



Teachers' Guide

Freedom Self-Advocacy Curriculum Module C-- Second Workshop

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In cooperation with:

National Mental Health Association
National Association of Protection and Advocacy Systems

With grateful acknowledgement to the Community Support Program (CSP) of the federal
Center for Mental Health Services.

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Advocacy Module C—housing rights

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IV.A. A real-life scenario

(10 minutes. Materials: The Consumer’s Story for Advocacy Module C about housing rights.)

1. Distribute photocopies of the Consumer’s Story for Advocacy Module C about housing rights.
2. Read aloud “Carl’s story” about the person who has been having trouble with his rental agent.

IV.B. Practice analyzing the problem

(10 minutes. Materials: The Consumer’s Story for Advocacy Module C about housing rights.)

1. Facilitate a discussion of the question, “What facts are relevant to Carl’s problem with the rental agent?”

Here are some fact’s relevant to Carl’s situation:

- § *He has symptoms (facial tics) and behavior that have been noticed by the rental agent.* This helps to show that the rental agent is knowingly acting upon his perception of Carl’s disability.
- § *A mental health professional had advised Carl to use a representative payee.* Although this fact might not have been as obvious, to request an exception from the supposed “payment in person” policy—in other words, a “reasonable accommodation”—Carl will have to demonstrate that a health care professional has said that the accommodation is necessary.
- § *Carl’s landlord has accepted Carl’s payments without penalty, and the policy of demanding payment in person was implemented only after a personnel change.* This further demonstrates that it is the rental agent’s bias, rather than a “policy” that has led to the demand for payments in person.
- § *The rental agent has made hostile statements in reference to Carl’s diagnosis.* Harassment by an agent of a landlord is a violation of state and federal housing laws.

2. Facilitate a discussion of the question, “What additional information should Carl try to find out?”

To help his case, Carl should try to find out:

- § Whether other tenants have been advised of the need to pay in person. If Carl is being singled out based on his disability, then this is further evidence of discrimination.

- § Whether other tenants have been waiting unreasonable amounts of time for repairs. Failing to make minor repairs promptly probably is not *in itself* a violation of the law. However, if the rental agent has purposefully made Carl wait because of his disability, then this would be unlawful discrimination.

IV.C. Practice formulating a solution

(10 minutes. Materials: The Consumer’s Story for Advocacy Module C about housing rights.)

1. Facilitate a discussion of the question, “If you were Carl, what would you want to happen?”

Carl seems to be happy at his apartment, and there is no valid reason for him to move out. It might be difficult for him to find another place that he likes and can afford. Based on his legal rights, Carl should be entitled to at least:

- § the rental agent stopping his harassment of Carl;
- § the repair to his faucet being made on the same basis as repair requests made by other tenants; and
- § the renewal of his lease with a provision allowing Jessica, the representative payee, to continue paying his rent.

2. Facilitate a discussion of the question, “What would probably be the quickest way to resolve the problem?”

Carl can *contact his landlord*, using one of two approaches:

- § *Concentrating on the positive aspects of the representative payee system.* Under the current system, which has worked for many years, Carl has always paid his rent. Of course, this approach would not end the harassment.
- § *Informing the landlord of the harassment.* The landlord might not want someone working for him who might end up getting him (the landlord) sued for discrimination. Of course, this latter strategy might lead to further retribution from the rental agent.

IV.C. Practice deciding on an action plan

(5 minutes. Materials: The Consumer’s Story for Advocacy Module C about housing rights.)

1. Facilitate a discussion of the question, “What is the best way for Carl to proceed?”

Carl could have a doctor write a letter explaining the need for a third party paying his rent. He should try to approach the rental agent in a non-aggressive manner so

that the rental agent does not feel attacked and can think about the manner. He could have the SSI agent write a letter for him so that the rental agent could hear his side as well.

IV.E. Legal Background

(5 minutes. Materials: The Legal Background for Advocacy Module C about housing rights.)

1. Make sure that you filled in the sources in the Legal Background for this Advocacy Module.
1. Distribute the Legal Background for Advocacy Module C about housing rights to everyone in the class.
2. Explain to them that this can help them prepare for the third workshop. It provides a good source to learn more about housing systems and their relationship to mental health consumers.

