



Fair Housing and Older Adults

Fair Housing Laws Mean *Equal Opportunity* in Housing

For seniors and older adults with disabilities, fair housing means an equal opportunity to live in the setting of their choice – including with people of all ages and abilities living side by side. For those older adults who seek support and medical services, their special needs must be treated with special consideration in seeking the housing of their choice.

The U.S. Fair Housing Act prohibits discrimination on the basis of disability, race, color, national origin, religion, sex, or familial status. In addition, **Illinois protects individuals from housing discrimination on the basis of age**, marital status, sexual orientation, ancestry, or military discharge status. Cook County adds source of income and housing status as protected classes.

How Do Older Adults Encounter Housing Discrimination?

Discrimination may occur in the form of unwelcoming **application policies**, lack of equal housing choice, differences in qualifying **information or terms from lenders** or insurance agents, **unwelcome gestures** or **verbal remarks**, community/building **rules or advertisements** that treat seniors or those with disabilities differently than others.

Who Must Abide by these Fair Housing Laws? *All involved in providing housing or related services:* houses for rent or sale, condominiums, cooperatives, or apartments for rent or sale, assisted living facilities, continuing care facilities, retirement communities, nursing homes, mobile home communities, time shares, property owners, landlords, housing managers, condo associations, homeowners' associations, real estate agents, housing brokers, lenders, newspapers, advertisers, insurance companies, and appraisers.

Examples of Housing Discrimination:

- **Questions about your ability to “live independently” may be illegal:**

- “Are you capable of living independently?”
- “Do you have a disability?”
- “How severe is your disability?”
- “Do you take medications?”
- “Why do you receive social security benefits?”
- “I’ll need to review your medical records”
- “Have you ever been hospitalized due to mental illness?”

- **Rules or discouraging comments that limit your housing choice are illegal:**

- “I cannot allow you to rent that unit; I am afraid of future liability if you get hurt.”
- “You can only live here if there is someone to take care of you”
- “We do not allow people to live in these units with 24-hour personal care attendants”

• **Segregating residents by age or ability is discriminatory:** “Residents with walkers live on the 1st floor” • “Our active seniors live in these units” • “residents in wheelchairs use the 2nd floor dining room”

• **Advertising that shows preferences for age or ability is illegal:** “ambulatory persons only” • “perfect opportunity for active individuals” • “building ideal for agile/physically fit” • “no mentally ill” • “great for young professionals”

• **Adding to your rent, security deposit, or insurance payments** because you choose to hire a live-in health aid or because you use a wheelchair or motorized scooter is illegal: “People who use wheelchairs cause damage; you’ll have to leave a double security deposit”

A Disability Should Not Interfere With Your Housing Choice:

While a housing provider may be genuinely concerned about “what is best for you” when you apply for housing, **the Fair Housing Act prohibits questions about your ability to “live independently”** or about the nature or severity of your disability. You do *not* have to demonstrate that you can live independently in order to qualify for a place to live.

You may choose to hire help for personal care or for housekeeping with the same freedom as an able-bodied individual. Conversely, you cannot be *required* to hire a caretaker to remain in a dwelling. You cannot be asked to leave because you require more assistance.

You have the right to request reasonable changes to your own dwelling or to common areas of your building (known as “reasonable modifications”) so that you may have the same full use and enjoyment of your housing as others. For example, you may request structural changes: bathroom **grab bars**, adjusted **door knobs**, a **ramped entry**, **widening a door** to allow wheelchair passage. You may be asked to pay for these modifications. You are entitled to equal use of all the common areas – including the main entrance and the residential elevator.

You may also ask for a change in policies or rules in order to accommodate you (“reasonable accommodations”) – including an **accessible location** for community gatherings/meetings, more **convenient parking space** or the use of a **service animal** - if you can establish with medical evidence that these are health requirements.

In newer, multi-unit buildings – occupied after March 1991 – full accessibility is required including for the elevator, public/common areas, doors, bathrooms and kitchens.

For Older Adults Raising Children:

Some buildings are specifically designated and certified as retirement communities for older adults, 55 years and older. However, in “all-age” buildings, rules, advertising, or signs that treat households with children differently or less favorably than adult-only-households is illegal. If you are legal guardian for children under 18 years, or the designated caretaker for grandchildren, you cannot be refused housing on the basis of “familial status” (*i.e. the presence of children in a household*).

When Financing Your New Home:

Banks, lenders, and insurance companies cannot set different mortgage rates, different terms, or refuse to negotiate with you because of your age or disability.

Note to Housing Providers: Denying persons equal access to housing based on the *perception that they may be disabled* is also a violation of fair housing laws.

Contact Interfaith Housing Center, if you believe you are the victim of housing discrimination. This service is *free and confidential*. 847-501-5760 (phone) or 847-501-2741 (TTY). www.interfaithhousingcenter.org

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