

Housing

This information is meant to be a general introduction to this topic. The purpose is to provide a starting point for you to become more informed about important matters that may be affecting your life as a survivor and to provide ideas about steps you can take to learn more. This information is not intended nor should it be interpreted as providing professional legal and financial advice. You should consult a trained professional for more information.

Note: As with all LIVESTRONG™ documents, individuals living with cancer will be referred to as "survivors." Also in keeping with LIVESTRONG style, this document will talk directly to you, the survivor, even though the topic may not relate to your current needs or condition. The terms "family" and "loved ones" are used to mean all of the people that you care about and turn to for support, including relatives, spouses, partners and friends. The term "caregiver" is used to mean whoever is providing most of your day-to-day care, whether that person is a spouse, partner, child, sibling, relative, friend or privately hired person.

Cancer survivors sometimes experience physical, emotional or financial changes that can affect their housing arrangements. In many cases, making simple changes or modifications to a home can provide what is needed for physical comfort and safety. However, the long-term aftereffects of cancer treatment may make it necessary to make major changes or to find a new place to live.

Chronic pain, early retirement due to disability or life-threatening illness may be good reasons to consider a change in housing arrangements. If you have concerns about the financial or physical aspects of your current or future living arrangements, take some basic steps now to think about and plan for your housing needs.

This document provides an overview of housing issues that may be important to survivors. Specific housing topics include:

- Assessing the financial and physical factors of your housing choice
- Finding financial assistance related to housing
- Making your home safer and more comfortable
- Identifying modifications that are needed in your home
- Understanding legal protections related to housing rights
- Knowing how reasonable accommodations may apply to renting
- Dealing with discrimination in housing

Understanding Your Housing Options

How can a survivor do an assessment of housing needs?

Assessing your housing needs does not need to be difficult. The process allows you to look at specific areas related to your housing situation to identify what your needs are. You can do an assessment by yourself or ask for the help of trusted family members or friends, a social worker, an attorney or members of your medical team.

Think about both current and possible future medical needs when doing an assessment. Start by identifying the positive and negative factors of your present housing situation. Think about your day-to-day practical needs and how you can continue to meet those needs on a long-term basis.

Consider the following questions about your medical condition:

- How long do you expect your medical condition to last?
- Do you expect your medical condition to improve, stay the same or worsen?
- How serious are any potential housing problems you identify?
- What changes or services can minimize the impact of these housing problems?
- Are there any activities you cannot do for yourself?
- Who can help you and provide support if assistance is needed?
- Are there people who depend on you, and how will this impact your housing choices?

Ask yourself the following important housing assessment questions:

1. Does your housing situation enable you to be as healthy and safe as possible?
2. Are you able to continue to financially afford and maintain your home?
3. Are you able to safely perform activities of daily living on your own, such as walking up stairs, cooking in the kitchen and bathing independently?
4. Is it possible to make physical changes or modifications to your home to meet any changing needs?
5. Does your living arrangement allow you to remain involved with people and support services that are important to you?

Realistically reviewing your finances will help you determine whether you can afford to stay in your current home. Be sure to include all cash flow, income sources and benefits in your review.

Include the following financial factors in your decision-making process:

- Current and future income sources and other financial benefits
- Cost benefits to staying in your present home, such as low rent or mortgage payments or a mortgage that is almost paid off
- Ways that rent or mortgage payments can be reduced
- Cost of changes or repairs that need to be made to your current home
- Any possibility that the rent or mortgage payments in a new home could increase

If you decide to stay where you are currently living, consider the possibility of making physical changes to your home that will make things easier for you. Even if there is no need to make modifications or accommodations now, early planning will help you if there is a need to make any changes to your home later. For example, contractors will usually meet with you and look at your living space at no charge. They may give you cost estimates and even ideas about physical changes that could be made to meet your specific needs.

If you are thinking about making a change in your living arrangements, write down a list of the advantages and disadvantages of each option. Discuss your thoughts, feelings and any concerns you may have with trusted family, friends or health care team members.

Addressing Financial Concerns

What assistance may be available for survivors with financial needs?

During times of financial stress, there may be a need for some type of financial assistance with your housing situation. The U.S. Department of Housing and Urban Development (HUD) provides funding to support several rental assistance programs. In addition, HUD provides information and services that may apply to people who are buying a home, doing home improvements for accessibility or who are in danger of losing their homes. In addition to the federal HUD programs, check to see if there are programs sponsored by your state or local government or other organizations.

Renters

If you are a renter and are interested in applying for assistance with housing, you will need to contact the public housing agency in your area. If you live in an urban area, there may be public housing or Housing Choice vouchers that are accepted by some property owners. Keep in mind that many of these programs have long waiting lists, so you may want to apply at more than one public housing authority. In rural areas, the Department of Agriculture provides assistance programs, home improvement and repair loans and grants to help low income individuals and families.

