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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 – Multiple Reasonable Accommodation Requests

TENANT: “I receive my disability benefits on the 3rd of every month, and my landlord has been allowing me to pay my rent on the 3rd for years. I recently asked for a reasonable accommodation to have an emotional support animal in my apartment. The landlord granted this, but then demanded that I pay rent on the 1st of every month, and threatened to evict me if I don’t comply. Can my landlord limit me to only one reasonable accommodation?”

The law says: No, your landlord cannot limit you to one reasonable accommodation. Fair housing laws require that landlords make exceptions, called “reasonable accommodations,” to rules when necessary to allow people with disabilities equal opportunity to live in and enjoy housing. A tenant must request the accommodation and show why it is related to and necessary due to the disability. The landlord must respond to the request promptly, 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”). If a tenant has a disability that requires more than one reasonable accommodation, the landlord must review each accommodation request and consider whether it is necessary due to the tenant’s disability. If reasonable, multiple accommodations must be granted. Retaliation by a landlord—by, for example, filing an eviction lawsuit against you for making such requests—is considered prohibited discrimination under the law.

What to do: Ask your landlord, preferably in a written request, to allow both accommodations. Keep a copy of your request. If your disability or need for accommodation is not obvious, the landlord can ask for verification of your disability and/or the connection between your disability and the requested accommodations. Under fair housing laws, verification can come from a doctor, medical professional, peer support group, service agency, or any reliable third party who is in a position to know about your disability. Your landlord must accept the verification of a reliable third party who is in a position to know about your disability. The landlord cannot request medical records or demand to know your diagnosis.

If you and your landlord cannot agree on a reasonable accommodation, or if the landlord retaliates against you for making the requests, you 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, familial status, disability, marital status,* ancestry,* sexual orientation,* gender identity,* gender expression,* genetic information,* and source of income.*

*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)

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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