



California's protection & advocacy system

Fact Sheet: Disability-Based Housing Discrimination

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Introduction

This fact sheet discusses the rights of people with disabilities to be free from disability-based discrimination in housing under federal and California law.

Housing discrimination against tenants and applicants who have disabilities is prohibited under federal law in the Fair Housing Amendments Act (42 U.S.C. Sections 3601-3631) and Section 504 of the federal Rehabilitation Act of 1973 (for housing that receives funding from the U.S. Department of Housing and Urban Development or other federal financial assistance), and under California law in the Fair Employment and Housing Act (Government Code Sections 12955-12956.2) and the Disabled Persons Act (Civil Code Sections 54.1 and 54.2). These laws cover housing providers, including: landlords, homeowners associations, realtors, housing lenders and owners and property managers of long-term housing including board and care homes, group homes, independent living homes, homeless shelters and, in some cases, nursing facilities.

Housing discrimination can take many forms. These include unequal treatment, access barriers, harassment, retaliation, discriminatory statements, and failure to provide reasonable accommodations and modifications. Accommodations are exceptions to rules or policies, and modifications are physical changes to buildings, units or grounds. Accommodations and modifications are reasonable if they are necessary to provide someone with a disability an equal opportunity to use and enjoy housing, do not fundamentally alter the nature of the housing or other services provided, and do not impose an undue burden on the housing provider.

The following publications contained detailed information about disability-based housing discrimination, and how to request reasonable accommodations and modifications as a tenant or applicant for housing:

- Bazelon Center for Mental Health Law, *What Fair Housing Means for People with Disabilities*
<http://www.disabilityrightsca.org/pubs/BazelonWhatFairHousingMeansForPeopleWithDisabilities1of2.pdf>
- Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Accommodations Under the Fair Housing Act*
- <https://www.justice.gov/crt/us-department-housing-and-urban-development>
- Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Modifications Under the Fair Housing Act*
- https://www.hud.gov/sites/documents/DOC_7502.PDF
- Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act*
<https://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>
- Disability Rights California, *Reasonable Accommodations Under Section 8*
<http://www.disabilityrightsca.org/pubs/541801.pdf>

Complaints and Lawsuits

If a landlord, condominium association or other housing provider refuses to provide a reasonable accommodation or modification or otherwise discriminates against a person with a disability, you can file a lawsuit or an administrative complaint.

You can file an administrative complaint with the California Department of Fair Employment and Housing (DFEH) within one year of the most recent date of discrimination. Information on how to file a complaint with DFEH can be found at <https://www.dfeh.ca.gov/filing-a-complaint-online/>, or by calling (800) 884-1684 (voice) or (800) 700-2320 (TTY). You can appeal a DFEH decision to the DFEH Director within 10 days of the decision. [See 2 C.C.R. Section 10065.](#)

You can also file an administrative complaint with the U.S. Department of Housing and Urban Development (HUD) under the Fair Housing Amendments Act within one year after the discrimination. Information on how to file a HUD complaint can be found at 1-800-669-9777 or: https://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination.

Violations of these laws may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and you could potentially lose claims if you do not act within that timeframe. These deadlines can be as short as two years from the date of discrimination. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

If you are seeking less than \$10,000 in money damages, you may file a discrimination case in Small Claims Court. The statutes of limitations discussed above will apply. You cannot use a lawyer if you go to small claims court. For more information, see Disability Rights California, *A Guide to Small Claims Court: How to Sue if a Business or Landlord Discriminates Against You Because of Your Disability*, at: <http://www.disabilityrightsca.org/pubs/520601.pdf>.

Sample Letter to Housing Provider Requesting Reasonable Accommodation or Modification

[Date]

Dear [Landlord, Housing Authority, Homeowners Association]

I am writing to request reasonable accommodations/modifications for my disability/disabilities.

I live at/am applying to rent your property at [address]. Because of my disability, I need the following accommodations: [list accommodations/modifications].

My physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual [describe] has deemed these accommodations/modifications necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that a housing provider reasonably accommodate tenants/occupants and applicants who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and/or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Verification Letter

[Date]

To [Landlord, Housing Authority, and Homeowners Association]:

I am the physician/psychiatrist/psychologist/therapist/social worker/occupational therapist for [Your name], and am familiar with his/her condition. (S)he has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested accommodation].

[The requested accommodation] is necessary for _____ to live in the community and use and enjoy his/her dwelling by [describe how the accommodation will assist or support the individual].

Thank you for providing this reasonable accommodation for [Name].

Sincerely,
[Name and Title]

We want to hear from you! Please complete the following survey about our publications and let us know how we are doing! [\[Take the Survey\]](#)
For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>