



3255 Wilshire Blvd., Suite 902
Los Angeles, CA 90010
(213) 389-2077
For California Relay Service TTY: (800) 735-2929
www.mhas-la.org



***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 – February 2021

Master Tenants Must Provide Reasonable Accommodations and Reasonable Modifications to Subtenants with Disabilities

NON-PROFIT HOUSING PROVIDER: *“My organization provides affordable housing and disability-related services in Los Angeles for people who have experienced homelessness. To relieve our clients of the burdens of finding housing on the open market, we lease housing units from landlords and sublease them to our clients. We are not technically landlords. Rather, we are a master tenant and our clients are subtenants. Are we obligated to provide reasonable accommodations to our clients?”*

The law says: Yes, as a housing provider, you are obligated to provide both reasonable accommodations and reasonable modifications to your clients. Fair housing laws prohibit discrimination in residential real estate transactions, including the buying, selling, leasing, and subleasing of housing. (Under California law, there is a narrow exception for landlords who live in single-family homes and rent to only one person. This exception does not apply to your organization.) One form of prohibited discrimination is the failure to provide reasonable accommodations or reasonable modifications for people with disabilities.

A “reasonable accommodation” is any change in rules, policies, practices or procedures that is needed by a person with a disability in order to fully enjoy or use a dwelling and/or other services or benefits available from the provider. A “reasonable modification” is any physical change to a building, unit or common area that is necessary to allow a tenant with a disability to fully enjoy or use a dwelling and/or other services or benefits available from the provider. The need for a reasonable accommodation or reasonable modification may arise at any time, including during the application process for housing or services, during the tenancy or in the course of service delivery, or when there is a potential eviction or termination from a program.

What to Do: A request for reasonable accommodation or reasonable modification can be communicated in any reasonable manner, including by or through another person acting on behalf of the client, to any staff member of the master tenant organization at any time. It is therefore incumbent on your staff to listen carefully for reasonable accommodation and modification requests, even when they are delivered verbally or do not include the phrase “reasonable accommodation” or “reasonable modification.” Any request for a change in rules, policies or practices, or for a physical change to a building, unit or common area, because of an asserted disability triggers a provider’s obligation to either consider the request on the basis of available information, or elicit such further information that is necessary to evaluate the request.

An accommodation or modification is reasonable, and must be granted, if it does not result in a fundamental alteration in the nature of the programs and activities offered by a housing provider and if it does not create an undue financial or administrative burden for the provider. If the housing provider cannot grant a request, the provider must engage in a good-faith interactive process with the client to identify any alternatives that could meet the client’s needs.

If a housing provider refuses to consider a request for reasonable accommodation or refuses to engage in an interactive process, a tenant can 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.*

The Fair Housing Tip of the Month campaign is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant #FEOI1900435. Any opinion, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of HUD.