowed.

You Have the Right to Ask for Reasonable Changes: Reasonable Modifications and Reasonable Accommodations

Reasonable Modifications

You have the right to 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 doorknobs
- a ramped entry
- a wider door to allow wheelchair passage



You may be asked to pay for some of these changes unless the housing provider gets government funding or the home was built after 1991, when the changes should have happened by law.

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

Can a housing provider say No if I ask for a reasonable modification?

A housing provider can deny a request for a reasonable modification if the cost of making the change is high enough to cause an administrative or financial burden. They can also say no if the modification asked for would change the fundamental operations of the housing provider.

Reasonable Accommodations

You have the right to ask for changes in building policies and rules if you need the changes to let you use and take advantage of the programs and services offered by a housing provider. These are called “*reasonable accommodations*.”

For example:

- asking to change the place where community gatherings and meetings are held because you can’t get to it
- asking for a more convenient parking space
- asking them to re-think an application denial or eviction
- having an assistance or companion animal
- adjusting services



Note: Housing providers can’t ask for a deposit for your assistance or companion animal. But if the animal causes damage you have to pay for repairs and charges.

Can a housing provider say No if I ask for a reasonable accommodation?

A housing provider can deny a request for accommodation if you don’t qualify as disabled under the law. (See second section of this fact sheet, “Who qualifies as disabled?”)

They can also say No if the accommodation you ask for has nothing to do with a need for your disability.

They can also say No if what you ask for in order to solve the problem is not “reasonable.”

The decision to approve or deny a modification or accommodation should be made on a case-by-case basis. It is best if it is a mutual agreement made between tenants and housing providers.

Get Help

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
Mid- Minnesota Legal Aid (Minneapolis Office) at (612) 334-5970

In **Southern Minnesota**, including Carver, Dakota, Ramsey, Scott, and Washington counties, call:

Southern Minnesota Regional Legal Services at 1-888-575-2954

You can also call, or go to:

MN Department of Human Rights

Griggs Midway Building
540 Fairview Ave North, Suite 201
St. Paul, Minnesota 55104

Phone: (651) 539-1100 or 1(800) 657-3704
MN Relay: 711 or 1(800) 627-3529

MN Dept. of Human Rts – St Cloud

City Hall
400 Second St South
St. Cloud, MN 56301

Phone: (320) 407-8288

For both offices:

Discrimination helpline: 1-(833) 454-0148

Email at: info.mdhr@state.mn.us

www.mn.gov/mdhr/

Housing and Urban Development (HUD)

Minneapolis Field Office
212 Third Ave South, Suite 150
Minneapolis MN 55401

Phone: (612) 370-3000

Housing and Urban Development (HUD)

77 West Jackson Boulevard
Chicago, IL 60604-3507

Phone: (800) 765-9372

For both offices: www.hud.gov

You can submit a complaint to HUD on their website www.hud.gov or write to the Chicago office listed above.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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