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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 #2 – Landlord Request for Verification of Disability

SOCIAL WORKER: “*I am a social worker at a mental health clinic. Clients ask me to provide letters to their landlords for their reasonable accommodation requests. One client said his landlord rejected my letter and told him to get a letter from a psychiatrist. Another client’s landlord asked for his diagnosis and medical records, which the client wanted to keep private. Are landlords allowed to ask for these things when clients ask for an accommodation?*”

The law says: Fair housing law requires a landlord to make exceptions to the rules when the exceptions 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.” When a tenant requests an accommodation, the landlord cannot require that specific forms or procedures be used. If it is not obvious how a person’s disability makes an accommodation necessary, a landlord can ask the tenant to provide some form of verification of the connection between the disability and the accommodation requested. The landlord cannot require that the verification be provided by a specific type of professional and 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 further information to make his or her own determination about whether a person has disability. A landlord who refuses to accept verification from a tenant’s treating professional, or demands to see medical records before considering or granting an accommodation, is effectively denying the tenant’s reasonable accommodation request. Denial of a reasonable accommodation is housing discrimination.

What to do: If a landlord requests that your client provide verification of the disability and a description of how the disability makes the accommodation necessary, a good way for the client to provide this information is to get a letter from a treating professional. Any treating professional can provide the letter. The letter does not need to state the diagnosis or treatment details. It simply needs to confirm that the client has a disability and how the requested accommodation is related to and needed because of the disability.

If the landlord refuses to accept verification from a tenant’s treating professional or demands to see medical records before considering the accommodation request, the tenant can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or 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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