

Fair Housing Tip of the Month – April 2022

Discrimination Based on Stereotypes about People with Mental Health Disabilities

Tenant: “I have been living in my current apartment in Los Angeles County for about a year with no problems. I have schizophrenia and sometimes experience auditory hallucinations. One of my neighbors noticed me responding to an auditory hallucination when I passed them in the hall, and they expressed concern to my landlord. I was then contacted by the landlord who said they were afraid for the safety of other tenants and mentioned having to ‘do something’ about me living there. I informed the landlord that I have schizophrenia but I have never had any behaviors that would cause danger to others. I asked the landlord to please understand and not to kick me out of my home. A few days later, I heard from other tenants in the building that the landlord had approached them and asked if they’d had any issues with me or if I had ever threatened them. The tenants said the landlord warned them I could be dangerous because I am mentally ill, and that I might need to get out of the building. Even though these tenants told the landlord they had no issues with me, I received an eviction notice that says I’m a nuisance, citing the incident in the hall with my neighbor. Is this legal?”

The law says: No! Your landlord took several illegal steps in this process. First, under California law, landlords are prohibited from disclosing information about one tenant’s disability to other tenants. The fact that your landlord told other tenants about your mental health condition without your permission is a clear violation of the law.

Second, though landlords can take appropriate action based on a tenant’s actual behavior, the law does not allow the use of assumptions or stereotypes about a disability to justify treating tenants with disabilities differently from others. The fact that your landlord made statements to your neighbors that you could be dangerous due to your disability is clearly based on an inaccurate assumption about people with schizophrenia, and these statements may constitute harassment based on your disability.

Third, under federal fair housing law, landlords are required to make reasonable accommodations for 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 fundamentally alter the nature of the landlord’s business. In your circumstance, even though you didn’t use the words “reasonable accommodation” when you asked your landlord not to take action against you due to your disability-related behavior, you were in fact asking for a reasonable accommodation. Your landlord effectively denied this accommodation request by serving you an eviction notice.

What to do: Based on the fact that your landlord denied your verbal reasonable accommodation request, disclosed information about your disabilities to other tenants, and attempted to evict you based on



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!***

stereotype, you may 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).

You could also ask the landlord to stop harassing you based on your disability, and request that the landlord rescind the eviction notice as a reasonable accommodation. Because the landlord is basing the eviction on your disability-related behavior, it is subject to reasonable accommodation. You can also include the fact that the eviction appears to be based on discriminatory stereotypes about people with mental health disabilities, and may therefore be unlawful. You should submit your request in writing (email or text will be sufficient) and keep a record of it. If the landlord ignores or denies your request, this will serve as an additional basis for a fair housing complaint.

If you receive a summons from the court indicating that the eviction has actually been filed, you should contact a legal services organization that handles landlord-tenant matters as soon as possible to assist you in responding to the lawsuit and fighting the eviction.

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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