The Section 8 Housing Assistance Payments (HAP) program and a number of subprograms offer some form of rent subsidy (financial assistance) to help eligible low-income families. These programs require that subsidized housing units be maintained by the owner in decent, safe and sanitary condition. In addition, rental prices must be within the range considered to be fair market rent for the area and type of housing. If not, the property owner may lose his or her eligibility to receive the subsidy payment.

If you have a physical disability, you may want to contact one of the HUD-approved housing counseling agencies in your area for information on housing assistance through subsidized apartments and independent living centers.

Homeowners

Homeowners should do all that is possible to avoid missing mortgage payments. The financial lender can use missed payments to repossess your home (foreclosure). If you are having difficulty paying your mortgage, call and write your lender's "Loan Mitigation Department" to explain your situation as soon as possible. Ask the lender if there are ways that this situation can be resolved, such as through lower payments or setting up a payment plan.

The lender will ask you to provide them with specific details about your current monthly income and expenses, so you will need to have that information available. Be certain to keep records of all of the correspondence and telephone calls you have with your lender. Keep in mind that you may lose eligibility for assistance if you abandon your home or wait too long to ask for assistance.

Contact a HUD-approved housing counseling agency (1-800-877-4287) to locate housing counseling agencies in your area. These agencies provide information on services and programs offered by government agencies as well as private and community organizations that may be able to help you. Many of these services are free of charge.

A HUD-approved counseling agency can also help identify if you have any alternatives to foreclosure. The agency will assist with interactions with your lender, who will decide whether you qualify for any of these alternatives.

The following are some alternatives to foreclosure that may be possible:

- **Special forbearance** - This is an arranged repayment plan based on your financial situation. This arrangement may even provide a reduction or suspension of your payment for a period of time.
- **Mortgage modification** - This is a way to refinance and/or extend the term of your mortgage loan.
- **Partial claim** - If you have an FHA-loan, the lender may be able to work with you to obtain a one-time payment from the FHA-Insurance fund to bring your mortgage payments up to date.

- **Pre-foreclosure sale** - This allows you to avoid foreclosure by selling your property for less than the amount necessary to pay off your mortgage loan.
- **Deed-in-lieu of foreclosure** - As a last resort, you may be able to "give back" your property to the lender voluntarily. This is not as damaging to your credit rating as a foreclosure.

If you decide to sell your home, consider getting professional guidance, such as from a licensed realtor or attorney. This will help to avoid scams and people who try to take advantage of those who are having financial difficulty. The following are precautions that can be taken to prevent problems:

1. Understand all documents that you sign.
2. Get all agreements and contracts in writing.
3. Keep in mind that signing the deed to your home over to someone else does not always relieve you of your obligation on your mortgage loan.
4. Always check with a lawyer or your mortgage company before entering into a financial deal involving your home.
5. Check to see if there are any complaints against the prospective buyer of your home if you are selling a house yourself to avoid foreclosure. Contact the state's Attorney General, the State Real Estate Commission or the District Attorney's Consumer Fraud Unit for information.

Act now if you are having financial problems that could affect your housing payments. If you do nothing, it may negatively affect your credit rating. Even worse, missed rent or mortgage payments can result in eviction from your home, even if you have a disability. Keep in mind that a HUD-approved housing counseling agency can help you find services and programs offered by a variety of organizations that may be able to help you, often at no charge.

Making Your Home Safer

What types of accommodations can help a survivor remain in his or her current home?

Whether you rent or own, you may need to make physical changes to your home to enable you to be safer and feel more comfortable and independent. Simple accommodations, such as installing safety bars in the bathroom and hallways, may not require a professional contractor. Family members, friends or a volunteer group may be able to provide this help.

More complicated modifications, such as having a ramp built to enter your home, may require the services of a contractor for proper design and construction. If you do not want to make any changes to your home now, you can still think through the possibilities.

If you are renting your home or apartment, you should first review your lease, as it may allow you to make some modifications to your home or apartment. Also, regardless of what your lease allows, there are state and federal fair housing laws that provide protections for people with disabilities. You will need to talk to the property owner or the property management company about reasonable accommodations that are necessary to make your home safer or more accessible due to your disability.

How does a survivor identify needed home modifications or equipment?

A nonprofit assistive technology program, such as an Independent Living Center, will help you research and decide on home modifications or equipment that may be needed. These programs provide information about technology or products and rehabilitation equipment that are available to assist people with disabilities. They do not sell the products, but they will help you understand the products and their uses and will help you locate the companies that do sell them. The people who work for these programs may also be aware of programs that provide help purchasing or borrowing the needed equipment and products.

Whether buying an existing home, building a new home or modifying property, there is often assistance available through Medicaid programs or through deferred, interest-free loans for home modifications for people with disabilities. There may also be medical assistance funding for both assistive technology equipment and services. Keep in mind when applying for this type of funding, these programs require a request for authorization before you purchase or rent equipment. Your request for funding must document that the equipment or service is being submitted at a reasonable time, is medically necessary, comes at a reasonable cost and will be furnished by an approved provider. Certain modifications may also be eligible for certain income tax deductions.

