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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 – November 2021***

### **Fair Housing Protections for Tenants with Limited English Proficiency**

**Tenant:** “I am a Spanish-speaking tenant living in an apartment in Los Angeles County. I understand very little English, so my landlord negotiated my lease with me in Spanish with the help of a Spanish-speaking employee. But since I moved in, the landlord has posted all tenancy-related notices on my door in English. Before I moved in to this apartment, I had been evicted from my previous home and made homeless, which was very traumatic. I have been diagnosed with anxiety, depression, and post-traumatic stress disorder (PTSD) as a result of that experience. Getting notices that I don’t understand can trigger panic attacks. I asked the Spanish-speaking employee who helped with my lease to translate the notices for me, but she said the landlord instructed her not to communicate with me in Spanish anymore because it is not fair to tenants in the building who speak other languages who don’t get spoken to by the employees in their native language. Most of the notices have been about property policies, but one was informing me they were raising my rent. Is there anything I can do to get my landlord to give me notices in Spanish and allow the employees to speak with me in Spanish?”

**The law says:** California law states that if the lease was negotiated in one of California’s five most common non-English languages (Spanish, Chinese, Tagalog, Vietnamese, or Korean), then any material changes to the lease should also be communicated in that language. Material changes to the lease include rent increases, so the notice you received regarding your rent increase should have been provided in Spanish to comply with California law.

Both California and federal fair housing laws also prohibit discrimination based on national origin, and California law further protects against discrimination based on primary language. The U.S. Department of Housing and Urban Development (HUD) has been very clear that discriminatory practices based on primary language can be a proxy for national origin discrimination and can violate fair housing law. Policies requiring English-only communications can violate the law. HUD has also stated that when the housing provider has free or low-cost access to language assistance services, such as employees who already speak the primary language of the tenant with limited English proficiency, it is unlikely that the provider can justify refusing to communicate in the appropriate language.

In your case, your landlord has an employee who is able to communicate with you in Spanish, and they should allow that employee to do so. Refusing to allow you to communicate in Spanish could be intentional discrimination based on your national origin and/or primary language.

Additionally, since the communications in English trigger your mental health disability, you can ask to receive all communications in Spanish as a reasonable accommodation due to your disability. Landlords are required to make reasonable accommodations, which are exceptions to general rules or policies needed by people with disabilities in order to allow them equal opportunity to use and enjoy housing. An accommodation is reasonable if it is necessary due to the disability, does not impose an undue burden to the landlord, and does not pose a direct threat to people or property. Even if it would cost your landlord



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money to translate the notices, the cost probably would not be high enough to constitute an undue burden.

In regards to your landlord’s argument that allowing communication in Spanish is unfair to other tenants, this reflects a misunderstanding of fair housing law. Generally, when we think of the word “fair” we think of everyone being treated the same way. However, sometimes people need to be treated differently in order to be treated fairly. The landlord is required to comply with fair housing laws that apply to your situation, even if the result is that you will be treated differently than some other tenants. In your case, you need to have the notices translated into Spanish in order to have the same access to tenancy-related information as English-speaking tenants. Similarly, if a person with a disability needs an exception to a rule to use and enjoy their housing as much as non-disabled individuals, it is fair to make the exception for that person.

**What to do:** You can report your landlord to a fair housing agency for discrimination on the basis of national origin and/or primary language. Because the non-translated notices exacerbate the symptoms of your mental health disability, you can also make a reasonable accommodation request to ask the landlord to provide all notices in Spanish. If you do not feel safe asserting your rights on your own, you can contact a local legal aid organization that practices housing law to find assistance. If your reasonable accommodation request is rejected, you can file a complaint on the basis of national origin and/or primary language with the California Department of Fair Employment and Housing (DFEH) or your local fair housing agency. You may also wish to file a complaint on the basis of national origin with HUD.

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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