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Did you know that the FAIR HOUSING ACT, 42 U.S.C. § 3601 et seq., may provide a cause of action against a long-term care facility?

It shall be unlawful ... to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap. 42 U.S.C. § 3604(f)(1).

Suppose that a personal care home attempts to transfer a resident because he has become difficult; a nursing home threatens to discharge a resident because he begins to wander; or a CCRC (Continuing Care Retirement Community) refuses to admit an applicant because he has AIDS and is difficult to care for.

You might want to let the facility know that under 42 U.S.C. § 3631, whoever violates the Act may be fined, or imprisoned up to one year. You may also file a civil action within two years of the occurrence. If the court finds that a discriminatory housing practice has occurred, the court may award actual and punitive damages. The court may also issue an injunction against the defendant. And the court has discretion to award attorney's fees and costs. 42 U.S.C. § 3613(c).

If you decide not to pursue an action yourself, you also have the option of filing a complaint with HUD, at 451 Seventh Street, S.W., Washington, DC 20410-2000.

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