



Tenants with Mental Health Disabilities: The Right to Reasonable Modifications in Housing

1. What are “reasonable modifications” in housing?

In California, state and federal law¹ require that landlords² provide “reasonable accommodations” and “reasonable modifications” to tenants with disabilities. This gives tenants with disabilities an equal opportunity as other tenants to use and enjoy a dwelling unit or common area. A reasonable modification is a physical change in a housing unit or common area that is necessary for a person with a disability to use or enjoy the premises. This fact sheet discusses the types of reasonable modifications that you might be able to get from your landlord as a tenant with a mental health or cognitive disability, how to request a modification, and what happens after you make the request.

¹ See the federal Fair Housing Amendments Act of 1988, 42 U.S.C. §§3601 *et seq.*, and the California Fair Employment and Housing Act, Government Code §§12900 *et seq.*, and Unruh Act, Civil Code §§51 *et seq.* For more information on these laws, see these DRC Fact Sheets: *Fair Housing Rights of Tenants with Mental Health Disabilities in California*; *How to Challenge Disability-Based Housing Discrimination*.

² The obligation to provide reasonable accommodations and modifications applies to private landlords, as well as to providers of public housing, except for landlords who own a single-family home, live in that home, and rent out only one room to a boarder.

In contrast to a reasonable modification, a reasonable accommodation is a change in a landlord's rules, policies or practices, or a change in the way that housing services are provided. For information about reasonable accommodations in housing, see DRC Fact Sheet, Tenants with Mental Health Disabilities: The Right to Reasonable Accommodations in Housing.

2. What kinds of reasonable modifications can I get from my landlord?

A landlord must grant your request for a reasonable modification if it is necessary for you to fully use or enjoy the premises. You will have the responsibility of paying for the modifications, unless they are necessary to make the housing accessible as otherwise required by law.

Here are some examples of reasonable modifications that a landlord might provide to you as a tenant or housing applicant with a mental health or cognitive disability:

1. Installing carpeting or acoustic tiles to reduce noise that you make as a result of your disability;
2. Installing a water tap that regulates temperature to prevent scalding, or an automatic timer to turn off the gas stove, if your disability makes it difficult for you to remember to do those things on your own; or
3. Installing pictures or color-coded signs or pathways, if your disability makes you unable to use written signs.

3. How do I request a reasonable modification?

In order to get a reasonable modification, you must request one. If possible, the request should be made in writing, and should ask that the landlord respond to you by a particular date. In the request, you should:

State the fact that you have a disability;

1. Describe the modification that you are requesting; and
2. Describe how the disability will help you live in, or apply for, the housing.

4. What information do I have to give my landlord if I request a reasonable modification?

If you make a request for a reasonable modification, the landlord has a right to ask you for proof that you are a person with a disability. You do not have to give the landlord your specific diagnosis, or provide a full copy of your medical history. You only have to provide a letter from your doctor or another service provider stating that you have a disability, and that the modification you are requesting is necessary for you to use or enjoy the housing.

The landlord can also require that you provide a description of the work to be done, and assurances that it will be done in a workmanlike manner and with all necessary permits.

If the modification that you are requesting will interfere with the enjoyment of a future tenant or occupant, the landlord may grant your request on the condition that you restore the housing to its original condition when you move out. This applies only to modifications of the interior of the unit, and not to common areas. If the landlord imposes this condition, he or she may require that you pay a reasonable amount of money into a separate (“escrow”) bank account in order to pay for the modification to be removed.

5. When can I make a request for a reasonable modification?

You can request a reasonable modification from your landlord at any point from the time that you apply for the housing until the time that you move out. Even if the landlord has begun eviction proceedings against you, you can still request reasonable modifications that would allow you to stay in your housing.

6. What happens after I make the request?

Once you make a request for a reasonable modification and provide supporting documents, the landlord has an obligation to consider the request. The landlord must let you know if he or she has any questions or wants more information. You should keep copies of your request, supporting letter(s), the landlord’s response, and any other documents concerning your request.

If the landlord thinks that your request for a reasonable modification is unreasonable, he or she should explain why and suggest an alternative. The

landlord should continue this conversation until you agree on a modification, or until it is clear that you cannot reach an agreement.

If you are not satisfied with your landlord's response to your request for a reasonable modification, there are many ways to challenge his or her decision. These include mediation, administrative complaints, and litigation. For more information, see DRC Fact Sheet, *How to Challenge Disability-Based Housing Discrimination*.

7. How can I learn more?

If you have questions about your rights or obligations under state and federal laws that protect people with disabilities from housing discrimination, contact Disability Rights California:

Tel: 800-776-5746

TTY: 800-649-0154

www.disabilityrightsca.org

We want to hear from you! After reading this fact sheet please take this short survey and give us your feedback.

English version: <http://fs12.formsite.com/disabilityrightsca/form54/index.html>

Spanish version: <http://fs12.formsite.com/disabilityrightsca/form55/index.html>

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