



# FAIR HOUSING FOR SENIORS

**FAIR HOUSING  
LEGAL SUPPORT  
CENTER & CLINIC  
UIC JOHN MARSHALL  
LAW SCHOOL**



# SENIORS—UNDERSTANDING YOUR RIGHTS

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The federal **Fair Housing Act** (FHA), as amended, prohibits landlords, real estate agents, home sellers, banks, and other housing providers from discriminating against people based on race, color, religion, national origin, sex, familial status, and disability. Unlike many state and local fair housing ordinances, the federal FHA does not include separate protections for seniors. Nonetheless, seniors are especially vulnerable to discriminatory housing practices based on race, color, national origin, religion, sex, familial status, handicap (disability), or other protected classes. No one is ever too old or too young to seek the protections of the FHA.

Some state and local laws also prohibit source of income discrimination. A landlord may not institute a policy that all renters must earn a monthly wage that is 60 percent above the monthly rent. If a retired senior can easily afford a unit with his or her Social Security check and with additional funds he or she has held in a bank or an annuity, a landlord may not refuse to rent to the senior.

## WHO CAN ASSERT CLAIMS UNDER THE FAIR HOUSING LAWS

Anyone who is injured by a discriminatory housing practice can make a claim under the fair housing laws. This includes caregivers and family members who are impacted by the denial of the housing.

## REMEDIES AVAILABLE UNDER THE FAIR HOUSING LAWS

Persons who suspect that their rights have been violated may, in addition to filing a lawsuit in state or federal court, file an administrative complaint at the U.S. Department of Housing and Urban Development (HUD) or with a state or local human rights agency.

If the person files with HUD or a state or local agency, that agency will investigate the complaint and try to resolve the issue. If the housing provider refuses to negotiate, the agency may request a hearing. The senior does not need to hire an attorney to pursue this process.

Remedies under the fair housing laws are broad. Injured parties may seek damages or an order allowing them to reside in the unit. If they are successful, they may recover fees to pay their attorney from the guilty party.

The federal FHA provides that all administrative complaints must be filed within one year of the occurrence. Actions in court must be filed within two years, although that deadline is extended if an administrative complaint has been filed. However, each jurisdiction has its own statute of limitations for filing a claim. For instance, a claim must be filed with the City of Chicago within 180 days. If a complaint is not filed in a timely manner, the claimant will not be able to obtain any relief.

***If you think you may have a discrimination claim, it is important to act right away.***

## EXAMPLES OF DISCRIMINATION EXPERIENCED BY SENIORS

Each of the following situations may be illegal under the FHA or state or local law:

- A senior home for independent living requires that all applicants be able to walk to the dining room and prohibits the use of motorized wheelchairs.
- A senior home with independent units refuses to rent to women. It was established in the early twentieth century as a home for elderly gentlemen. It arranges its activities around sporting events and regularly arranges for a bus to transport the residents to baseball and basketball games.
- A condominium association refuses to allow a senior to modify her unit at her own expense by building a ramp in front of her unit to accommodate her lack of mobility caused by a stroke.
- A nursing facility questions an African American senior why he wants to live in the home that is predominantly white and suggests that he might be more comfortable in another home that is predominantly African American.
- A senior independent living facility threatens to apply its “no guests” policy to prevent a senior suffering with Parkinson’s disease from housing a caregiver in the second bedroom of his unit and tells him that he must move to the nursing home in the complex.
- A grandmother who wants to take in her newly orphaned grandson is told by the apartment owner that unless she obtains legal custody through a court, the grandson cannot live with her.
- A senior is suffering from depression and her doctor advises her to get a cat as a support animal, but her building has a “no pets” policy and has informed her that she will have to move if she acquires a pet. The same housing provider later relents but tells the senior that she will be assessed a charge for the support animal.
- A senior moves into a newly built multi-family building and finds that it does not meet the accessibility standards set forth in the FHA.
- A senior apartment complex advertises that it caters to able-bodied seniors who lead an active lifestyle and enjoy playing sports.

Many state and local ordinances prohibit age discrimination:

**Chicago Fair Housing Ordinance**

**Cook County Fair Housing Ordinance**

**Illinois Human Rights Act**

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## **UIC JOHN MARSHALL LAW SCHOOL FAIR HOUSING LEGAL SUPPORT CENTER & CLINIC**

UIC John Marshall Law School Fair Housing Legal Support Center was established in 1992. The Center educates and trains the public on fair housing law and provides legal assistance to those private and public organizations and persons seeking to eliminate discriminatory housing practices.

The Clinic is devoted exclusively to fair housing training and enforcement. Its unique nature allows it to assist persons in receiving and retaining the housing of their choice, thereby building and strengthening neighborhoods and communities.

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