



3255 Wilshire Blvd., Suite 902
Los Angeles, CA 90010
(213) 389-2077
For California Relay Service TTY: (800) 735-2929
www.mhas-la.org



***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: Requesting a Reasonable Accommodation to Reduce Risk of COVID-19 Exposure

TENANT: "I am a renter with mental health disabilities. I also have diabetes, so if I get COVID-19 I'm at higher risk of severe illness or even death. My landlord conducts an annual inspection of all smoke alarms in my building, but I'm worried about letting maintenance staff into my apartment during the pandemic. The maintenance worker could have COVID-19 and expose me to the virus. I know my landlord has a right to conduct necessary inspections, but my smoke alarm is working fine. Is there anything I can do to prevent a worker from entering my apartment to inspect? Can I ask for a reasonable accommodation based on my disability?"

The law says: Yes, if you have a disability that makes you more vulnerable to severe COVID-19, you may be entitled to a reasonable accommodation to either postpone the inspection or have it conducted virtually. According to the Centers for Disease Control and Prevention (CDC), people with diabetes have a higher risk than the general public of developing severe illness from COVID-19. Therefore, your disability entitles you to request reasonable accommodations under fair housing laws that will help keep you safe from COVID-19 and enable you to continue to use and enjoy your housing.

Your landlord has the right to conduct inspections in your unit, as long as those inspections are necessary and the landlord provides you with adequate notice of entry. Your landlord apparently has established that the annual smoke alarm inspection is a standing policy. However, fair housing laws require that a landlord make a "reasonable accommodation," or change to rules, policies, or procedures, when the change is necessary to allow a person with a disability equal access to housing. In your case, it might be reasonable to ask your landlord to postpone the inspection as an accommodation until Summer 2021, when many experts expect the COVID-19 threat to be diminished. In the meantime, you could offer to provide your landlord with video evidence, such as a video recorded on your phone, showing that your alarm is indeed working.

Your landlord would be required to grant your accommodation request, unless it changes the nature of the landlord's business (a "fundamental alteration") or is too difficult or expensive (an "undue burden"). In your case, it is unlikely that postponing the inspection until the COVID-19 threat decreases and/or allowing you to conduct a virtual inspection would fundamentally alter the landlord's business or be too difficult or expensive. In fact, recent COVID-19 guidance from the U.S. Department of Housing and Urban Development (HUD) encouraged landlords with whom HUD works to postpone inspections unless there is a specific threat to life or property, conduct inspections biennially instead of annually, and use alternative inspection methods.

What to do: Make your request for a reasonable accommodation in writing (email is an acceptable form of written communication) and keep a copy of your request. If your disability or need for accommodation is not obvious or known to your landlord, your landlord can ask for verification. 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, or any reliable third party). The landlord must accept credible verification, and cannot request medical records or demand to know your diagnosis.

During the COVID-19 pandemic, obtaining verification from doctors or medical professionals may be impractical. Furthermore, individuals with underlying health conditions could face increased risk of COVID-19 exposure if they need to visit a medical facility to obtain disability verification. Especially at this time, housing providers should accept credible verification that comes directly from the person making the reasonable accommodation request.

If your landlord denies your request, refuses to engage in an interactive process, or demands verification you cannot readily provide, 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. (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.

The Fair Housing Tip of the Month campaign is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant #FE0119008. Any opinion, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of HUD.