



# Providing Reasonable Modifications to Tenants with Mental Health Disabilities

## 1. What are “reasonable modifications” in housing?

In California, state and federal law<sup>i</sup> require that landlords provide “reasonable accommodations” and “reasonable modifications” to tenants with disabilities, in order to give them an equal opportunity.

A reasonable modification is a physical change to housing or common area that is necessary for a person with a disability.

This fact sheet discusses the types of reasonable modifications that you are required to provide to a tenant or potential tenant with a mental health or cognitive disability, and how to respond to this kind of request.<sup>ii</sup>

## 2. Which housing providers must obey 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 modifications should I give to a tenant with a mental health or cognitive disability?

You must grant a request for a reasonable modification if it is necessary for a tenant or potential tenant to fully use or enjoy the housing. Your tenant will need to pay for the modifications, unless they are necessary to make the housing accessible as required by law.

Examples of reasonable modifications that you might provide to a tenant or housing applicant with a mental health or cognitive disability include:

- a) Installing carpeting or acoustic tiles to reduce noise that the tenant makes as a result of his or her disability.
- b) Installing a water tap that controls temperature to prevent burning, or an automatic timer to turn off the gas stove, if the person's disability makes it difficult for him or her to remember to do those things.
- c) Installing pictures or color-coded signs or pathways, if the person's disability makes him or her unable to read signs.

### 4. When can someone make a request for a reasonable modification?

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

### 5. How should I reply if someone asks for a reasonable modification?

A request for a reasonable modification should include the following information:

- a) The fact that they have a disability.
- b) A description of the modification that they are requesting.

- c) An explanation of how the modification will help them live in, or apply for, the housing.

A modifications request will usually be written, but it can take any form, including a personal conversation, telephone call, or voicemail message. It is important to reply promptly to all modifications requests. If the person has requested that you respond by a certain date and you are unable to do so, you should tell them 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 a modifications request can be understood as a denial of the request.

When you reply to a request for a modification, you can ask the person for certain types of additional information. If you do not understand something, you can ask more questions. You can require that the person making the request give you a description of the work to be done, and guarantees that it will be done in a skilled way and with all necessary permits. You can also ask for a letter from a doctor or other service provider confirming that the person has a disability, and that the modifications are 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 believe that the modification will interfere with the enjoyment of a future tenant or occupant, you may grant the request on the condition that the tenant restores the housing to its original condition at the end of the lease. This applies only to modifications of the interior of the unit, and not to common areas. If you impose this condition, you may require the tenant to pay a reasonable amount of money into a separate (escrow) bank account in order to pay for the modification to be removed.

If you think that a request for a modification 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.***

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<sup>i</sup> 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.*

<sup>ii</sup> Although buyers with disabilities are also protected under fair housing laws, this fact sheet focuses on providing reasonable modifications to tenants and rental applicants.

