

Fair Housing Tip of the Month

Tip #1 – Reasonable Accommodation if You Receive a Three-day Notice to Cure or Quit

“I went off my medication a few weeks ago and started playing my music very loudly. The neighbors complained. Because they were upset with me, I went out on my porch one night and yelled at everyone. The police were called, but I wasn’t arrested. The next day my landlord gave me a 3-day notice to quit. It said I was a nuisance and disturbed the other tenants. I asked the landlord to let me stay because I am now back on my medication. Can my landlord evict me anyway?”

The law says: Fair housing law requires your landlord to make exceptions to the rules, policies and practices when the exceptions are both reasonable and necessary to allow a tenant with a disability to live in and enjoy a unit. These exceptions are called “reasonable accommodations.” The law states that a tenant may request an accommodation when necessary to have equal access to housing. Once you make the request, your landlord must grant it, unless it is too difficult or expensive (an “undue burden”) or it is outside the normal course of business (a “fundamental alteration”). Your landlord cannot refuse to consider a request for reasonable accommodation just because he or she has always done business a certain way. Your landlord must consider requests for reasonable accommodation at any time during your tenancy, including during threatened termination of your tenancy.

What to do: Once you ask for a reasonable accommodation, your landlord cannot ignore it and simply proceed to eviction. You request a reasonable accommodation by explaining the situation with your medication to the landlord and asking him or her to withdraw the three-day notice. You do not have a right to disturb other tenants, so you want to develop a plan that addresses the problem that gave rise to the notice. You can work with your doctor, therapist or social worker to develop a plan that you can follow. Share that plan with your landlord.

If your landlord refuses to consider your request for reasonable accommodation or refuses to engage in an interactive process, you can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call [800-669-9777](tel:800-669-9777), or visit https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call [800-884-1684](tel:800-884-1684), or visit <http://www.dfeh.ca.gov/complaint-process/complaint-forms/>

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: The Fair Housing Tip of the Month program is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.

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