Understanding Your Legal Rights

What legal protection applies to the housing needs of survivors?

The federal Fair Housing Act (FHA) protects against discrimination or being treated unfairly because of a disability when people are renting, are in the process of seeking housing, or are looking to rent or buy housing. This law applies to all people with disabilities. The federal government typically considers cancer a disability if it or its effects substantially limit one or more major life activities, such as walking, seeing, hearing or caring for yourself.

The U.S. Department of Housing and Urban Development (HUD) is responsible for

enforcing the FHA and other federal laws that make it illegal to discriminate against people with disabilities. It is also illegal for anyone to threaten, intimidate or interfere with anyone who is exercising a fair housing right. Your state may also have its own laws that provide similar protections.

The following are some of the protections provided by the FHA:

1. Ensuring that housing is available and accessible to people with disabilities.
2. Providing the right of a renter who is disabled to have "reasonable accommodations" made to his or her housing if necessary, including public and common-use spaces. The FHA defines a reasonable accommodation as a change, exception, or adjustment to a rule, policy, practice, or service that is necessary for a person with a disability to have an equal opportunity to use and enjoy the dwelling.
3. Protecting housing transactions from discrimination, such as during the rental or purchase of housing or when applying for a mortgage loan.
4. Prohibiting "steering." Steering is when a rental applicant who has a disability is guided toward living where someone else thinks he or she should live, such as a building mainly occupied by other people with disabilities.

How do reasonable accommodations affect survivors who rent?

In most cases, a survivor with a disability can request physical or policy changes that are necessary to allow him or her to more safely and easily use all the features of a rented apartment or house. Keep in mind that it must be clear that the need for the modification is truly related to the disability.

If you are disabled and request an accommodation because of your disability, the property owner cannot legally refuse to let you make the modification to your unit or common use areas, if the accommodation is reasonable and you pay for the changes. Housing providers are also prevented from requiring people with disabilities to pay extra fees or deposits to receive a reasonable accommodation. However, if it is reasonable, the property owner can require that you restore the property to its original condition at your expense when you move out.

If you have a disability, you can request reasonable physical changes to the property and/or reasonable changes in the rules, policies, practices or services of a housing property. For example, in some cases you may be able to request that a ramp be installed if you must use a wheelchair where there are stairs or ask for a parking space closer to your apartment if you have difficulty walking. Expenses for making accommodations may be paid for by you or by the property owner, depending on the situation.

Typical examples of reasonable accommodations include:

- Adding grab bars in the bathroom and hallway
- Allowing a live-in aide
- Allowing a renter to move to a lower floor if a disability restricts mobility
- Lowering countertops or widening doorways if a wheelchair is needed
- Permitting a renter to live with a service or companion animal
- Providing an accessible reserved parking space
- Providing rules and documents in large print

A property owner can refuse to make an accommodation if the request is not reasonable. A request may be considered unreasonable if it would create an undue (excessive) financial hardship or administrative burden on the owner. The request cannot be refused simply because it would take time or cost money.

The reasonable accommodation requirements of the Fair Housing Act do not apply to buildings that have four or fewer rental units.

How can a survivor request a reasonable accommodation?

A survivor can start the request for a reasonable accommodation by discussing specific needs and concerns with the property owner. Keep in mind that you are not entitled to receive reasonable accommodations unless they have been formally requested by you or someone who is acting on your behalf, such as a family member or friend.

Do the following when making your accommodation request:

1. Explain what is needed to the property owner and suggest the accommodation(s) you think would be helpful.
2. Discuss the matter further to see if there could be an alternative that would work for both of you if the property owner initially objects to your request.
3. Make the accommodation within a reasonable amount of time if the property owner agrees to your request.
4. Confirm your discussions with the property owner in writing and keep notes of all conversations, expenses, activities and the dates when they occurred so that you can refer to this record later if necessary.

You may also find it helpful to have someone with you to be a witness during meetings about the request for accommodation.

What can survivors do if they believe they have experienced housing discrimination?

Knowing your rights and responsibilities can help you deal effectively with unfair or discriminatory treatment. If you believe you have experienced housing discrimination, HUD recommends that you begin by making a direct effort to resolve the matter with whoever has violated your housing rights. If the matter cannot be resolved, you need to contact HUD or your state fair housing agency to file a complaint.

HUD will investigate your complaint at no cost to you, and will usually first try to help you and the property owner reach an agreement. If no agreement can be reached, and the investigation shows that there was likely discrimination, you may be assigned an attorney who will represent you free of charge.

If you prefer, you can hire an attorney at your own expense to either represent you in the HUD complaint or to start court proceedings. Be prepared to provide the following information when contacting HUD or a lawyer:

- Name and address of each person involved
- The address or other identifying information about your home
- A short description of the event or matter that caused you to believe your rights were violated
- The date(s) of the complaint occurrence(s)

You and your medical team can work together to identify and address permanent or temporary housing needs. If you have a disability, fair housing laws support your rights through programs that support independence, productivity and the ability to be an active part of the community.

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