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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 #11 – Reasonable Accommodations Require an Interactive Process - Nonemergency Repairs and Notice

LANDLORD: “I need to make upgrade repairs to the units in my apartment building. I gave 24 hour written notice to my tenant that a worker would be coming to do repairs during regular business hours. I even gave a time frame for the repairs, but the tenant refused to let the worker in. I told the tenant that, if she refused to let the worker in to do the repairs, I would evict her. The tenant said that, because of her disability, she is very anxious when people she does not know enter her apartment. I said she did not have to be there, but she said that makes her anxious as well. The tenant wants to set an appointment for the repairs. Do I have to deal with this? It takes a lot of time.”

The law says: A landlord may enter a tenant’s unit for nonemergency repairs without the tenant’s permission only if the landlord provides 24 hours written notice, the repairs will be made during ordinary business hours, and the notice specifies an hour range for when the worker will come. Fair housing laws, however, require landlords to make exceptions to their rules, policies, and practices when the exceptions are both reasonable and necessary to allow a tenant with a disability to have equal opportunity to live in and enjoy a unit. These exceptions are called “reasonable accommodations.”

A tenant may request an accommodation at any time during a tenancy, including situations like ordinary repairs and maintenance. Once a request is made, a landlord must grant it, unless it is too difficult or expensive (an “undue burden”) or if it changes the nature of the business (a “fundamental alteration”). You cannot refuse to consider a request for reasonable accommodation just because you have always done business a certain way.

What to do: Once a tenant asks for a reasonable accommodation, you cannot ignore it. You must consider the request and determine whether the accommodation can be made. If you determine that the accommodation is too difficult or too expensive, you must continue to talk with the tenant to see if a different accommodation is possible. Working with a tenant to set an appointment for a nonemergency apartment repair is considered reasonable.

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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