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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 #12 – Reasonable Accommodation for More Time Before Lockout

TENANT: *“I was evicted from my apartment and have only a few days before the sheriff comes to do a lockout. My mental health disability makes big changes difficult. Going to court was very stressful, but now the stress of trying to move out with all of my stuff before the sheriff comes is overwhelming. I need more time. Is there a way to stop the sheriff from locking me out before I can get everything out?”*

The law says: Landlords must consider and negotiate reasonable accommodations for tenants with disabilities even during the termination process. This includes during the period between when the court orders the eviction and tenant lockout. When a tenant requests more time to vacate because of a disability, the landlord must consider this request and negotiate in good faith. The landlord can request a letter from a treatment professional that states that such an accommodation is necessary and that a nexus exists between the requested accommodation and the person’s disability, but the landlord cannot require that the letter include details about the nature of the disability, treatment history, medication or other confidential details. Once the landlord receives the letter, the landlord must engage in an interactive process of negotiation with the tenant to determine a reasonable accommodation, which can include an extension of time to vacate as well as waiver of back rent and fees.

What to do: Make your accommodation request, 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.

Whether or not the landlord agrees to more time to vacate, if a court order of eviction has been entered, there may be additional steps you need to take to secure the accommodation and stop the sheriff’s visit. Because court procedures may vary depending upon where you live, you should seek attorney assistance to ensure protection from the execution of the court’s order.

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 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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