



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

1. What are “reasonable accommodations” in housing?

In California, state and federal law¹ require that landlords² provide “reasonable accommodations” and “reasonable modifications” to tenants with disabilities. This gives them an equal opportunity as other tenants to use and enjoy a dwelling unit or common area. 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. This fact sheet discusses the types of reasonable accommodations that you might be able to get from your landlord as a tenant with a mental health disability, how to request an accommodation, 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 accommodation, 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 housing. For example, this includes installing color-coded signs if your disability makes you unable to use written signs. For information about reasonable modifications in housing, see DRC Fact Sheet, *Tenants with Mental Health Disabilities: The Right to Reasonable Modifications in Housing*.*

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

Your landlord must modify its rules, policies or practices as a reasonable accommodation if the request is feasible, practical and necessary because of your disability. However, the landlord does not have to provide the accommodation if it would impose an unreasonable financial or administrative burden, or fundamentally change the nature of the housing services that the landlord provides. Landlords must provide reasonable accommodations at their own expense.

Here are some examples of reasonable accommodations that a landlord might provide to you as tenant or potential tenant with a mental health disability:

1. Allowing you to move to a quieter unit because noise aggravates your disability;
2. Accepting a reference from an employer or social worker during the application process if you do not have a recent rent history because of a psychiatric hospitalization;
3. Assisting you in filling out a rental application; or
4. Waiving a no-pets rule to allow you to keep an emotional support animal in your home. For more information on this accommodation, see DRC Fact Sheet, *Tenants with Mental Health Disabilities in California: Service and Companion Animals as Exceptions to No-Pet Policies in Housing*.

3. How do I request a reasonable accommodation?

In order to get a reasonable accommodation, 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:

1. State the fact that you have a disability;
2. Describe the accommodation that you are requesting; and
3. Describe how the disability will help you live in, or apply for, the housing.

If you request a reasonable accommodation, 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 accommodation you are requesting is necessary for you to use or enjoy the housing.

4. When can I make a request for a reasonable accommodation?

You can request a reasonable accommodation 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 accommodations that would allow you to stay in your housing.

5. What happens after I make the request?

Once you make a request for a reasonable accommodation and provide the 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 accommodation is unreasonable, he or she should explain why and suggest an alternative. The landlord should continue this conversation until you agree on an accommodation, 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 accommodation, 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*.

6. 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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