



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



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

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

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## ***Fair Housing Tip of the Month – May 2021***

### **Requesting Repair of Apartment Habitability Problems as a Reasonable Accommodation for a Tenant with a Disability**

**TENANT:** *“I have physical and mental health disabilities, and my landlord has failed to fix conditions that are negatively affecting my health. The ceiling of my apartment leaks when it rains, so I have to keep a bucket under the leak. I have chronic back pain, and the last time it rained my back got worse because I had to keep bending down and carrying the bucket to empty the water. I also have issues with depression and anxiety. Worrying about the roof leaking is overwhelming and makes me very anxious. In addition, the trees outside my window are severely overgrown and block nearly all of the light that would otherwise get into my apartment. The lack of natural light worsens my depression. I’ve asked my landlord to fix the leak and trim the trees, but they haven’t done it. What can I do?”*

**The law says:** Fair housing laws require landlords to make reasonable accommodations for people with disabilities in order to ensure equal opportunity to use and enjoy housing. Reasonable accommodations are changes in rules, policies, practices, or procedures needed so that people with disabilities can fully enjoy or use a dwelling. An accommodation is reasonable if it is necessary due to the disability, does not impose an undue burden or fundamentally change the landlord’s business, and does not pose a direct threat to people or property. Since the conditions in the apartment are negatively impacting both your physical and mental health conditions, you can ask that your landlord fix the roof and trim the trees as a reasonable accommodation to your disabilities.

Under California landlord-tenant law, landlords are required to maintain living units to meet habitability requirements. These are basic requirements, including electricity and running water, that must be met in order for a unit to be considered fit for human habitation. A leaking ceiling violates habitability laws. There are also state laws that require units to get certain amounts of natural light and air flow, but determining how much air and light is required may be complicated. Your local code enforcement agency may be able to inspect the unit to determine whether it is getting adequate light under the law.

**What to do:** Write a letter to your landlord asking that they repair the roof and cut back the trees outside your apartment to comply with habitability laws and as a reasonable accommodation due to your disabilities. Explain that you have disabilities that are exacerbated by the leaking roof and the overgrown trees. If the landlord is not already aware of your disabilities, they can ask for verification that you qualify as a person with disabilities under fair housing laws. You are not required to provide details about your disabilities, but it may be helpful to provide your landlord a letter from your doctor and/or mental health provider verifying your disabilities and the negative impacts on your health from the conditions in the apartment.

You may also wish to contact your local code enforcement—city and/or county public health and safety agencies—and ask them to inspect the property. During the COVID-19 pandemic, many code enforcement agencies are limiting their inspections, but an active leak in the ceiling of your apartment should be urgent enough to trigger an inspection. You may need to ask to speak with a code enforcement supervisor and emphasize the severity of the habitability problems you are experiencing. You can also contact a local legal aid organization to see if an attorney can assist you in enforcing your rights.

If your landlord denies your reasonable accommodation requests, fails to respond to them, or refuses to engage with you in an interactive process to meet your disability-related needs, you may file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or 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](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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