IV.F. Wrapping-up

(5 minutes)

1. Thank your students for coming. Tell your students that they will continue with the same Advocacy Module in the third workshop.
2. In the third workshop, they will learn the skills they'll need when advocating for their housing rights.
3. Remind them that they can use the *Self-Advocacy* Technical Assistance Guide they were given in the first workshop to help them prepare for the skills they are going to learn in the next workshop.

Advocay Module C

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Housing Rights

Consumer's Story

For many years, Carl has lived in the same tiny apartment in a building north of downtown. It's not the nicest or safest neighborhood, but Carl doesn't mind living there because living on his own is a lot better than the hospitals and boarding houses where he's lived in the past. He can walk to a nearby drop-in center, where he likes to spend time with the friends he's made there. He's also near a library and enjoys reading science fiction novels; the librarians all know him and set aside the new books for him when they come in.

Although his life isn't easy, Carl feels better now than he has in quite some time. He was diagnosed with schizophrenia while he was in college. He still hears voices, and he also has facial tics that were caused by years of using medications.

When Carl first began experiencing problems, his family was devastated because he was the first person in their family ever to attend college, and they had put high expectations on him. For a long time, Carl had little contact with his family as he spent time in and out of hospitals and shelters. However, after his father died of cancer, his mother tried to mend her relationship with Carl.

Carl's SSI payments go to a representative payee, Jessica, who works for a local mental health agency. Jessica pays his rent for him and gives him what's left of his check in two payments. Carl also works a couple of hours a week at the drop-in center's snack bar—just enough money so as not to jeopardize his SSI checks. Between this money and his food stamps, Carl is barely able to make ends meet, but occasionally his mom helps him out a little bit.

Every year, Carl's landlord has renewed his lease. In the years he's lived in the building, Carl has seen many tenants come and go. Some have been evicted, some have gone to jail, and some have disappeared owing months of rent. Carl's rent hasn't always made it on the first of the month because sometimes his Social Security check is late, but he's never fallen behind on his rent. He's never been asked to pay the late fee that the lease says is required if the rent is received after the fourth of the month.

Three months ago, the landlord hired a new rental agent, and he and Carl don't get along very well. Carl has been trying to get the rental agent to fix a dripping faucet that makes

it difficult for him to sleep. The rental agent was rude to him every time he mentioned it, and said, “I’ll get to it when I get to it. There are more important repairs ahead of your dripping faucet.” Sometimes, Carl felt that the rental agent was mocking his facial tics when they spoke.

One day, Carl was waiting in the lobby of the building for some friends to come by so that they could all walk together to the drop-in center. The rental agent came up to Carl and said that he didn’t want Carl hanging around in the lobby of the building. He told Carl, “Look, I’m trying to rent some apartments, and I don’t want people thinking this building is full of freaks who talk to themselves.”

This confrontation with the rental agent made Carl feel really down. He talked about the incident at his support group at the drop-in center that day. His friends told him that they had had similar experiences, and the important thing was to rely on his friends instead of worrying what clueless jerks have to say. Although talking with his friends made him feel better, he still was very angry with the rental agent.

Carl’s lease is now up for renewal. For the first time since he had moved to the building, Carl was not sent a letter saying that his lease would automatically renew if he wanted it to do so. Instead, the rental agent delivered a letter stating that the building’s policy was that the rent must be paid in person on the first day of the month. The letter said that because a third party had been paying his rent, and because it was not always received on the first of the month, the rental agent would not renew the lease unless Carl agreed to pay the rent in person.

Carl went to talk to the rental agent and ask him why he had sent this letter instead of renewing the lease. The rental agent said that he didn’t want a third party paying Carl’s rent because “if they stop paying, they don’t have to worry about getting kicked out. I want to deal with you so I can make sure you’re paying.”

Carl thought that this was a stupid reason. He explained the reason why Jessica was in charge of paying his rent: when he got out of the hospital last time, his case manager had set up a representative payee to make sure the rent was paid each month. The rental agent said, “Maybe if you can’t even take care of your own money, you belong back in the hospital.”

Analyze the problem

Class discussion: What facts are relevant to Carl’s problem with the rental agent?

Class discussion: What additional information should Carl try to find out?

Formulate a solution

Class discussion: If you were Carl, what would you want to happen?

Class discussion: What would probably be the quickest way to resolve the problem?

Decide on an action plan

Class discussion: What is the best way for Carl to proceed?

