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



***FAIR HOUSING:  
IT'S THE LAW!***

## ***Fair Housing Tip of the Month – February 2022***

### **Requesting a Housing Voucher Increase as a Reasonable Accommodation for Tenants with Disabilities**

***Tenant:*** “I have a two-bedroom Section 8 housing choice voucher through my local housing authority. I’ve been living with my teenaged son and daughter; both my daughter and I have mental health disabilities. Even though I have a two-bedroom voucher, our current apartment is a three-bedroom that we found for the price of a two-bedroom. I need to move due to ongoing habitability problems in our apartment. My son will be moving out, so it will just be my daughter and myself in the new apartment. When the housing authority granted me my voucher to move, they told me I would be downgraded to a one-bedroom voucher because their policy requires at least three people in a unit to qualify for a two-bedroom voucher. Having a quiet, private place to go helps to reduce my anxiety, and my daughter needs her own room because her PTSD causes mood issues that she manages by retreating into her own space to be alone. If we have a one-bedroom, we won’t have the privacy we need to manage our disabilities. The only two-bedroom units we can afford on a one-bedroom voucher are in an area of town with which I am not familiar, far away from our mental health provider and support system. Is there anything I can do to make sure my daughter and I can continue to have separate bedrooms?”

**The law says: Yes!** Your need for a two-bedroom voucher is directly related to the disabilities of yourself and your daughter, so you are entitled to request a reasonable accommodation from the housing authority to continue subsidizing your rent with a two-bedroom voucher. Housing authorities are subject to state and federal fair housing laws, so they are required to make reasonable accommodations for people with disabilities in order to allow them equal opportunity to use and enjoy housing. Reasonable accommodations can include exceptions to housing authority policies that affect people with disabilities. An accommodation is reasonable if it is necessary due to the disability, does not impose an undue burden to the housing authority, and does not pose a direct threat. Reasonable accommodations can be made for any member of the family who has a disability. In your circumstance, you have a basis for a reasonable accommodation request on behalf of yourself as well as your daughter.

**What to do:** First, make a reasonable accommodation request to your Section 8 worker to continue with a two-bedroom voucher. Explain to your caseworker that both you and your daughter have mental health disabilities, and how having private bedrooms helps each of you manage the symptoms of your disabilities. Reasonable accommodation requests don’t have to be in writing, and don’t have to use any particular language. However, it’s always best to make the request in writing so you have a record (the written request can be submitted by email). Housing authorities often have a process for requesting reasonable accommodations, and they may ask you to fill out a form as part of this process. They cannot require you to fill out any particular form to request a reasonable accommodation, but you may wish to do so to expedite the process.

Along with your reasonable accommodation request, it can be helpful to provide the housing authority with a verification letter that explains that you and your daughter have disabilities and how your disabilities



relate to the need for a two-bedroom voucher. The verification letter need not come from a mental health or medical professional. Any individual with knowledge of your disability and the related need for the accommodation can provide the letter. However, verification from treating professionals tends to be the most effective. This letter does not need to specify what your disabilities are, just that you both have them, and how having personal space helps each of you manage your symptoms. It sounds as though you and your daughter are both in treatment with the same mental health provider, so you could get one letter regarding both of you or separate letters for each of you.

If the housing authority denies your reasonable accommodation request, you may wish to pursue an appeal through the housing authority's Section 504 coordinator. You may also file a complaint on the basis of disability discrimination with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or HUD. You may also contact a legal aid attorney to help you appeal the denial or file a follow-up request with the housing authority.

To file a complaint with HUD, call 800-669-9777, or visit [www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](http://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/](http://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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