



Common Barriers to Housing & Resources for Seniors

John Smith
 Legal Aid of Western Michigan
 (616) 608-8047
 jsmith@legalaidwestmich.net

Meet Cookie—My gateway to FHC



You Are Advocates

- Be Proactive
- Keep your Landlord informed
- BUT think about what you disclose
- Get help wherever you can

Old doesn't mean Disabled

- Fair Housing Act really doesn't protect against age discrimination
- Other laws due--Michigan's Elliott-Larsen Civil Rights Act
- But Reasonable Accommodations only apply to disability

Equal Opportunity

- National Goal "to end the unnecessary exclusion of persons with handicaps from the American mainstream." *Smith & Lee Assocs., Inc. v. City of Taylor, Mich., 102 F.3d 781, 794 (6th Cir. 1996).*
- "[T]he right to choose to live in single-family neighborhood . . ." *Id.*
- Common Decency
 - How would you want to be treated in that situation?
 - Sometimes we all have to be a little uncomfortable.

Accommodation or Discrimination?

- Accommodation
 - Can apply to any rule
 - Must relate to a disability
- Discrimination
 - When a landlord uses those same rules against your client but not others
 - When a landlord ignores its own rules

Care-Givers

- Care-givers can be live-in aids or frequent visitors
- Live-in aids do not count for tenant qualifications
- R.A. really only applies to long-term disability
- But look to Lease for guest policy
- Who provides Care-giver services?
 - Landlord can apply tenant selection criteria
 - DHS pays for certain care-giver services

Guests

- Contexts
 - Disabled or older tenant needs some support
 - Short-term “disabilities”
 - Baby-sitters/Extended family
- Lease may establish reasonable restrictions
- If the lease becomes unreasonable, you may be able to challenge the definition.

Conflicts with Mentally Ill Tenants

- “Bad behavior is rarely a sign of mental illness, and the mentally ill behave badly only rarely.” Allen Frances, Feb 14, 2017 Letter to the NYT Editor
- BUT—Equal Opportunity

Late Payments

- Reasonable accommodation to waive late fee based on disability payments
- Social Security Payments come regularly, but not on the 1st of the month.
- May be reasonable to ask Landlord to permit payment schedule based on date of payments.

Eviction—

Where Landlords go to settle disputes

- Process (Designed to move quickly)
 - Notice: 30 days for most lease violations
 - Summary Hearing: little prior notice/must assert defenses
 - Trial: Can be very soon after first hearing
 - Judgment: If its for the landlord; 10 days to appeal, move out, or pay if non-payment
- Effect: Credit Reporting & Limits on subsidized housing
- Fair Housing violations can provide a defense
- Bottom line—you’ve placed your housing at risk

Seeking Help Early

- Area Agency on Aging (800) 456-5664
 - Coordinates with other agencies
 - Has a thorough assessment program, but waiting list for that program
- Program Highlights
 - Adult Day Services
 - Bathing Services
 - Care Management and Assessments
 - Home Support
 - Home Repair/modification
 - Housing Coordination

Being the Squeaky Wheel

- 211
- Senior Neighbors (616) 459-6019
 - Financial support; Case management
- Disability Advocates (616) 949-1100
 - Aging in Place support/modifications
- Fair Housing Center 451-2980
- Legal Aid of Western Michigan 774-0672

PLEASE REMEMBER

- Advocating means seeking help early
- Communicate with Landlord
- Document
- Seek help from multiple sources