

## BEWARE OF PROVIDERS DISCLOSING CONFIDENTIAL INFORMATION TO LANDLORDS

Providers understandably want to maintain a good relationship with a landlord who rents to their clients. Therefore, they sometimes want to disclose confidential information about the person in recovery to the landlord. Providers do not have the right to disclose such information without the permission, preferably in writing, of the person being assisted with the housing search. Even if information is public record, affirmatively disclosing such information obtained through a confidential relationship is not appropriate. It is the landlord's responsibility to conduct a background check on all prospective tenants. Providers should be prepared to respond to a landlord's questions about why an individual is their client without disclosing confidential information.

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



**ACT IMMEDIATELY!**  
**DO NOT IGNORE IT!!**

**For more assistance contact  
Connecticut Legal Rights  
Project, Inc.  
Toll Free 1-877-402-2299  
TTY 860-262-5066  
[www.clrp.org](http://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.*

*The information in this pamphlet is based on laws in CT as of July, 2016. 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.

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## HOUSING RIGHTS FOR PERSONS WITH MENTAL HEALTH CONDITIONS



**#2**

## KNOW YOUR RIGHTS WHEN LOOKING FOR HOUSING

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



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.

### **FAIR HOUSING LAWS APPLY TO MOST CONNECTICUT 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.

### **YOU DO NOT NEED TO DISCLOSE A DISABILITY**

Persons with disabilities are not required to disclose a disability to a prospective landlord, AND the landlord is prohibited from asking about a disability. Although it is illegal to discriminate on the basis of disabilities, such discrimination occurs. Therefore, the decision of what to disclose belongs to the individual and not anyone assisting him or her.

Usually it is not a good idea to disclose, unless

- an accommodation is needed, or
- there is a preference for persons with disabilities.

### **BEWARE OF UNINTENTIONAL DISCLOSURES**

Persons assisting an individual with a housing search may inadvertently disclose the disability simply because they are known to work with persons with particular disabilities. If they make a contact or are mentioned by the applicant, the landlord may be aware of the disability even if it is not mentioned.

Some staff assisting with calls will identify themselves by a job title, such as mental health social worker, and that discloses the disability.

Mentioning the name of an agency known to work primarily with persons with disabilities when contacting a provider may also disclose the disability.

NO DISCLOSURE CAN BE MADE WITHOUT WRITTEN AUTHORIZATION

### **ACCOMMODATIONS**

The Fair Housing Act is meant to give persons with disabilities equal opportunity to use and enjoy a dwelling unit or common area. Therefore, the law says that a person with disabilities may be able to get a "reasonable accommodation" that waives or changes the policies, rules or procedures of the landlord in

order for the person with a disability to benefit from housing. Similarly, modifications to the building structure can also be done. In order to get an accommodation, the disability must be disclosed and connected to the requested accommodation. The tenant may be required to pay for physical changes and to restore the apartment to its original state when the tenant moves out. See CLRP'S housing flyer #3 for more information.

### **RECOVERY-ORIENTED HOUSING SERVICES MUST RESPECT THE INDIVIDUAL'S PREFERENCES**

State law and DMHAS policies mandate that a person in recovery has the right to individualized services, and the right to have the information needed to make independent and informed decisions. The individual has the right to be advised about a range of housing opportunities, and to decide which should be pursued even if those choices differ from the recommendation of the persons providing assistance with the housing search.

### **MAKE SURE THERE IS AN UNDERSTANDING AT THE BEGINNING OF THE HOUSING SEARCH PROCESS**

At the beginning of the housing search process, persons with disabilities should talk with persons assisting with the process about their options and their rights in terms of housing options and disclosure, including unintentional disclosure. If there are any questions about those rights, contact CLRP.