Advocacy Module C

Housing Rights

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Legal Background

Here are some of your housing rights:

- To be allowed to rent or buy housing without regard to your disability or perceived disability;
- Not to be asked questions about your disability or perceived disability when applying for housing;
- To be allowed “reasonable accommodations” that will allow you to live in your chosen place of residence;
- To be free from harassment or intimidation on the basis of disability by landlords, rental agents, sellers, lenders, and neighbors;
- To be able to rent housing on the same basis as others, without additional conditions such as increased security deposits or monitoring;
- To be asked only those questions that are asked of other potential renters or buyers;
- To be free of discrimination in access to common areas, maintenance requests, lease renewals, or other courtesies and privileges extended to other tenants.

Source: *What “Fair Housing” Means for People with Disabilities*

Here’s what to do if you can’t resolve a housing problem yourself:

In case of discrimination based on disability:

Call the United States Department of Housing and Urban Development’s (HUD) complaint hotline at (800) 669-9777 and ask for a complaint form. They will tell you what you need to do in order to file a complaint. Once you file a complaint with HUD, they will refer your complaint to the appropriate local or state agency.

In case of other problems with a landlord:

You can also ask for help from your state’s Protection and Advocacy (P&A) agency, which you can locate by calling (202) 408-9514. Local legal services offices (“Legal Aid”) might also be able to help.

Local resources (to be supplied by workshop leader)

Regional HUD field office:

State P&A agency:

Legal services office:

Sources

Bazelon Center for Mental Health Law. *What "Fair Housing" Means for People with Disabilities*. 1999. Available by calling (202) 467-5730.



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Advocacy Module C—housing rights

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III.A. A real-life scenario

(10 minutes. Materials: The Class Exercises for Advocacy Module C about housing rights.)

1. Distribute photocopies of the Class Exercises for Advocacy Module C about housing rights.
2. Review “Carl’s story,” about the person who has been having trouble with his rental agent whose problem the students analyzed in the second workshop.

III.B. Practice written communication

(15 minutes. Materials: The Class Exercises for Advocacy Module C about housing rights.)

1. Ask your students to fill in the missing paragraphs from the letter to the landlord.
2. Tell your students that they have 15 minutes to complete the exercise.
3. Remind your students that the letter should be short, and they should stick to the relevant facts and remedies rather than focusing on complaints.
4. Remind your students that they can refer to HANDOUT J, HANDOUT K or the Technical Assistance Guide if they get stuck.
5. Circulate and help your students with the exercise if they need help.

Here is a sample letter:

I am writing to request a reasonable accommodation under the Fair Housing Amendments Act. I would like to pay my rent through a third-party representative payee rather than in person as required by my lease agreement.

I have been a tenant in your building at [address] for several years. During this time, I have paid my rent each month through a “representative payee,” who is an employee of a local nonprofit agency. My monthly Social Security check goes to the representative payee, who then pays my rent. Recently, your rental agent, [name], informed me that my lease would not be renewed unless I agreed to pay my rent in person.

I have a disability covered by the Fair Housing Amendments Act that requires me to use a representative payee to help me handle my money. If you desire, I will furnish documentation of this need from my health care provider.

I therefore ask that you continue allowing my representative payee to pay my rent. I think that this is a reasonable accommodation because it has not caused you any major trouble in the past few years that I have lived in your building.

Please contact me within ten days to let me know whether my request has been granted and my lease will be renewed.

III.C. Practice verbal communication

(15 minutes. Materials: The Class Exercises for Advocacy Module C about housing rights.)

1. Divide students into groups of three.
2. Explain that you will now practice verbal communication.
3. Explain that there are three jobs in the group, and that they will take turns doing each one:
 - § One person will play Carl.
 - § One person will play the landlord.
 - § One person will observe.
4. Ask your students to pick a role to start with and role-play a short phone call.
5. After a few minutes, ask the observers to provide feedback.
6. After a few minutes, ask the students to switch roles.
7. Repeat steps 5-6.
8. You can circulate and offer assistance, based on the advice given to the observer in the Class Exercises for Advocacy Module C about housing rights, under “When you are the observer.”

Resources for housing rights

Bazelon Center for Mental Health Law. *What “Fair Housing” Means for People with Disabilities*. 1999. Available by calling (202) 467-5730.