
Assistive Animals

Assistive animals help persons with physical or psychiatric disabilities. Assistive animals can include service animals, emotional support animals, or other animals that assist a person with a disability. The terms “service,” “support,” and “assistive” can be used interchangeably to describe the different roles of assistive animals.

Service animals perform tasks for the benefit of a person with a physical, intellectual, or mental disability. Examples include: seeing eye dogs, an animal pulling a wheelchair, or hearing dogs. Service animals do not need to be registered with a service animal organization in order to be considered a “service animal.”

Support animals provide therapeutic benefit to a person with a mental or psychiatric disability. Support animals have been shown to be highly effective at mitigating the symptoms of disabilities such as PTSD and depression.

Assistive animals require no special training as it is often simply the presence of the animal that provides the benefit to the person with a disability.



To learn about fair housing:

Idaho Legal Aid Services Inc.

Fair Housing Hotline
1-866-345-0106 (toll-free)
TTY 1-800-245-7573

Fair Housing Portal
www.idaholegalaid.org

To file a fair housing complaint:

Intermountain Fair Housing Council
(208) 383-0695 in Boise *or*
1-800-717-0695 (toll free)

U.S. Department of Housing and Urban
Development (HUD)
1-800-669-9777 *or* 1-800-927-9275 (TDD)



“The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations do not necessarily reflect the views of the federal government.”

Idaho Legal Aid Services, Inc.



Fair Housing: Assistive Animals

“No Pets Allowed”

The federal Fair Housing Act requires housing providers to make reasonable accommodations in rules, policies, practices or services when necessary to provide equal opportunity for a person with a disability to use and enjoy a residential dwelling. Disability is defined under the Fair Housing Act as a physical or mental impairment that substantially limits one or more major life activities.

If a property does not allow pets, a person with a disability can submit a Reasonable Accommodation request to her housing provider and the housing provider must permit an assistive animal when necessary to provide the tenant with an equal use and enjoyment of the property. The person requesting the Reasonable Accommodation may need to provide documentation from a qualified professional (*e.g.*, physician, psychiatrist, social worker) to prove they have a need for the assistive animal.

Know Your Rights!

Housing providers cannot ask a tenant who requires an assistive animal to pay a pet deposit or fee for their animal. The housing provider cannot require special training for assistive animals. Finally, the provider cannot inquire about the nature or the severity of the tenant’s disability.

Types of Assistive Animals

A housing provider cannot place restrictions on the type of assistive animal allowed. An assistive animal need not be a dog or a cat. As long as the person making the request can show a need for that particular animal, the landlord should grant the request.

Additionally, the breed of the animal is typically unimportant. However, under certain circumstances landlords may be allowed to refuse an assistive animal based on breed. In order to do this the landlord must establish that having that specific breed places an undue burden upon her; usually due to higher insurance premiums or other safety risks. If this happens, the tenant can submit a Reasonable Accommodation request to the housing provider's insurance carrier to request that they waive the higher premiums.

Common Questions

Can I be charged a pet deposit for an assistive animal? No. Housing providers cannot charge a "pet" deposit for a person requesting a Reasonable Accommodation for an assistive animal. However, tenants can be held responsible for damages caused to the property by their animal.

Can a housing provider require that I sign a pet lease addendum? No, a housing provider cannot require a pet lease addendum for an assistive animal, or require that the animal have specific shots or vaccinations (unless required by local ordinance).

Can I have more than one assistive animal? Yes, if you have a distinct and separate disability-related need for each animal.

Housing Covered by the Fair Housing Act

The Fair Housing Act covers most housing programs and types of housing, including: homes, apartments, condos, nursing homes, manufactured homes, shelters and other structures occupied as residences. Some buildings, however, are exempt from the Fair Housing Act. If a housing provider claims to be exempt from the Act's requirements, you should contact an attorney or fair housing organization to learn your rights.

Reasonable Accommodation

If your place of residence has a no pet policy, you will need to request a Reasonable Accommodation from your housing provider.

- Make your request in writing.
- State that you have a disability and explain how the accommodation would assist you.
- Include a note from your qualified professional confirming that you meet the Fair Housing Act's definition of "handicapped" and an explanation of the connection between your disability and the need for an assistive animal.

A housing provider may request a verification of need, but only if your disability is not obvious. You do NOT have to disclose specific details about your disability, such as the nature or severity of your disability. Your housing provider cannot request details about your disability from you or your qualified professional.

A set of interactive Reasonable Accommodation request forms are available at Idaho Legal Aid's website at www.idaholegalaid.org.

Sample Request

Dear _____:

I am a tenant at _____. I have a disability as defined under the federal Fair Housing Act (42 U.S.C. 3601, et seq.). I require an assistive animal to help me with carrying out everyday activities.

The Fair Housing Act requires that landlords modify "no pets" policies or policies restricting types of pets to permit assistive animals to allow persons with disabilities equal use and enjoyment of the property. I request that you modify your rules to permit me to have my assistive animal reside with me.

I have attached verification of need from my qualified professional.

Please send your reply in writing within seven days. Thank you for your time and consideration, and I look forward to receiving your reply.

Sincerely,

(Send Request by Certified Mail)

Denial of Request

If your Reasonable Accommodation request has been denied, contact your housing provider and request a meeting. Under the Fair Housing Act, housing providers are required to engage in an interactive process, which means working with you to reach a solution that allows you equal use and enjoyment of the property. If the housing provider still refuses to provide you a needed assistive animal you should consider contacting the Fair Housing Legal Advice Line at 1-866-345-0106 or filing a fair housing complaint with HUD.
