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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 #10 – Reasonable Accommodation, Section 8, and Threatened Eviction

TENANT: *“A while ago, I got a 90-day notice from my landlord saying they are not going to continue to be part of the Section 8 program. I only have SSI and cannot afford to stay in the apartment without the help of Section 8, so I got a voucher to move from my Section 8 worker. With my disability, it is hard for me to be able to search for housing, and I’ve had a hard time finding places that take Section 8. The 90 days is almost over and I haven’t found a new place yet. I’m worried I’ll be homeless. Can I get more time to move because of my disability?”*

The law says: Fair housing laws require landlords to consider and negotiate reasonable accommodations for tenants with disabilities, even when a tenancy is ending. Reasonable accommodation agreements are common practice when tenants with disabilities have received valid termination notices, but need more time to move because of their disabilities. If you have a Section 8 voucher and your landlord wants to stop participating in the Section 8 program, your landlord should give you a 90-day notice. If your disabilities make it difficult for you to find and secure new housing, you might be entitled to more time to move as a reasonable accommodation. (Note: If you live in a unit covered by a local rent stabilization or rent control ordinance, you may have additional rights that limit the landlord’s ability to terminate Section 8 participation. Seek a lawyer’s advice.)

What to do: If you have tried to find a new unit but had difficulty searching because of your disability, or if you have difficulty locating unit that will meet your disability-related needs, request an accommodation, preferably 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. It is also a good idea to keep a record of all your attempts to find new housing and any particular difficulties you have had, related to your disability, that interfered with your search.

If you have received an unlawful detainer (eviction) summons and complaint, in addition to requesting your accommodation, you must file an answer with the court before the deadline. The deadline depends on how you were served. In California, if you were personally served with the eviction summons and complaint, you have 5 days to file your answer. If you were served a different way, you will have a little more time to file your answer. Many courts have self-help centers that assist with filing an answer (see <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>). You should also seek representation from an attorney.

If a landlord denies an individual a reasonable accommodation or refuses to engage in the interactive process, that individual may 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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