

PROTECT YOUR RIGHTS

Persons with mental health conditions often have a very difficult time obtaining a rental unit or other housing. Some people actually believe that it's OK to reject a rental application or to evict an individual simply because "other people don't like his looks" or "she makes people uncomfortable." Well, it's not all right — IT'S ILLEGAL!

There are state and federal laws to protect persons with mental health conditions from housing discrimination, and to make sure that they receive equal access and opportunity to enjoy the property as other tenants. The purpose of this flyer is to provide some basic information about the rights of persons with mental health conditions, and to help figure out if there has been illegal discrimination.

To protect your rights, you do not have to disclose details of your mental health conditions. However, when asking for a reasonable accommodation, applicants must show that they qualify as a person with a disability, and that the accommodation is related to the disability.

WHAT SHOULD YOU DO IF YOU THINK THERE HAS BEEN ILLEGAL DISCRIMINATION?

**For more assistance, contact
Connecticut Legal Rights
Project, Inc.
Toll Free 1-877-402-2299
TTY 860-262-5066
860-262-5030
www.clrp.org**

Connecticut Legal Rights Project, Inc., is a statewide non-profit agency which provides legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

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*The information in this pamphlet is based on laws in CT as of October, 2019. We hope that the information is helpful. **It is not intended as legal advice for an individual situation.** If you need further help and have not done so already, please call Connecticut Legal Rights Project or contact an attorney.*



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

HOUSING RIGHTS FOR PERSONS WITH MENTAL HEALTH CONDITIONS



#1 BASICS OF FAIR HOUSING RIGHTS: HOUSING DISCRIMINATION

**LEGAL REPRESENTATION FOR PEOPLE
WITH MENTAL HEALTH CONDITIONS**



WHAT IS FAIR HOUSING?

Federal and state laws protect the rights of persons with mental health conditions and other disabilities to live in the housing of their choice without discrimination. This is not a preference. Fair housing laws give persons with disabilities the same opportunity to obtain or retain housing as persons who do not have a disability.

WHAT DOES THIS MEAN?

Fair housing means that the landlord cannot discriminate in applying the rules. However, if a tenant with a disability asks for a reasonable accommodation, the landlord may be required to make physical alterations or waive the rules to provide the tenant with a disability an equal opportunity to access the premises.

HOW DO YOU KNOW IF IT'S DISCRIMINATION?

There may be obvious signs that a landlord is discriminating. For example, she or he may ask specifically about a person's treatment, or whether he or she takes medications. This can indicate that the landlord is reacting to the person's disability, and that the refusal to rent could be based upon the disability. This

is illegal. In some instances, the refusal to renew a lease may be discriminatory.

On other occasions, the landlord may use a more neutral sounding excuse to justify a refusal to rent. For example, they may refuse to provide a rental application, stating that apartments are no longer available, even though they are still running ads in the paper. Sometimes they will demand a larger security deposit or higher rent than for other tenants. This is illegal.

THE BASIC RULE IS THAT THE LANDLORD CANNOT TREAT THE PERSON WITH A DISABILITY DIFFERENTLY THAN OTHER PEOPLE.

CAN THE LANDLORD ASK ABOUT MY INCOME, CREDIT OR BACKGROUND?

The landlord has the right to ask about an applicant's income (provided it is asked of everyone), but the landlord cannot refuse to rent because a prospective tenant depends on a lawful source of income, such as Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), Section 8, Shelter Plus Care, etc., to pay the rent. **Connecticut laws specifically prohibit discrimination based on source of income.** In addition, the landlord cannot demand that an individual get a conservator or a representative payee. The landlord can also ask questions about a person's rental and credit history, and can conduct a criminal background check, as long as this is done for everyone.

The landlord cannot ask about a person's mental health condition. If a criminal or credit history has been affected by the person's mental health condition, a request for reasonable accommodations may be made. (See CLRP's Housing Rights Flyer #3 on Reasonable Accommodations for more information.)

DOES THE FAIR HOUSING LAW APPLY TO ALL HOUSING?

The State of Connecticut's legal protections for persons with disabilities generally apply to all housing, except an owner-occupied building with no more than two rental units; and the rental of a room or rooms in a unit where the owner lives.

ARE THERE OTHER HOUSING RIGHTS FOR PERSONS WITH DISABILITIES?

The Fair Housing Act is meant to give persons with disabilities the same housing opportunity as other persons to use and enjoy a dwelling unit or common area. Therefore, the law says that a person with disabilities is entitled to a "reasonable accommodation" (waiving or changing the policies, rules and procedures of the landlord), if that is necessary to access housing. Reasonable accommodations and modifications are specific to each person's situation. (See CLRP's Housing Rights Flyer #3 on Reasonable Accommodations for more information.)