

# Age Discrimination In Housing

Westchester County Human Rights Commission

## Age Discrimination

The Westchester County Fair Housing Law prohibits those involved in real estate transactions from discriminating against prospective or current residents based on their actual or perceived age (18 and older). You have the right to housing free from discrimination based on age or disability. The Westchester County Human Rights Commission accepts, investigates and adjudicates claims of discrimination.

## Senior Housing

A person's age should not be a factor in determining housing eligibility, except in the case of housing specifically designed and intended for seniors. In Westchester County, there are two types of senior housing:

- **Housing for those 55 years old and older** – In this housing, at least one person-per household must be 55+ in 80% or more of the total units; the remaining 20% of the units may be occupied by tenants of any age.
- **Housing for those 62 years old and older** – In this housing, only people who are 62+ are permitted to reside, even if they are related to the family member who is 62 or older.

## Disability

Changes to a person's physical and mental abilities can be a natural part of aging. People with disabilities may require **reasonable accommodations and/or modifications** to be able to fully use and enjoy their homes.

- **Reasonable accommodations** are changes, exceptions, or adjustments to rules, policies, practices, or services.
- **Reasonable modifications** are physical changes to structures inside a home or in a common area.

When requesting a reasonable accommodation or modification, a housing provider *may not ask* about the nature of the individual's disability, however they are entitled to understand that the current or future resident has a disability and that there is a need for the reasonable accommodation or modification because of the disability. They may request proof from a medical provider or therapist.

## Design and Construction

Buildings constructed for 1st occupancy after March 13, 1991 must have the following design features:

- 1) Accessible building entrance on an accessible route
- 2) Accessible public and common use areas
- 3) Usable doors
- 4) Accessible route into and through the unit
- 5) Environmental controls in accessible locations
- 6) Reinforced walls for grab bars
- 7) Usable kitchens and bathrooms

## Examples of Possible Instances of Age-Related Discrimination

- A real estate agent telling an older prospective tenant that an apartment in a 6-story walk-up would not be a good fit for them.
- A landlord refusing to build a ramp for a resident who requires a walker to access the main lobby of their apartment building, although doing so would be considered reasonable and necessary.
- A landlord not accepting social security or disability payments when accounting for an older person's financial eligibility for an apartment. (This would also implicate their Source of Income.)
- A building designed and constructed in 1992 having all light switches and thermostats in inaccessible locations.

*Retaliation is illegal because an individual filed a complaint of discrimination. This general guidance is not binding, is not to be used in any litigation or proceeding, and does not constitute legal advice. Each situation is fact specific and will depend on the circumstances. Certain exceptions apply.*

### **Westchester County Human Rights Commission**

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