A FAIR HOUSING GUIDE FOR SENIORS

The Housing Center
Housing Research & Advocacy Center
What is “Fair Housing”?  

Fair Housing is a civil right protected by federal, state, and laws. Federal fair housing laws protect people from being denied a place to live, based on their race, color, sex, religion, national origin, familial status, or disability. These are called “protected classes” under fair housing laws. Ohio fair housing laws additionally protect people based on ancestry and military status. Local fair housing laws protect others.

The Fair Housing Act (FHA) applies to housing providers in all forms, including property owners, landlords, housing managers, neighborhood and condominium associations, real estate agents and brokerage service agencies.

How Does the Fair Housing Act Protect You?  

The Fair Housing Act does offers several protections against discrimination. It is illegal to do any of the following actions based on someone’s protected class:

**Rental and Sale of Housing**

- Refuse to rent or sell housing.
- Refuse to negotiate for housing.
- Make housing unavailable or otherwise restrict choice.
- Set different terms, conditions or privileges for sale or rental of housing.
- Provide different housing services or facilities.
How Does the Fair Housing Act Protect You?

**Rental and Sale of Housing (continued)**
- Falsely deny that housing is available.
- Persuade owners to sell or rent (blockbusting).
- Deny anyone access to or membership in a facility or service related to the sale or rental of housing.
- Retaliate against a person for making a fair housing complaint.

**Mortgage Lending and Insurance:**
- Refuse to make a mortgage loan or provide homeowners insurance.
- Refuse to provide information regarding loans or insurance.
- Impose different terms or conditions on a loan, such as different rates, or fees.
- Discriminate in appraising property.
- Refuse to purchase a loan.
- Set different terms or conditions to purchase a loan.

*It is also illegal for anyone to:*
- Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on a protected class.
According to the Administration on Aging, people 65 and over represented 12.5% of the U.S. population in 2000. This number is expected to grow to 19% by 2030.

The majority of older adults report they would like to age in place, meaning that they would like to be able to stay in their current home. A 2010 AARP survey found that nearly 90% of adults over the age of 65 want to stay in their residence as long as possible.

However, those who move may choose to downsize from a home to a condo or apartment, moving closer to family or a smaller place within their community.

It is possible that the a person’s current or new residence may not meet their changing physical needs as they grow older. New construction may have certain accessibility features, such as a no step entrance, while other housing may require a physical modification to the space.

<table>
<thead>
<tr>
<th>Cuyahoga County Population, Ages 55 and Up</th>
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<tr>
<td>Age</td>
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<tr>
<td>------</td>
</tr>
<tr>
<td>55 to 59</td>
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<td>75 to 84</td>
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<td>85 &amp; up</td>
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<tr>
<td>Total</td>
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Source: U.S. Census American Community Survey 3-Year 2009-2011
How Can Fair Housing Laws Support Aging in Place?

Federal Fair Housing Laws protect people from discrimination based on race, color, sex, religion, national origin, familial status, or disability. The state of Ohio additionally protects people based on ancestry and military status. Local fair housing laws offer additional protections.

For example, you cannot be discriminated against in housing based on your Age in the following cities in Cuyahoga County:

Bedford, Bedford Heights, Brook Park, Cleveland, East Cleveland, Fairview Park, Linndale, Maple Heights, Mayfield Heights, Newburgh Heights, North Olmsted, Richmond Heights, University Heights, Woodmere, Wickliffe.
How Can Fair Housing Laws Support Aging in Place?

Disability was added to the law in 1988 as part of the Fair Housing Amendments Act. It is illegal to discriminate against someone in housing based on a disability. This protection also affords people with disabilities the right to **reasonable accommodations and reasonable modifications** in housing. Please see pages 7-10 for an explanation.

The Fair Housing Amendments Act also added **new construction requirements** for apartment buildings with four or more units built for first occupancy after March 13, 1991. If there is an elevator in the building all units must comply. If there is not an elevator than only first floor units must comply. These construction requirements are discussed in greater detail on page 11.
What are Reasonable Accommodations and Reasonable Modifications?

One of the goals of fair housing laws is to ensure that everyone has *equal access* to housing. When the Fair Housing Amendments Act passed in 1988, lawmakers recognized that people with disabilities needed additional protections to help guarantee that housing is equally available to everyone regardless of disability status. Lawmakers took into consideration that the **physical space and the rules that govern the housing** could serve as barriers to equal enjoyment of housing for people with disabilities. Therefore, they added the right to *reasonable accommodations* and *reasonable modifications* to the law for people with disabilities.

### Reasonable Accommodations

A reasonable accommodation is a change in the policies or procedures of a residence.

- Allowing a service animal despite a “no pet policy”
- Giving a tenant a reserved parking space
- Allowing a tenant to have a live-in aide
- Allowing a move from 1 unit to another (without fee)
- Changing rent due date
- Informing tenant's aide (*family member, care giver, etc.*) of any updated on new rental polices
- Waving guest or parking fees for a tenants health aide
### Reasonable Modifications

A reasonable modification is a change to the physical space in a housing unit.

- Widening doorways.
- Installing grab bars.
- Lowering height of kitchen cabinets.
- Installing a ramp.
- Installing automatic water faucet shut-off.
- Installing or removing carpeting.
- Lowering/raising heights of switches, outlets, thermostats.
- Installing lever door handles.
- Installing pictures, color-coded signs or pathways for people whose cognitive disabilities make written signs impossible to use.

A housing provider cannot inquire about the existence, nature, or extent of your disability. For example, a landlord is not permitted to ask the following questions:

- Do you have a disability?
- How severe is your disability?
- Have you ever been in rehabilitation program?
- Are you on any medication?
- Do you receive SSI payments?
- May I see your medical records?
- You don’t look like you have a disability, why do you have a service animal?
How Do I Request a Reasonable Accommodation or Reasonable Modification?

