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

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

Fair Housing Tip of the Month

Tip #1 – Reasonable Accommodation – How Do I Ask for One?

TENANT: “I asked my landlord if I could use a back entrance to get to my apartment because my disability makes it difficult for me to use the main entrance, which is always so busy and active. He said I had to fill out a form, but he didn’t give it to me for over a month, after I’d asked him for it several times. The form asked for really detailed information and documents that I either don’t have or don’t want to share. Should it be this hard to ask for an accommodation?”

The law says: Fair housing laws require that landlords make exceptions to rules when they are both reasonable and necessary to allow a person with a disability to have equal opportunity to live in and enjoy housing. These exceptions are called “reasonable accommodations.” A tenant must request the accommodation and show why it is related to and necessary because of his or her disability. The landlord must respond to the request without undue delay, and must grant the request, unless it is too difficult or expensive (an “undue burden”) or it changes the nature of the business (a “fundamental alteration”). The landlord cannot require that specific forms or procedures be used, or even that the request be in writing. If it is not obvious how the tenant’s disability relates to the accommodation, a landlord can ask the tenant for some kind of verification of the connection between the disability and the accommodation requested, but the landlord cannot require that the verification come from a specific type of professional. The landlord cannot demand to know the specific diagnosis or to see medical records. The landlord must accept the verification of a treating professional and cannot demand more information to judge for himself or herself whether a person has disability.

What to do: Explain to your landlord that you would like access to the back entrance because your disability makes it difficult to have to pass by lots of people and activity at the main entrance. It is a good idea to put the request in writing, with the date and your signature, and to keep copies for yourself. The landlord may ask you for a letter from a healthcare or service provider confirming that your disability makes it difficult for you to be around people. If the landlord denies your request, find out why, and try to find an accommodation that works for both of you. Look for creative solutions that will address the landlord’s concerns and meet your needs at the same time.

If you can’t agree on an accommodation, and you think your landlord is not trying to work with you to find a good compromise, you may file a complaint with a local fair housing agency, with California’s Department of Fair Employment and Housing (DFEH), or with the 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

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, 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 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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