

# Fair Housing Rights for Seniors

Provided by: **Gulfcoast Legal Services, Inc.**

## *Pinellas County Offices*

641 First St. S.  
St. Petersburg  
727-821-0726

334 S. Missouri Ave.#109  
Clearwater  
727-443-0657

## *Manatee County Office*

430 - 12<sup>th</sup> Street West  
Bradenton 941-746-6151

## *Sarasota County Office*

1750 - 17<sup>th</sup> Street, Unit I  
Sarasota 941-366-1746

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## **What is Fair Housing?**

- The Fair Housing Act prohibits discrimination in Housing based on race or color, national origin, religion, sex, familial status, or disability.
- Florida's anti-discrimination law is located in the Florida Statutes under Chapter 760.

## **Impact for Seniors:**

- A person cannot refuse to rent or sell you a place to live for a discriminatory reason covered by the Fair Housing Act.
- Because familial status is covered under the Fair Housing Act, a place designated as a senior community only (not allowing children) must follow certain restrictions so it is not seen as discriminatory against families with children:
  - < place is designed and operated solely to assist the elderly and is solely occupied by people 62 and over, OR
  - < place is intended for people who are over 55 and:
    - 80% of the units have at least one person 55+,
    - the place publishes/advertises as 55+,
    - the place adheres to policies and

procedures maintaining it as a 55+ community,

- the place adheres to HUD verification policies, and
- the place registers with the Florida Commission on Human Relations.

- For those seniors facing a disability, the Fair Housing Act and the Americans with Disabilities Act allows you:

- < to make reasonable modifications to the property in your area, at your own expense and if necessary, and
- < to have reasonable accommodations in rules, policies, practices, or services if necessary.
- < your disability must:
  - be documented and
  - limit a major life activity

### **Housing For Seniors Defined:**

- *Adult Family Care Homes:* Single family homes in which room, board, supervision and personal care services are provided.
- *Affordable Senior Housing:* Subsidized housing options for low-income seniors that range from

public housing apartment units and HUD senior living complexes to reduced rental payments on apartments and homes.

- *Assisted Living Facilities:* Group apartment communities that offer seniors help with non-medical aspects of daily living. Also called ALFs.
- *Assisted Care Living Facilities:* Also called ACLFs. Similar to ALFs but usually offer some type of medical care.
- *Continuing Care Retirement Communities:* Private home communities that offer active seniors a variety of resources in which to socialize and enjoy their golden years. This option allows elders the opportunity to purchase services, amenities, and future medical care, at the same time their home in the community is purchased.
- *Senior Apartment Complexes:* Private apartment communities, which provide limited communal services such as activity programs, transportation services, and evening meals to its residents.
- *Nursing Homes:* Long-term care facilities that provide 24-hour medical care, personal care, housekeeping and rehabilitative services to

seniors who are suffering from chronic illnesses or are recovering after major surgery.

### **Frequently Asked Questions (FAQs):**

- I need a dog to help relieve my anxiety, but my condominium doesn't allow pets. Can I keep my dog?
  - < Maybe. You may be able to keep your dog if both the anxiety and the need for the dog to help the anxiety are documented by a doctor. Your anxiety must affect at least one major life activity, however. Once you have the proper documentation, submit it to the condominium association with a request for "reasonable accommodations".
  
- I live in a 55+ community. Recently I have needed extra help and my granddaughter to come live with me. Can they forbid her to live there with me?
  - < No. Most complexes allow family members to live there as long as at least one person in the home is 55+. However, if your complex does not allow this, then you may request a reasonable accommodation. Provide information to the association that you have a need for extra care because of limited abilities and that your granddaughter is able to adequately provide such care.

- I have to use a wheelchair, and I recently built a ramp for my use. Can I get reimbursement from the landlord?
  - < No. In private housing, the tenant must have the ramp built and pay for it on their own. The landlord could not force you to remove it, however.
  
- I am being evicted from my home because I requested extra services. Is this discrimination?
  - < Probably. If you have requested reasonable accommodations for a documented disability and the complex seems to be evicting you because they do not want to make the accommodations anymore, then it is discriminatory and should be reported to your local Housing Agency.

### **Important Points About Discrimination:**

- Types of Housing not covered (everything else is mostly covered):
  - < owner occupied buildings with four or less units
  - < housing operated by private clubs or organizations
  - < single family housing sold or rented without the use of a broker.
  
- Some common signs of discrimination in renting:

- < telling you the place is filled, but it is still advertised as available,
- < charging different fees/rent,
- < setting different policies,
- < denying access to facilities.

- keeping your home
- finding low-cost housing
- finding assisted living

- Some common signs of discrimination in

Mortgage Lending:

- < refusal to make a loan
- < refusal to provide information about making loans
- < imposing different terms
- < discriminating in appraisal
- < refusal to purchase a loan

- If you feel discriminated against:

- < call HUD at 1-800-440-8091, or write a letter with your name and address, the name and address of the discriminating person, the address of the place you were trying to rent or buy, the date the incident occurred, and a short description of what happened, and mail it to:

U.S. Dept. of Housing & Urban Development  
 Five Points Plaza  
 40 Marietta Street, 16<sup>th</sup> Floor  
 Atlanta, GA 30303-2806

- < The HUD office above can also help you locate your local Housing Authority funded by HUD. It can give you help with:

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**Where to get more help and information:**

State of Florida, Dept. of Elder Affairs  
 Elder Helpline: 1-800-963-5337

CARES Dept. of Elder Affairs (Advice about nursing homes, nursing home alternatives, screening for Medicaid nursing home)  
 1-800-631-5300