



Fair Housing Tip of the Month

Tip #5

Answering Questions from Prospective Landlords

“What should I do if I’m applying for housing and a landlord asks me if I have ever been treated for a mental illness? Do I have to give him personal information like this?”

The law says: You do not have to answer this question. In fact, a landlord who asks you questions about your mental health is violating federal and state fair housing laws. Fair housing laws make it illegal for a landlord to ask questions aimed at learning about someone’s disability. Other topics that are illegal for a landlord to ask about include your race, color, religion, sex, national origin, familial status, marital status, source of income, physical disability, ancestry or sexual orientation.

What to do: One response to such an illegal question would be to redirect the inquiry. You might say, “That’s private information. I’d be happy to answer any questions related to my appropriateness as a tenant.” If a landlord persists in attempting to illegally get information from you, you can file a complaint with a local fair housing agency, with California’s Department of Fair Employment and Housing (DFEH), or with the federal Department of Housing and Urban Development (HUD).

Exception: There are housing programs that provide housing for people with disabilities, or for people with specific disabilities. If you apply for housing through one of these programs, the landlord is allowed to ask whether you qualify. For example, if you apply for housing for people with disabilities, the landlord may ask if you have a disability, but he may not ask you what particular disability you have. If you apply for Housing Opportunities for Persons With AIDS (HOPWA), the landlord may ask if you have AIDS, but he may not ask your T-cell count.

To file a complaint with the U.S. Department of Housing & Urban Development (HUD), call (800) 669-9777, or visit: www.hud.gov/offices/fheo/online-complaint.cfm

To file a complaint with the California Department of Fair Employment & Housing (DFEH), call (800) 884-1684, or visit: http://www.dfeh.ca.gov/Complaints_FileComplaint.htm

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 or another attorney of your choice.

The Fair Housing Tip of the Month is funded by a grant from the U.S. Dept. of Housing & Urban Development Fair Housing Initiatives Program (Grant #FH400G10022).

For more information, contact Carey Stone at 213-389-2077, ext. 15, or cstone@mhas-la.org.
To sign up for the Fair Housing Tip of the Month by email, visit www.mhas-la.org.