

Fact Sheet: Aging and the Fair Housing Act

What is the Fair Housing Act (FHA)?

The Fair Housing Act (FHA) is a civil rights law. It prohibits discrimination in housing because of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, or *disability*.

How Does the FHA Relate to Older People?

As people age, many develop problems with hearing, seeing, or getting around. Others experience chronic illnesses like hypertension, diabetes, arthritis, or memory loss. People may become disabled when age-related changes make it more difficult to get around at home, do things out in their community or go to work.

Although people who are aging often don't think of themselves as having a disability, many may meet the definition of disability and have protections under the Fair Housing Act (FHA).

What is the Definition of Disability?

Federal nondiscrimination laws define a "person with a disability" as someone:

- (1) Who has a physical or mental impairment that substantially limits one or more major life activities;
- (2) or has a record of such impairment; or
- (3) is thought of as having such an impairment.

What Types of Housing Are Covered by the FHA?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

What Types of Businesses Are Covered under the FHA?

The Fair Housing Act applies to a broad range of persons and businesses, including public housing agencies, property owners, landlords, housing managers, real estate agents, brokerage service agencies, and banks.

What is Illegal under the Fair Housing Act (FHA)?

- Refusing to rent or sell housing.
- Imposing different sales prices or rental charges for the sale or rental of housing.
- Harassing a person
- Delaying housing maintenance or repairs.
- Refusing to make a mortgage loan or provide other financial help for housing.
- Offering different terms or conditions on a mortgage loan, such as different interest rates, points, or fees.
- Refusing to provide reasonable accommodations or modifications [See next section below.]

What Are Reasonable Accommodations and Modifications?

Housing providers must make reasonable accommodations and allow reasonable modifications that may be necessary to allow persons with disabilities to enjoy their housing.

Reasonable Accommodation

Any change in the way things are done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a reasonable accommodation. Examples include assigning a parking space close to the building entrance for a resident who has difficulty walking or allowing an emotional support animal in no pet housing.

Reasonable Modification

A reasonable modification is a structural change made to existing buildings for a person to have access, be safe and enjoy common areas. Examples of property modifications include putting safety or grab bars in the bathtub, building a ramp into the building, or installing a pool lift chair at the pool.

Resources: U.S. Department of Housing and Urban Development

Link: hud.gov

- [Housing Discrimination Under the Fair Housing Act](#)
- [Disability Overview | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- [Reasonable Accommodations and Modifications | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

Questions and More Information

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