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***FAIR HOUSING:  
IT'S THE LAW!***

*A nonprofit organization protecting and advancing the legal rights of people with mental disabilities.*

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## ***Fair Housing Tip of the Month – October 2020***

### **Providing Additional Maintenance Service as a Reasonable Accommodation for a Tenant with a Disability**

***LANDLORD:*** “My tenant has agoraphobia and claims to be unable to leave the unit to take trash to the dumpster. The tenant asked if my staff would take the trash out to the dumpster. My tenants are responsible for the maintenance of their units, including handling of trash. Am I required to grant this request?”

**The law says:** Yes, unless granting the reasonable accommodation request would change the nature of your business (a “fundamental alteration”), or be too difficult or expensive (an “undue burden”). Fair housing laws require that landlords make a “reasonable accommodation,” or change to rules, when the change is necessary to allow a person with a disability to have equal access to housing. Denial of a reasonable accommodation is illegal housing discrimination. To be entitled to a reasonable accommodation, a tenant must request the accommodation and show how it is related to their disability (if the relationship between accommodation and disability is not obvious). The landlord must respond to the request promptly, and must grant the request, unless it would create a fundamental alteration in the landlord’s business or pose an undue financial or administrative burden.

Because landlords are generally engaged in the rental of units, not in providing housekeeping services, a request for removal of a tenant’s trash could be considered a fundamental alteration to a landlord’s business in some cases. However, this may not be the case if the landlord has a maintenance staff that routinely cleans common areas of the building. Under these circumstances, an accommodation to have trash picked up from a tenant’s doorstep once or twice a week could reasonably be incorporated into existing maintenance efforts, and therefore may be neither a fundamental alteration of the landlord’s business nor an undue burden.

**What to do:** Because the tenant has made a reasonable accommodation request and explained how it relates to their disability, you cannot deny the request unless it fundamentally alters your business or imposes an undue burden. If you have a maintenance worker who is routinely on-site, your worker may be able to incorporate weekly or twice-weekly trash pickup from the tenant’s door into their ordinary routine. If you believe the requested accommodation is not reasonable, you must engage in an interactive process with your tenant to determine what accommodation would reasonably meet the tenant’s disability-related needs. For example, if you do not regularly have maintenance staff available, you could provide the tenant with an extra key and parking pass so that a friend, family member, or social worker of the tenant could take out the trash.

If a landlord refuses to consider a request for reasonable accommodation or refuses to engage in an interactive process, a tenant 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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