

Fair Housing Tip of the Month

Tip #6 – Hostile Environment and the Landlord’s Duty

“My neighbors found out that I have a mental disability when I was hospitalized a month ago. Since then, some of them go out of their way to call me “crazy” and make fun of me whenever they see me. I dread going to get my mail, using the laundry room, or even paying rent because I worry I’ll run into them. The building manager told me some tenants are frightened of me and don’t want me around. He hasn’t given me any notices but he says he wants me out. I haven’t broken any rules. What should I do?”

The law says: When your landlord leases you a unit, an understanding of “quiet enjoyment” is implied, which means that your landlord agrees that you should be able to use and enjoy the premises without interference from others. Continued harassment from either your landlord or other tenants interferes with your enjoyment of your tenancy. Fair housing laws protect people with disabilities from pervasive and severe harassment, which can create a “hostile environment.” A hostile environment is established when a tenant is a member of a protected class (e.g., race, religion, disability, ethnicity, national origin, or family status), the harassment is unwelcome and based on your membership in the protected class, and the harassment is sufficiently severe that it alters the conditions of your living environment. Offensive behavior of a landlord or tenant toward you must be more than casual or isolated. When you inform your landlord of the harassment, the landlord is obligated to take action that is reasonably likely to stop the harassment.

What to do: Keep written notes of each discriminatory incident when it happens. Inform your landlord of the harassment in writing and explain how it is related to your disability. If your landlord fails to take action to stop the harassment, you can seek assistance from a dispute resolution or mediation clinic. You can also file a complaint with your local fair housing council, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

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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