



3255 Wilshire Blvd., Suite 902
Los Angeles, CA 90010
(213) 389-2077
www.mhas-la.org
For California Relay Service TTY: (800) 735-2929
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 – July 2022

Reasonable Accommodation to Allow Rotating Live-In Aides for a Tenant with a Disability in Section 8 Housing

Tenant: “I have a physical disability requiring overnight care, and my housing is subsidized through a Section 8 voucher. I qualified for a two-bedroom voucher based on my need for a live-in aide, but my aide now has family obligations that will cause her to be away multiple nights each week. My son has offered to help care for me when my regular aide is not available, but he wouldn’t be available every night. When I informed my Section 8 caseworker that two different people would take turns staying over to care for me, I was told that if I have two live-in aides I will no longer be eligible for a two-bedroom voucher. I’m worried about losing my two-bedroom voucher since that will force me to leave my current home and I won’t have enough space for a caregiver. Is there anything I can do to keep my two-bedroom voucher?”

The law says: Yes! While rotating or intermittent caregivers normally do not qualify a tenant for a two-bedroom Section 8 voucher, the U.S. Department of Housing and Urban Development (HUD) has issued guidance stating that in some situations it may be necessary to provide an additional bedroom to permit disability-related overnight care. You can ask for a reasonable accommodation to maintain your two-bedroom voucher to allow for rotating caregivers. Fair housing laws require housing providers to make reasonable accommodations for people with disabilities in order to allow them equal opportunity to use and enjoy housing. Reasonable accommodations can include an exception to a housing authority’s rules or policies if such an exception is necessary due to the tenant’s disability, does not impose an undue burden on the housing provider and does not fundamentally alter their housing program.

What to do: Submit a reasonable accommodation request to your housing authority to ask for an exception to maintain your two-bedroom voucher due to your disability-related need for rotating caregivers. Though it is not necessary under the law to make your reasonable accommodation request in writing, it is always best practice to do so. You can send an email or a letter, and be sure to keep a copy for your records. It is also advisable to use the words “reasonable accommodation” in your request. This also is not required by law, but it is helpful so the housing authority will clearly understand what you are requesting. The housing authority may have a specific reasonable accommodation request form that they would like you to use. You are not required to use their form, but if the form is not difficult to fill out, doing so may streamline the reasonable accommodation request process.

If the housing authority ignores or denies your reasonable accommodation request, you may file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or 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 #FEOI20029. 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.