



How to Challenge Disability-Based Housing Discrimination

1. What is disability-based housing discrimination?

If you have a mental health disability in California, you have rights under state and federal law to be free from discrimination in the sale or rental of housing.

Housing discrimination can come in many forms, including:

- a. not renting or selling to someone with a disability;
- b. making discriminatory statements to a tenant or an applicant with a disability; or
- c. not making reasonable modifications in rules, policies or practices.

2. How can I challenge disability-based housing discrimination?

Situations involving potential housing discrimination can be difficult to manage. You might want to ask a friend, family member, case manager, health care provider or advocate to help you try to resolve the issue with the landlord or the property owner.

If you think that you have been a victim of disability-based housing discrimination, you can:

Work with the Landlord, Seller or Realtor

If you think that a landlord, seller or realtor has discriminated against you, you should tell them about your concerns. If they do not want to talk about it, send them a letter telling them about your concerns and give them a date when you want a response. Try to work it out with them first before you file a formal complaint. Your local fair housing organization may provide free or low-cost services that might help to avoid legal action. You can find a list of fair housing organizations at www.fairhousing.com.

File a DFEH Complaint

The California Department of Fair Employment and Housing (DFEH) looks at housing discrimination complaints. You can file a complaint with DFEH at (800) 233-3212 (TTY (800) 700-2320), or at www.dfeh.ca.gov. A DFEH complaint must be filed within **one year** after the event.

File a HUD Complaint

The U.S. Department of Housing and Urban Development (HUD) investigates housing discrimination under federal laws. Section 504 of the Rehabilitation Act applies to certain types of publicly-funded housing. The Fair Housing Act (FHA) applies to public and private housing. You can file a HUD complaint at (800) 669-9777 (TDD (800) 927-9275) or www.hud.gov. A HUD complaint under the FHA must be filed within **one year** after the event. But a complaint under Section 504 must be filed within **180 days** after the event.

File a Lawsuit

Whether or not you file a complaint with DFEH or HUD, you can file a lawsuit in state or federal court. A suit must be filed within **two years** after the date the event.

Some things that may be available to you include:

- a. an order that you can buy or lease the property;
- b. an order that you get reasonable accommodations or modifications;
- c. an order that the landlord, seller or realtor change a rule;

- d. payment for out-of-pocket expense; and/or
- e. money damages.

3. 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>

The California Mental Health Services Authority (CaMHSA) is an organization of county governments working to improve mental health outcomes for individuals, families and communities. Prevention and Early Intervention programs implemented by CaMHSA are funded by counties through the voter-approved Mental Health Services Act (Prop 63). Prop. 63 provides the funding and framework needed to expand mental health services to previously underserved populations and all of California's diverse communities.

