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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 #7 – Reasonable Accommodations for People with Disabilities in Homeless Shelters

CLIENT: “I have multiple disabilities, including a seizure disorder and difficulty walking. I am homeless and have been denied access to shelter beds in my community because shelter operators say they cannot ensure my safety. Can I ask a shelter for reasonable accommodations to locate my cot close to the bathroom and perhaps provide additional assistance from a staff person to help me get around the shelter space? Is a shelter required to grant these requests?”

The law says: Yes, shelters and bridge, transitional or interim housing providers are generally required to grant reasonable accommodations when they are necessary to provide people with disabilities equal access to housing. An individual seeking a reasonable accommodation must request the accommodation and show why it is needed due to their disability. The shelter administrator (or other staff) must respond to the request promptly and must grant the request unless it is too difficult or expensive (an “undue burden”) or would change the nature of the shelter’s operation (a “fundamental alteration”). In this case, your requests to use a cot close to the bathroom and obtain limited staff assistance are unlikely to impose an undue burden or fundamentally alter the shelter. However, a request for 24-hour mobility assistance from a shelter worker would impose a more significant a burden and therefore might not be reasonable.

What to do: Ask a shelter administrator (or other staff), preferably in a written request, for reasonable accommodations to locate your cot in an area that maximizes your safety and for the staff assistance you need to get around, specifying the extent of the help you require. Make sure you clearly explain the connection between the accommodations you are requesting and your disabilities. Keep a copy of your request. If your disability or need for the requested accommodation is not obvious or known to shelter staff, they might ask for verification of your disability and/or the connection between your disability and the requested accommodations. This verification can usually come from you (for example, documentation of receipt of disability benefits or a credible statement by you) or from another person who knows about your disability (for example, a doctor, service agency, treatment professional, or any reliable third party). The shelter must accept credible verification, and cannot request medical records or demand to know your diagnosis.

If the shelter believes that your accommodation request is not reasonable, they must engage in an interactive process with you to determine whether there is an alternative reasonable accommodation that meets your disability-related needs. If the shelter denies you an accommodation or refuses to engage in the interactive process, you can file a complaint with a local fair housing organization, 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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