

Fair Housing Protections for People with Mental Disabilities

FAIR HOUSING HIGHLIGHT #16

I know that a landlord can't discriminate against a person with a physical disability but what about a person with a mental disability? Does a landlord have to rent to someone with mental problems?

Under the Fair Housing laws a housing provider cannot discriminate against a person with a physical OR mental disability. This includes people with mental health disabilities, AIDS/HIV infection, or those who have a prior history of alcoholism or drug abuse. A housing provider cannot use disability as a reason to deny housing. Just as a landlord may be required to allow reasonable modifications for a physically disabled tenant such as installing grab bars in the shower, or a wheelchair ramp, the law also recognizes that people with *mental or emotional disabilities* often desperately need certain accommodations so that they also can live independently in their dwelling.

What are common types of reasonable accommodations?

Some typical accommodations include: helping a mentally retarded applicant fill out a rental form, oral reminders to pay the rent on time, allowing a transfer to a different unit due to a disability, or accepting a reference from an applicant's social worker instead of employer or previous landlord. An accommodation has to be reasonable (practical and feasible) and necessary for the tenant to use and enjoy their housing.

I went off my medication for bi-polar disorder and had a couple of fights with other tenants. I ended up in the hospital and am now back on my meds. I'm sorry for what happened. But the manager says she's "had it" and I'm being evicted. Now what?

If your behavior has resulted in a lease violation (i.e. threatening other tenants, damaging property etc) that was tied to your disability you could request that your landlord allow you time to obtain services that would address the behavior before evicting you. At the very least, the landlord should postpone the eviction hearing until after your hospitalization providing your rent is paid. However— this does not mean that you can continue to violate your lease. If you refuse treatment and the behavior continues, you could be evicted.

My mom is a person with depression and she has to move out of her apartment. She's upset because everywhere she goes they tell her "NO PETS". She relies on her little dog "Fluffy" for companionship—and her doctor believes the dog provides emotional support and helps in treating her depression. I'm afraid for her emotional well-being if she has to give him up. Can anything be done?

Yes. Although many landlords understand the obvious need of a person with a disability for a "service animal" like a seeing-eye dog, recent research also makes it clear that people with other disabilities can benefit tremendously from an emotional support animal. Like a seeing-eye dog, an emotional support animal is NOT to be considered a "pet" but rather an "assistive aid" requiring the landlord to make an exception from their "NO PETS" policy so that the tenant with an emotional disability can use and enjoy his or her dwelling.

How would a request for an accommodation be determined "reasonable"? What if my landlord still says NO?

An accommodation must be: 1) Requested of the housing provider; 2) Necessary and related to the disability; and 3) Reasonable- i.e. not an administrative or financial burden to the landlord or a fundamental alteration to the way housing is provided. If you have made a request for a reasonable accommodation and your landlord still refuses to comply, you may be able to file a discrimination complaint under the Fair Housing Act.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**