

## **Fair Housing and Senior Living Communities**

### **FAIR HOUSING HIGHLIGHT #40**

**A senior living community advertises that it houses “active and independent” residents. I meet the financial guidelines, but I am in a wheelchair and have an aide visit once a week. Do I still qualify?**

YES! The fair housing laws prohibit discrimination based on disability. Persons that would otherwise qualify for a housing unit, but are denied simply because of their disability, are victims of housing discrimination. It is illegal to advertise or implement such requirements. If you see or hear “must be able to live independently”, please report it to your local fair housing agency.

**I am moving into an apartment complex for people over the age of 62. Along with the lease, the manager asked me to fill out and sign a form with my medical information in case of an emergency. Is that legal?**

NO! The fair housing laws prohibit health-related inquiries, unless the property in question is designated specifically for people with disabilities and that information is vital to determining a person’s eligibility. When a property does not provide a specific medical or disability-related service, it is illegal to ask for such information. Housing providers should NEVER ask questions about a person’s disability, medical background, or ability to live independently.

**I recently fell and broke my hip. I have some trouble getting up and down and would like to install some grab bars in the bathroom. Will the property manager allow me to make these changes?**

In order to make a physical change to a property so a resident with a disability may use and enjoy their dwelling, the resident must make a reasonable modification request. If the resident is a person with a disability and the modification will address the disability-related need, a housing provider must allow the modification unless it is an undue financial or administrative burden, or a fundamental alteration of services. If the housing provider receives federal funding, they will be responsible for financing the modifications. If not, the resident must pay for any changes.

**I need to break my lease and move to a nursing home due to my disability. Can I get out of my lease without paying a penalty?**

YES! A tenant can ask for a reasonable accommodation, or a change in a property’s policies, rules or procedures that are directly related to a person’s disability. Because the need to leave the housing is directly related to the tenant’s disability, the housing provider must grant the reasonable accommodation unless it can show that it would cause an undue financial or administrative burden, or a fundamental alteration of services. The housing provider should not charge any fees or extra rent, and must also return the security deposit unless the tenant had caused damage to the unit or owed back rent.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711 or visit us online at [www.fairhousingrights.org](http://www.fairhousingrights.org).**