

FAIR HOUSING FACT SHEET

Disability Discrimination

The *Fair Employment and Housing Act* protects you from illegal discrimination and harassment in housing based on a mental or physical disability. Discrimination includes, but is not limited to, the following actions:

- Refusal to rent, lease, or sell housing accommodations
- Refusal to negotiate for the sale, rental, or lease of housing accommodations
- Representation that a housing accommodation is not available for inspection, sale, or rental when that housing accommodation is in fact available
- Provision of inferior terms, conditions, privileges, facilities, or services in connection with the housing accommodations
- Cancellation or termination of a sale or rental agreement
- Failure to design and construct multi-family dwellings in a manner that allows access to and use by persons with disabilities
- Provision of segregated or separated housing accommodations
- Refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person, when the modifications may be necessary to afford the disabled person full enjoyment of the premises
- Refusal to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling
- Discriminatory policies, practices, terms, or conditions that result in unequal access to housing or housing-related services

What is considered a disability under California law?

- Under California law, a disability is a **mental or physical impairment, disorder, or condition that limits a major life activity**. The definition of disability includes a diagnosis of HIV/AIDS and medical conditions, which include any health impairment related to cancer or genetic characteristics. The definition of disability also includes a perception that the person is disabled.
- The definition of disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "Major life activities" is a broad category. Examples of major life activities include, but are not limited to, physical, mental, and social activities and working. Whether a disability or condition "limits" a major life activity must be determined without regard to any mitigating measures, such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

What rights do I have as a tenant with a disability?

Persons with disabilities are entitled to be free from harassment and discrimination in all aspects of housing. They also have a right to reasonable accommodation in rules, policies, practices, or services related to housing when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling and are permitted, at their own expense, to modify their dwellings to ensure full enjoyment of the premises.

Furthermore, it is unlawful for owners of housing accommodations to make written or oral inquiries to determine whether a person seeking to purchase, rent, or lease a housing accommodation has a disability, unless part of the interactive process for a tenant seeking a reasonable accommodation.

At a minimum, multi-family dwellings must have the following features:

- At least one building entrance on an accessible route
- Public and common areas that are readily accessible and usable by persons with disabilities
- An accessible route into and through the covered dwelling unit
- Doors, kitchens, and bathrooms designed to allow access, passage and maneuvering by persons using wheelchairs
- Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
- Reinforcements in bathroom walls to allow later installation of safety grab bars around toilets, tubs, or shower stalls, and seats

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What should I do if I believe I have been discriminated against?

If you believe you have experienced illegal discrimination or harassment, you can explore filing a complaint with the Department of Fair Employment and Housing (DFEH) by taking the following steps within one year of the incident:

- Contact the DFEH in writing or at our toll-free number **(800) 884-1684**
- Provide specific facts about the incident or situation
- Provide copies of documents that support the charges in your complaint
- Keep records and documents about the complaint, such as a diary or log of incidents, rent receipts, applications, and other potential proof of discrimination

What will the DFEH do?

If your complaint is accepted, the DFEH will conduct an impartial investigation. The DFEH is a neutral fact-finder and does not represent you or the parties named in the complaint. The DFEH tries to assist both parties to resolve the complaint.

Examples of resolutions include:

- Making available the previously denied housing or accommodation
- Compensation for losses and emotional distress
- Training and policy changes to prevent future discrimination
- Other actions to eliminate the effects of discrimination, such as penalties and fines

If the DFEH is unable to resolve the complaint, and there is sufficient evidence to establish a violation of the law, the matter may be litigated in civil court.

Can I file a lawsuit before or after I file a complaint with the DFEH?

You have the right to file a lawsuit on your own behalf in a California court within **two years** of the alleged discriminatory act. It is not necessary to file a complaint with the DFEH prior to the filing of a lawsuit. If you do file with the DFEH, the time that a complaint is pending with the DFEH will not count when computing the two-year period.

Are there other agencies that can help?

The U.S. Department of Housing and Urban Development (HUD) enforces federal laws that prohibit discrimination in housing. HUD also monitors subsidized housing programs. For more information, call (800) 347-3739, or visit their website at www.hud.gov.

The State of California Department of Consumer Affairs can help with questions or complaints regarding landlord/tenant relationships including repairs, safety violations, and Health and Safety Code violations. For further information, call (800) 952-5210, or visit their website at www.dca.ca.gov.

The Mobile Home Ombudsperson at the California Department of Housing and Community Development can help with questions or complaints pertaining to mobile homes, including health and safety issues, maintenance issues, and warranty issues. For further information, call (800) 952-5275, or visit their website at www.hcd.ca.gov.

For more information, contact the DFEH toll free at **(800) 884-1684**,
TTY number at **(800) 700-2320**, or visit our website at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.



State of California

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