



Providing Reasonable Accommodations to Tenants with Mental Health Disabilities

1. What are “reasonable accommodations” in housing?

In California, state and federal lawⁱ require that landlords and other housing providers give “reasonable accommodations” and “reasonable modifications” to tenants with disabilities, in order to give them an equal opportunity to use and enjoy housing or a common area.

A reasonable accommodation is a change in a housing provider’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 a housing provider is required to provide to a tenant with a mental health or cognitive disability, and how to respond to a request.ⁱⁱ

2. Which housing providers must comply with fair housing laws?

The state and federal fair housing laws which protect people with disabilities apply to public housing providers and anyone who sells or rents housing, such as mortgage brokers and realtors. The laws also apply to private landlords, except for those who own a single-family home, live in that home, and rent out only one room.

3. What kinds of reasonable accommodations should I give to a tenant with a mental health or cognitive disability?

You must grant a tenant's request for a reasonable accommodation if the accommodation is able to be done, useful and necessary. But, you do not have to grant the accommodation if it would make an unreasonable financial or administrative burden, or fundamentally change the nature of the housing services. You must provide reasonable accommodations at your own expense.

Examples of reasonable accommodations that you might provide to a tenant or potential tenant with a mental health disability include:

- a) Letting a tenant move to a quieter unit because noise aggravates the person's disability.
- b) Accepting a reference from an employer or social worker during the application process if the applicant does not have a recent rent history because of a psychiatric hospitalization.
- c) Helping an applicant fill out a rental application.
- d) Waiving a no-pets rule to allow a tenant or applicant to keep an emotional support animal in the person's home. For more information on this accommodation, see DRC Fact Sheet, *Rights of Tenants with Mental Health Disabilities to Service or Emotional Support Animals*.

4. When can a person with a disability make a request for a reasonable accommodation?

A tenant or applicant can ask for a reasonable accommodation at any point from the time of application to when they move out. Even if eviction proceedings have been started, a tenant can still request reasonable accommodations that would allow him or her to stay in the housing.

5. How should I respond to a request for reasonable accommodations?

A tenant or housing applicant's request for a reasonable accommodation should include the following information:

1. The fact that the person has a disability.
2. A description of the accommodation.
3. An explanation of how the accommodation will help the tenant live in, or apply for, the housing.

An accommodation request will usually be in writing, but it can take any form, including a personal conversation, telephone call, or voicemail message. It is important to respond quickly to all requests. If the person has requested that you respond by a certain date and you are unable to do so, you should let the person know that you need more time to respond, and when they can expect to hear back from you. An unreasonable delay in responding to or discussing an accommodation request can be understood as a denial of the request.

In responding to an accommodation request, you can ask the tenant or applicant for certain types of additional information. If you do not understand something about the request, you can ask for clarification. You can also ask for a letter from a doctor or other service provider confirming that the person has a disability, and that the requested accommodation is necessary for the person to use or enjoy the housing. The person is not required to provide you with a specific diagnosis, a copy of his or her medical record, or permission for you to speak directly to a medical provider.

If you think that a request for an accommodation is unreasonable, you should explain why and suggest a solution. Continue the conversation until both parties agree on a solution.

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 (CalMHSA) is an organization of county governments working to improve mental health outcomes for individuals, families and communities. Prevention and Early Intervention programs implemented by CalMHSA 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.

ⁱ 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.*

ⁱⁱ Although buyers with disabilities are also protected under these laws, this fact sheet will focus on providing reasonable accommodations to tenants and rental applicants.

