

Animals in Housing for Persons with Disabilities

Fact Sheet #5



Individuals with disabilities may require the use of animals to assist them in coping and/or managing their disabilities. Under fair housing laws, if an individual meets the definition of disability and can show a "nexus" between their disability and their need of an animal, they may ask the housing provider for a reasonable accommodation to policies that prohibit pets to allow the animal or be exempt from pet fees or pet deposits.

What is a reasonable accommodation?

A reasonable accommodation (RA) is a change in a housing provider's rules, policies, practices, or services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. RAs *must* be requested and approved by a housing provider before moving an animal into the property. Mostly commonly, a person with a disability requests an RA to a housing provider's "no pets" or other pet-related policy, to allow their animal on the property.

Can I be charged a pet fee or pet deposit?

If pet fees or a deposit are charged, you should request as part of your RA request to not be charged for any pet-related fees or deposits. Case law has established that the imposition of additional burdens due to a RA-based need on the person with a disability would subject that person to different and/or more adverse treatment than a similarly situated person without a disability.

What's the difference between a service animal and an emotional support animal?

Animals needed for a disability are often called by different names; there are not uniform definitions. Most often, they are called service, assistant, or emotional support animals but may go by other names. Service animals are typically for persons with physical disabilities and perform physical tasks. Assistive or emotional support animals are typically for individuals with cognitive, intellectual, or mental disabilities. However, each animal performs individualized tasks for the person's disability-based needs. Please note that the Americans with Disabilities Act (ADA) has guidance related to "service animals." ADA guidance would apply to company offices and areas open to the general public. In most situations, the federal Fair Housing Act is the law that applies in residential situations, not the ADA. **These animals should not be referred to as pets.**

What types of animals are allowed?

Cats or dogs are the most common animal in RAs. Some fair housing court cases have established that animals needed for disabilities could also be any animal that is specifically trained to meet the needs of the person with the disability. However, case law is still being established in this area so consult the FHCCI or an attorney if you need an animal that is not a cat or dog. Also, check if there are local ordinances which may restrict certain types of animals. If so, a RA would need to be made to that governing authority.

How do I request a RA to have an animal?

A RA request must be made and approved by a housing provider before moving an animal into the property. If someone's disability is visually obvious and the need for the animal is too, no further documentation is necessary. If a disability is not visually obvious, a housing provider may request verification that you meet the definition of disability and need the animal to assist with your disability. The FHCCI recommends making RA requests in writing and keeping copies for your records. **Please refer to Fact Sheet #4, "Reasonable Accommodations and Modifications," for more information.**

How is *disability* defined under the fair housing laws?

Under fair housing laws, someone can file a complaint due to the disability protection if they were discriminated against because they:

- Have a physical, cognitive, intellectual, and/or mental disability that substantially limits one or more major life activities;
- Have a record of having had a disability; and/or
- Were regarded as having a disability.

Who can request a RA to a "no pets" policy to have an animal?

The person seeking the RA must:

1. show that they meet the definition of disability under fair housing laws
AND
2. show a *nexus*, or relationship, between their disability and the need for the animal they are requesting the accommodation for.

The request itself can be made by the tenant or by someone on their behalf.

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/disability/>

Or scan the
QR code:





Is my housing provider allowed to require that I use a specific form to request my animal?

A RA request can be made in a variety of ways, including verbally or in writing (email, letter, forms); however, a housing provider should not require you to complete a specific form if you have already provided sufficient information for them to approve or deny your RA request. If additional information is needed, they should request it.

Can unit inspections occur?

Yes, as long as the unit inspections are at the same frequency as those with or without animals needed for disabilities. Proper notice should also be given in advance.

Do RAs apply to HOAs?

Fair housing laws cover not just rental units but also HOAs, condo associations, insurance, city or township governments, and more. Whichever party is enforcing the rule is who the RA request would be directed to.

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

What's the difference between a pet and an animal needed for a disability?

Pets are animals that may be owned by people with or without disabilities. Animals which are needed to assist individuals with disabilities in their daily living are working animals. They are **not considered pets**.

Training Requirements

Fair housing court cases have ruled that animals which assist people with disabilities may be formally *or* individually trained to meet the needs of their owner. Currently, there is no state or national standard which tests whether an animal qualifies as a service, assistive, or emotional support animal. Some training facilities provide "certification," while others do not. Any policies which require a certain type of training or certification would likely be unlawful due to fair housing case rulings.

What am I responsible for regarding my animal?

The owner of the animal must follow property rules and policies, and the animal cannot be a danger or threat to the safety of others or the property. For example, the owner of the animal must follow local leash guidelines and is responsible for timely clean up after the animal. Be aware of any local ordinances related to animal registration or inoculation requirements which could be enforced by the housing provider if other ordinances are also enforced at the property. Additionally, the animal's owner can be held responsible for any damage done to a property *above normal wear and tear*. A housing provider may request an animal (whether a pet or needed for a disability) be removed or given additional training if proven to be in violation of any rules or policies.

Are breed or size restrictions allowed?

Some fair housing court cases have established that animals needed for disabilities should not be restricted to specific breeds or sizes. However, case law is still being established in this area so consult the FHCCI or an attorney if you encounter such restrictions. Also, be sure to research if there are any area ordinances which may restrict certain breeds or sizes of animals. If so, a RA would need to be made to that governing organization before the housing provider. If a housing provider's insurer denies coverage due to a breed, a RA request could be made to the insurer.

Contact us!

If you are experiencing barriers to housing or need assistance with a RA request for an animal, please reach out to the FHCCI:



317-644-0673

Toll-Free: 855-270-7280

Relay: 711



info@fhcci.org

www.fhcci.org