



## 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.

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 might be breaking the law.



## **These Things Might 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 are taking 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 can 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.



If you have a Medical Assistance Waiver, you can apply for help to pay for modifications. Contact your county worker to apply.

In 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 they 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.

Even though they can say “no” for these reasons, a housing provider can’t punish you for asking for a modification.

## 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 they 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 what you ask for has nothing to do with a need for your disability.

They can also say “no” if what you ask for 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.

Even though they can say “no” for these reasons, a housing provider can’t punish you for asking for an accommodation.

### **Special Note About Ending Your Lease Early**

If you need to end your lease early because of your disability, you can ask for this as a “reasonable accommodation.” For example, if your building does not have an elevator and you can’t walk up stairs anymore. Another example is if you need special medical equipment that won’t fit in your apartment. Your landlord has to consider your request to move out early the same as any other “reasonable accommodation” request.

Starting January 1, 2024, some tenants in Minnesota have the right to end a lease early if they need to move to a medical care facility. The law requires 60 days’ notice to the landlord, medical proof, and proof that you have applied for or been approved for the medical care facility.



### **Get Help**

Call your local legal aid office at [1\(877\) 696-6529](tel:18776966529) if you feel you are the victim of housing discrimination and want to understand your rights. This service is *free to eligible individuals*.

Or look for help from other programs at [www.lawhelpmn.org/providers-and-clinics](http://www.lawhelpmn.org/providers-and-clinics).

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

Discrimination helpline: 1-(833) 454-0148

Email at: [info.mdhr@state.mn.us](mailto:info.mdhr@state.mn.us) website at: [www.mn.gov/mdhr/](http://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  
TTY: 7-1-1 (Not available in all areas)  
[www.hud.gov](http://www.hud.gov)

**Housing and Urban Development (HUD)**

Chicago Regional Office of FHEO  
77 West Jackson Boulevard, Suite 2202  
Chicago, IL 60604-3507

Phone: (312) 913-8453  
1-(800) 765-9372  
TTY: (312) 353-7143  
[www.hud.gov](http://www.hud.gov)

You can submit a complaint to HUD on their website [www.hud.gov](http://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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