

MENTAL HEALTH ADVOCACY PROJECT

Asistencia Legal Para La Salud Mental

Law Foundation of Silicon Valley

111 West St. John Street, Suite 315

San Jose, California 95113

(800) 248-MHAP • Fax (408) 293-0106 • Telephone (408) 294-9730 • TDD (408) 294-5667

HOUSING RIGHTS UNIT

Who is eligible to receive services from the Mental Health Advocacy Project?

Mental Health Advocacy Project (MHAP) represents individuals who reside in Santa Clara County and who have or who identify as having mental health or developmental disabilities. Individuals do not have to meet a minimum income requirement to be eligible for MHAP's services. MHAP's informational and advocacy services are free to clients.

What is the mission of MHAP's housing rights unit?

The goal of the housing rights unit is to provide information, education, assistance and advocacy to individuals with mental health or developmental disabilities to help them understand and enforce their legal rights in housing. By providing clients with information and options, housing rights advocates hope to enable clients to make informed choices and lead independent, secure and fulfilling lives. Due to the competitive housing market in Santa Clara County, housing rights advocates work to help clients preserve their housing or pursue safe and affordable housing free from discrimination.

Whose interests do housing rights advocates represent?

Housing rights advocates represent the legal interests expressed by the client, so long as those interests are within the boundaries of the law and achievable within the advocates' resources. Advocates will discuss the relevant law, legal implications, and available options with clients to enable clients to make informed choices. An advocate will not take action on behalf of a client based on the advocate's perceived "best interest" of the client or based on the client's family, doctor or case manager's perceived "best interests" of the client.

What services do the housing rights advocates provide?

Housing rights advocates provide free legal advice, referral, assistance and representation in all areas of landlord/tenant relations. Specifically, housing rights advocates assist clients with the following issues:

- Discrimination based on disability
- Evictions and unlawful detainer actions
- Right to privacy
- Retaliation
- Requests for reasonable accommodations
- Code Enforcement complaints
- Return of security deposits
- Rent and security deposit increases
- Habitability problems
- Requests for repairs
- Section 8 housing choice vouchers
- Mobile home issues

What is a reasonable accommodation?

A reasonable accommodation is a change in a landlord's usual rules, policies, or procedures to take into account a tenant's disability when that change is necessary and reasonable for a tenant

What access do advocates have in a facility?

Patients' rights advocates may enter facilities to respond to and investigate a patients' rights complaint. The authority to interview staff and to inspect and copy medical charts and records relevant to an investigation of a complaint is guaranteed by law, as is access to records for purpose of auditing or monitoring a facility for compliance with patients' rights laws. Patient advocates may enter facilities to conduct certification review or other mental health hearings but will not review confidential records without permission from the client.⁴

What is the value of patient advocacy?

Advocates can help improve communication, diffuse tensions and resolve conflicts when disagreements arise between the consumer and a service provider. By reviewing policies and practices, advocates help prevent future conflicts by making the mental health system more responsive and humane in delivering mental health services. Advocates also help generate public awareness and support for financial, medical and social progress in mental health treatment. When consumers become involved in advocacy, they grow in independence and self-esteem.

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⁴ Cal. Welf. & Inst. Code §§5530, 5541, 5542, 5545