

Fair Housing Tip of the Month

Tip #3 – Reasonable Accommodation and the Interactive Process Example: Negative Tenant History

“Five years ago I had some credit problems and was evicted from my apartment. I had recently been diagnosed with a mental disability and was dealing with challenges finding treatment and appropriate medication. I have been stable for over three years now, but landlords refuse to rent to me saying that I have a negative tenant history. Can landlords refuse to rent to me? What can I do?”

The law says: A landlord can have general rules and policies about renting to people with poor credit or past evictions. Fair housing laws, however, require that a landlord make reasonable accommodations for applicants with disabilities, such as waiving specific rules, if refusing to waive those rules would effectively bar a person from renting because of his or her disability. A reasonable accommodation is a change in landlord policies that does not unduly burden the landlord and does not fundamentally alter the nature of the program. Landlords may request verification of the disability-related need for the accommodation, but cannot ask for the diagnosis or for medical records. If an applicant’s negative tenant history is related to disability, a landlord must consider other ways to evaluate tenant worthiness.

What to do: Request, as a reasonable accommodation, that your landlord evaluate your tenant worthiness using an alternative method. You might need to get a letter from someone, perhaps your treating professional, who can explain how your requested accommodation is necessary due to your disability. If your landlord does not agree to the accommodation you propose, your landlord must engage with you in an interactive process of negotiation to try to identify other ways for you to show tenant worthiness that would be reasonable and comply with the law. The landlord does not have a right to refuse to negotiate.

If your landlord refuses to consider your request for reasonable accommodation or refuses to engage in an interactive process, you can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call [800-669-9777](tel:800-669-9777), or visit https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call [800-884-1684](tel:800-884-1684), or visit <http://www.dfeh.ca.gov/complaint-process/complaint-forms/>

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: The Fair Housing Tip of the Month program 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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