

## OTHER COMMON EXAMPLES OF REASONABLE ACCOMMODATIONS:

**What can I do if I am unable to pay rent on time because I was hospitalized due to my mental health disability?**

If you were hospitalized due to your mental health disability, and were unable to pay rent on time due to the hospitalization, you can request a reasonable accommodation to have the rental due date changed to a later date.

**What can I do if I am unable to pay rent because I receive an SSI/SSDI check after the date rent is due each month and as a result I get charged a late fee?**

You may be able to request a reasonable accommodation to change the rental due date. The housing provider can deny the request only if it is an undue financial or administrative burden.

**What can I do if I am being harassed by another tenant because I have a mental health disability?**

When the housing provider leases a unit, they agree that the tenant should be able to use and enjoy the unit without interference from others. Fair Housing laws protect persons with disabilities from pervasive and severe harassment from a housing provider or from other tenants.

**Can I break my lease if I am no longer able to live independently due to my disability?**

Yes, early termination of a lease without paying fees and costs can be a reasonable accommodation. If you are unable to live in your apartment because of your mental health disability related issue, you can break the lease without a penalty or fee. You must give notice to the housing provider and make a reasonable accommodation request. The reasonable accommodation request cannot be an undue financial or administrative burden for the housing provider.

**What protections do I have as a person with a mental health disability if my request for an accommodation is denied?**

The Fair Housing Act makes it illegal for a housing provider to refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to accommodate a disability. Call Legal Aid Society of San Diego for assistance.

## WHERE CAN I ASK FOR HELP?

Fair Housing Center of  
Legal Aid Society of San Diego, Inc.  
110 S. Euclid Ave. San Diego, CA 92114  
1 (844) 449-3500  
TTY: 1 (800) 735-2929  
[www.lasds.org](http://www.lasds.org)



Our organization is accessible to persons with a disability.

# HOUSING DISCRIMINATION: DISABILITY & REASONABLE ACCOMMODATIONS

Protections for Persons  
with Disabilities



# WHAT IS DISABILITY DISCRIMINATION?

Federal and California State law make it unlawful for housing providers to discriminate based on a disability, both physical and mental. In California, a person is disabled if they have a mental or physical condition that limits a major life activity.

## REASONABLE ACCOMMODATION

### How can the fair housing act help people with a mental health disability stay housed?

The Fair Housing Act and related California laws give persons with a disability the right to ask for a reasonable accommodation. A reasonable accommodation is a request to a housing provider to change a rule, policy, practice, or service, if the change is necessary to allow a person with a disability an equal opportunity to use and enjoy their housing. Reasonable accommodations are powerful tools that can help persons with disabilities obtain and maintain housing.

### When can a person with a disability ask for a reasonable accommodation?

A reasonable accommodation can be made at any time, including after the eviction process has started. It is best to make the request in writing and to ask for a response within a certain number of days.

### How can reasonable accommodations help a person with a mental health disability obtain housing?

Sometimes mental health disability-related behaviors or needs may make it difficult to secure housing.

Examples where a Reasonable Accommodation may be appropriate to obtain housing:

- A request for a live-in aide.
- Making an exception to a “no pets” policy
- Making an exception to a “no co-signor” policy for persons who are low income because of a disability.
- Making an exception if a person with a disability does not have a recent rental history because of hospitalization due to a disability.

### How can reasonable accommodations help a person with a mental health disability stay in their housing?

From time to time mental health disability-related behaviors or needs may create a nuisance or violate the lease agreement where a person lives. The law allows a person with a mental health disability to ask for a reasonable accommodation.

If this is your situation, there may be something you can do to maintain your tenancy. If you can (1) show a link between lease violation and your mental health disability, and (2) identify a reasonable accommodation (ex. medication/ counseling) that will help you be in compliance with the lease, then you may be allowed to stay in your unit as a reasonable accommodation.

### Examples where a Reasonable Accommodation Request may be appropriate:

- If you are being evicted because of behavior issues related to a mental health disability
- If your landlord sends you a notice that your behavior is a nuisance
- If you yelled at the property manager or neighbor during a mental health disability episode
- If you receive an eviction notice for property damage that was caused due to a mental health disability
- If your doctor recommended an emotional support animal, but the housing provider does not allow pets

