



# Your Fair Housing Rights as a Tenant with a Mental Health Disability

## 1. Does the law protect you from housing discrimination?

Yes. If you have a disability in California, you have the right under state and federal law,<sup>i</sup> to be free from discrimination in the sale or rental of housing. This means that a landlord, owner or other housing provider, or realtor, may not refuse to rent or sell to you. They also may not use any other type of discrimination against you, because you have a disability. This also applies to homeowners associations or governmental entities like local zoning authorities.

## 2. Do anti-discrimination laws apply to my housing provider?

The laws against discrimination apply to sellers and providers of public housing. The laws against discrimination also apply to private landlords, except for landlords who own a single-family home, live in that home, and rent out only one room. Landlords who meet the exception cannot make discriminatory statements and the other fair housing laws do not apply to them.

(See Question 4 below for examples of housing discrimination.)

## 3. Who is protected as a “person with a disability”<sup>ii</sup>?

You are protected if you:

- a) have a physical or mental impairment that substantially affects a major life activity<sup>iii</sup>;

- b) have a record of having an impairment that substantially affects a major life activity; or
- c) are seen as having an impairment, whether you have one or not.

You are also protected if you are connected with a person who has a disability. You are not protected if you are a direct threat to the health or safety of other people or cause physical damage to the property of others. But, you are protected if a reasonable accommodation could end that risk.

#### 4. What are examples of housing discrimination?

Examples of housing discrimination include:

- a) Refusing to sell or rent to you because you have a disability, live with, or are visited by a person who has a disability.
- b) Making derogatory or harassing comments about your disability that interfere with your ability to use or apply for the housing.
- c) Misinforming you that housing is not available for inspection, sale or rental.
- d) Giving you housing terms, conditions, privileges, facilities or services that are not equal as those given to people without disabilities. For example, limiting your housing to a certain area.
- e) Ending a sale or rental agreement because you have a disability.
- f) Separating housing for people with disabilities.
- g) Not allowing you, at your own expense, to make reasonable modifications that you need to fully enjoy your home. For example, installing soundproofing if your disability makes you sensitive to noise.
- h) Refusing to make reasonable accommodations in rules, policies, practices, or services if needed to allow you to fully enjoy your housing. For example, waiving a no-pets rule so you can keep an emotional support animal in your home.

Examples of discrimination by local governments include:

- a) Using an unreasonable zoning restriction to stop a group home location for people with mental health disabilities in a single family neighborhood. For example, a restriction that defines “family” and limits the maximum number of unrelated people who can live together in a house may be discriminatory.
- b) Using health or safety rules to deny a permit for a group home, when the real reason for the denial is community opposition.

For more information about the right to reasonable accommodations and modifications in housing, see these DRC Fact Sheets:

- a) *Tenants with Mental Health Disabilities: The Right to Reasonable Accommodations in Housing*
- b) *Tenants with Mental Health Disabilities: The Right to Reasonable Modifications in Housing*
- c) *The Rights of Tenants with Mental Health Disabilities to Service and Emotional Support Animals as Exceptions to “No-Pets” Policies in Housing*
- d) *How to 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 any disputes with your landlord or the property owner.

## 5. 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: [www.disabilityrightsca.org](http://www.disabilityrightsca.org)

Tel: (800) 776-5746

TTY: (800) 649-0154

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.***

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i Federal fair housing laws include the Fair Housing Amendments Act of 1988, 42 U.S.C. §§3601 *et seq.*, Section 504 of the Rehabilitation Act of 1973 (covering housing under programs that receive federal financial assistance, such as the Section 8/Housing Choice Vouchers program), and Title 11 of the Americans with Disabilities Act (covering housing operated by the state or local government). State laws include the California Fair Employment and Housing Act, Government Code §§12900 *et seq.*, and the Unruh Act, Civil Code §§51 *et seq.*

ii The California Fair Employment and Housing Act uses the term “handicap” instead of “disability,” but the meaning is the same.

iii Under federal law, the impairment must be “substantial,” but this is interpreted broadly.

