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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 #5 – Economic Accommodation for a Tenant with Mental Health Disabilities

TENANT: “*I have a serious mental health disability and I cannot work. Because I cannot work, I do not meet the minimum financial qualifications of the apartment I found to live in; however, my mother does meet the qualifications and is willing to co-sign with me. The landlord has a policy prohibiting co-signers. Must the landlord waive this policy as a reasonable accommodation?*”

The law says: Yes, because the accommodation relates to your disability and you can meet the landlord’s financial qualifications if the policy is waived. Fair housing laws require that property owners and landlords make exceptions, called “reasonable accommodations,” to rules when necessary to allow people with disabilities equal housing opportunities. In order to determine if an accommodation is reasonable, landlords must engage in an interactive process. When determining a prospective tenant’s creditworthiness, courts have held that fair housing laws require landlords to reasonably accommodate a tenant’s disability by assessing the risk of non-payment created by his or her specific financial arrangement, rather than inflexibly applying a rental policy such as one prohibiting co-signers.

What to do: Ask your landlord for a reasonable accommodation. It is a good idea to do this in writing and keep a copy, but making the request in writing is not required under the law. 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 accommodation. Under fair housing laws, verification can usually be provided by the individual himself or herself (e.g., proof that you receive Social Security Disability benefits), or can come from a doctor, medical professional, peer support group, service agency, or a reliable third party. Your landlord must accept the verification of a reliable third party who is in a position to know about your disability. Your landlord cannot request medical records or demand to know your diagnosis.

If your landlord refuses to consider a reasonable accommodation to a financial qualification policy, 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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