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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 #8 – Reasonable Modifications for Tenants with Mental Health Disabilities**

***TENANT:*** “I have a mental health disability that causes sensitivity to noise. My apartment has large windows facing a busy, noisy intersection. There is also a stairwell door next to my unit that slams loudly when people use it. The noises from the street and the stairwell door are making my mental health conditions worse, and I’m having trouble sleeping at night. Can I ask my landlord to install double-paned windows to reduce the noise from the street? I also want to request installation of a hydraulic door hinge to reduce the slamming noise of the stairwell door. Do I have a right to these modifications?”

**The law says:** Yes, a tenant with a disability has a right to reasonable modifications necessary for full use and enjoyment of an apartment. Fair housing laws recognize that a tenant with a disability may need to make structural changes to allow for equal opportunity to live in and enjoy housing. Structural changes to a unit and/or common areas of the premises that ensure equal access to housing for a person with a disability are called “reasonable modifications.” Generally, when we think of reasonable modifications, we think of changes needed by a person with a physical disability (for example, a ramp for a wheelchair user). However, sometimes people with mental health disabilities need structural changes as well. Double-paned windows and a hydraulic door hinge are examples of structural changes that might be required to ensure full use and enjoyment of housing for a person with disability-related noise sensitivity.

Generally, tenants are responsible for the costs of making modifications both to their unit and in the common area. However, if the housing complex receives federal financial assistance, structural changes needed by a tenant with a disability must be paid for by the landlord, unless providing them would be an undue financial or administrative burden, or fundamentally alter the housing program. The tenant is responsible for the maintenance of any modification that the tenant alone uses. However, if a modification is made to a common area normally maintained by the landlord, the landlord must maintain that modification.

**What to do:** Ask your landlord, preferably in writing, to install double-paned windows and a hydraulic hinge for the stairwell door, both as reasonable modifications. Make sure you explain the connection between these structural changes and your disability. If your disability and/or the need for the modifications are not obvious, your landlord can ask for verification. Under fair housing laws, the verification can typically be provided directly by you through a variety of self-certification methods (for example, documentation of receipt of disability benefits or your credible statement) or from a reliable third party who knows about your disability and the need for the requested modifications (such as a letter from a medical provider or case worker).

If your landlord denies your request and 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](http://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/](http://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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