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*FAIR HOUSING:
IT'S THE LAW!*

A nonprofit organization protecting and advancing the legal rights of people with mental disabilities.

Fair Housing Tip of the Month – September 2021

Common Unlawful Denials of Reasonable Accommodation Requests

CASE MANAGER: “I’m a housing case manager working with people with disabilities. My clients frequently need to ask for reasonable accommodations, but often their requests are denied for reasons that sound wrong to me. I’ve had housing providers respond that they won’t grant an accommodation because the client was previously granted a different accommodation. I’ve had housing providers deny an accommodation because the tenant didn’t use the housing provider’s request form. I’ve been told that case managers or family members can’t make the accommodation request on the tenant’s behalf, and that only the tenant themselves can make the accommodation request. Landlords have also refused accommodation requests because the disability verification letter was from a caseworker or therapist and not a psychiatrist. Is any of this legal? If not, what can I do when housing providers say these things to me and my clients?”

The law says: Under both state and federal fair housing laws, landlords are required to make exceptions, called “reasonable accommodations,” to rules when necessary to allow people with disabilities equal opportunity to live in and enjoy housing. There are many common misconceptions about reasonable accommodations, some of which you’ve encountered. For example, tenants are absolutely allowed to ask for multiple accommodations. The fact that the landlord has already provided the tenant with a reasonable accommodation does not mean they can deny the next one; each request must be evaluated on its own merits. And if the new request is related to the same disability as the previous accommodation, or the landlord already knows the tenant has a disability (or the disability is obvious), the landlord can’t ask the tenant for proof of the disability.

When requesting a reasonable accommodation, the best practice is always to do so in writing so you have a record of the request, but this isn’t required by law. In fact, there is no specific language or form that must be used in order to request an accommodation. The tenant doesn’t need to use any “magic words” to make a reasonable accommodation request. Just asking the landlord for the change in a rule or practice and explaining the change is needed because of a disability is enough to qualify as a reasonable accommodation request.

Many housing providers—particularly larger landlords, non-profits, and housing authorities—do have forms they use to process or keep track of reasonable accommodation requests, but tenants cannot be required to use a specific form in order to get an accommodation. If the form isn’t long or difficult to fill out, and it doesn’t ask for information the landlord is not entitled to, such as specific diagnoses, using it to make the request may help expedite the accommodation. But housing providers cannot deny a request simply because their specific form was not used.

As far as who is allowed to make a reasonable accommodation request, state and federal law is clear that the person with the disability does not have to be the one who makes the request. A reasonable accommodation request can be made on behalf of someone with a disability by a family member, caseworker, doctor, friend, or attorney, to name a few. Of course, a person with a disability may make a reasonable accommodation on their own behalf and can’t be required make the request through a third party (like a case manager).



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After the request is made, landlords may ask for verification of the disability if it is not already known to the landlord, or if it is not obvious. A verification letter should verify that the disability exists - though it need not specify what that disability is - and explain how the disability is related to the reasonable accommodation request. Some housing providers unlawfully refuse to accept verification letters from anyone other than a psychiatrist or physician. However, verification letters need not come from any particular person; fair housing laws permit anyone with knowledge of the disability and need for accommodation, including the person with a disability themselves or any reliable third party, to verify the disability and need for the accommodation. While a treating professional may be in an ideal position to verify disability and/or the need for accommodation, it is not required by law, and housing providers may not deny a reasonable accommodation request because the verification letter was written by someone other than a psychiatrist or physician.

When a reasonable accommodation request is made, the law requires housing providers to grant the request without undue delay if it is necessary due to the tenant's disability, does not impose an undue burden to the landlord, does not fundamentally alter the landlord's business, and does not pose a direct threat to people or property. If the landlord cannot immediately grant the request, they must engage in the interactive process to find a solution that meets the disability-related needs of the requester. Refusal to grant a reasonable accommodation needed by a person with a disability constitutes unlawful housing discrimination.

What to do: If the housing provider unlawfully denies a reasonable accommodation request, and refuses to reconsider the denial when provided with the above information, you may wish to help the tenant file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the U.S. Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call 800-669-9777, or visit www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call 800-884-1684, or visit www.dfeh.ca.gov/complaint-process/file-a-complaint/

Fair housing laws prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, disability, marital status,* ancestry,* sexual orientation,* gender identity,* gender expression,* genetic information,* and source of income.*

*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)

Disclaimer: The Fair Housing Tip of the Month is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.

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