It is the responsibility of the tenant to make a request. A housing provider can require proof of the covered disability if it is not *readily apparent*. This proof can be submitted in the form of a reasonable accommodation or reasonable modification letter.

The letter must establish a connection between the request and the covered disability. The letter can be provided by a medical professional, by a nonmedical service agency, or by someone who has knowledge of the disability.

**A housing provider can only ask for proof of the covered disability if it is not readily apparent.**

*For example:* A person who uses a wheelchair would not be required to provide proof of their covered disability when requesting a ramp or chair lift to enter the building or unit since there is a readily apparent need.

If you need to make a reasonable accommodation or reasonable modification request and have questions about the process and what need to be included, contact the Housing Research & Advocacy Center for assistance.

**NOTE:**
- Requests can be made at any time during the tenancy.
- More than one request can be made at a time.
In What Kinds of Housing Can I Request Reasonable Accommodations and Reasonable Modifications?

The definition of what is considered “housing” is very broad under the Fair Housing Act. **This includes but is not limited to:**

- Condominiums
- Senior Apartment Complexes
- Affordable Senior Housing
- Adult Family Care Homes
- Assisted Living Facilities
- Nursing Homes
- Continuing Care Retirement Communities
- Houses
- Apartments
- Condos
- Manufactured/Mobile Homes
- Vacant Land for Residential Construction
- Dorm Rooms
- Emergency Shelters
- Transitional Housing
- Extended Stay Hotels

What Determines Who Pays for a Reasonable Modification?

Normally it is the responsibility of the tenant to pay for the reasonable modification. However, there are two exceptions where a housing provider may have to pay for the modification.

1. If the building has four or more units and was built for first occupancy after March 13, 1991.
2. If the building received federal financial assistance.
New Construction Requirements

Buildings with 4 or more attached units built for first occupancy after March 13, 1991 must be built with certain design features that make them accessible for people with disabilities. **If there is an elevator in the building ALL units must comply. If there is not an elevator than only the first floor must comply.** The design features include:

- An accessible building entrance on an accessible route.
- Accessible public and common use areas.
- Usable doors (usable by a person in a wheelchair).
- Accessible route into and through the dwelling unit.
- Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
- Reinforced walls in bathrooms for later installation of grab bars.
- Usable kitchens and bathrooms.

If you are living in a building that you think should have been built accessible, but have noticed that there are inaccessible features, contact your local fair housing agency. If you need a reasonable modification in a building that should have been built with that feature, it is the housing provider’s responsibility to pay.
Condominium and Homeowner Associations: Reasonable Accommodation and Reasonable Modification Requests

By-laws that may be set by a condominium association or home owner’s association (HOA) do not supersede the law. So, a condo board or HOA cannot enforce rules that are in conflict with the law.

Examples:

- A condo association or HOA has a rule banning all outside attachments to the building and therefore denies a request for a reasonable modification for a ramp for a person in a wheelchair.

- A condo association or HOA has a “no pets” rule and therefore denies a reasonable accommodation request for a tenant who needs a service animal.

- A condo association or HOA has a rule that everyone in the complex has a designated parking spot and therefore denies a reasonable accommodation to a person who requests one close to the building.

- A condo association or HOA has a rule that only tenants may use the laundry facilities and therefore denies a reasonable accommodation request from a tenant who would like permission to have a health care attendant use the laundry facilities for her.
Although there are new construction laws for multi-family buildings which make housing more accessible for people with disabilities, there are currently no federal laws that dictate similar standards in single family homes or townhouses.

As our nation ages, the demand for construction to meet people’s changing physical needs will be more in demand. There is a movement to make all new construction “visitable”. The idea being that not only would new visitable construction standards benefit those who live in the housing, but also benefit others who want to visit friends and family in that housing.

**Visitability advocates promote three features for new construction in single family housing:**

- One zero-step entrance into the house.
- Doors with 32 inches of clear passage space.
- One bathroom on the main floor accessible by a person in a wheelchair.
What Should I Do if I Think My Fair Housing Rights Have Been Violated?

You can contact a local fair housing agency, an agency in the Fair Housing Assistance Program (FHAP)*, or HUD to begin the intake and complaint process.

*All the governmental entities in the Fair Housing Assistance Program (FHAP) have laws that are substantially equivalent to the Federal Fair Housing laws. The Ohio Civil Rights Commission (OCRC), Shaker Heights Fair Housing Review Board, and the City of North Olmsted are FHAPs.

If HUD receives a housing discrimination complaint where the alleged discrimination occurred within the jurisdiction of one of the FHAP agencies, HUD is required under the Fair Housing Act to refer the complaint to that agency.
Fair Housing Resources

Fair Housing Agency:
Housing Research & Advocacy Center
2728 Euclid Ave., Suite 200
Cleveland, OH 44115
(216) 361-9240
Email: info@thehousingcenter.org

Federal:
U.S. Department of Housing and Urban Development (HUD)
Telephone: 1-800-669-9777

State Agency:
Ohio Civil Rights Commission
615 W Superior Ave.
Cleveland, OH 44113
(216) 787-3150

Local Fair Housing Assistance Programs (FHAP):
City of North Olmsted
Law Department
5200 Dover Center Road
North Olmsted, OH 44070
(440) 716-4261

Shaker Heights Fair Housing Review Board
3400 Lee Road
Shaker Heights, OH 44120
(216) 491-1440
The Housing Research & Advocacy Center's mission is to promote fair housing and diverse communities, and to work to eliminate housing discrimination in Northeast Ohio by providing effective research, education, and advocacy.

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