

Fair Housing Tip of the Month

Tip #8 – Reasonable Accommodation and Threatened Eviction

“My benefit payments were suddenly reduced and I was unable to pay my rent last month. My landlord has given me a 3-day notice to pay or quit. I don’t have the money to pay all my rent. I can’t get out of my unit in three days and I don’t want to be evicted in court. I have been having panic attacks and don’t know what to do. I’m afraid I might be hospitalized. Can I get more time to move because of my disabilities?”

The law says: While tenants are obligated to pay their rents under their lease, fair housing laws do require landlords to consider and negotiate reasonable accommodations for tenants with disabilities, even during the termination process. Reasonable accommodation agreements are common practice both prior to the filing of an unlawful detainer (eviction) complaint, as well as in the period after filing and prior to trial. Judges in some counties have approved stipulations that document reasonable accommodations allowing a tenant with disabilities more time to vacate and waiver of past rent due and court fees. In addition, some courts have sanctioned accommodations that postpone the disposition of eviction actions.

What to do: You may be entitled to a reasonable accommodation for more time to move out when your landlord has threatened you with eviction or served you with an unlawful detainer complaint. Make your accommodation request in writing, stating that you need more time to move out because of your disability. It is a good idea to have a letter from a treating professional explaining the connection between your request for more time and your disability. Keep copies of all of your letters.

If you have been served with an unlawful detainer complaint, in addition to requesting your accommodation, you must make sure that you file an answer with the court within the timelines required by law. It is a good idea to seek advice or representation from an attorney.

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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