



## **COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN HOUSING**

By Jo Becker, Education/Outreach Specialist, Fair Housing Council of Oregon

The federal Fair Housing Act (the "Act") prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability. One effect of prohibited disability discrimination is the issue of reasonable modifications (changes to the structure, such as a ramp) or reasonable accommodations (changes in rules or policies) when such may be necessary to afford a person with a disability the equal opportunity to full use and enjoyment of a dwelling.

We at the Fair Housing Council (FHCO) get a lot of questions, receive many complaints, and hear a great deal of confusion around the issue of reasonable accommodations to persons with disabilities, especially with regard to service animals. You should know that there is no formal training or certification requirement for an assistance animal. For Fair Housing purposes, the terms "assistance animal," "therapy animal," "service animal," and "companion animal" are interchangeable, and none of which should ever be considered a "pet."

The following is offered as a primer on what you should know about your rights and responsibilities with regard to this part of the law. If you have further questions or a specific situation, please call the Fair Housing Hotline at 800/424-3247.

### **WHAT IS A SERVICE ANIMAL?**

The Americans with Disabilities Act (ADA) defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some who are blind. Many of us are familiar with this is the type of service animal, but there are other examples as well:

- Alerting persons with hearing impairments to sounds.
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- Assisting persons with mobility impairments with balance
- Alerting persons of an oncoming seizure
- Providing emotional support for those with clinic depression

There are many, many more examples. In fact, one of our favorite stories to tell while giving Fair Housing classes is of an assistance iguana that woke his owner when his breathing pattern changed at night. This gentleman had sleep apnea but was unable to use the machinery often prescribed for the condition. As unconventional as it sounds, this arrangement worked for him and his request for an accommodation to his landlord's "no pet" policy was reasonable.

### **WHAT IT IS**

Under our understanding of federal, state, and local Fair Housing Laws, any animal—regardless of what it is called (IE: assistance, companion, therapy animal)—falls under the definition of a service animal.

Housing consumers who need an accommodation, must demonstrate that the requested accommodation is necessary, related to his/her disability, and needed to assist in fully utilizing and enjoying their home. This may come in the form of a letter of verification from a doctor, a therapist, a councilor, a social worker, etc.

Strong privacy rights surround disability under Fair Housing law; this is the extent of the information a housing provider is allowed to ask. You should never ask more detailed, probing questions about one's condition or treatment, such as, "Are you on your meds," "what's wrong with," "you don't look sick to me," "how can a cat possibly help your depression," etc.

#### **WHAT IT ISN'T**

A service animal is not a pet and should never be treated as one. Following are some Q&As and scenarios on the matter:

**Q: What if a housing provider has a "no pets" policy.**

Scenario: A deaf renter requests that the provider allow him to keep a dog in his unit as a reasonable accommodation despite a "no pets" policy. The dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway.

**A:** The housing provider must make an exception to the "no pets" policy to accommodate this renter.

**Q: May a housing provider charge a fee or require a deposit for an assistance animal?**

**A:** No. Even if pets are allowed on the property with a fee and / or deposit, assistance animals *are not pets* and must not be charged such fees / deposits. To be clear, housing providers may not require persons with disabilities to pay any fees or deposits as a condition of receiving a reasonable accommodation.

Scenario: Because of his disability, an applicant with a hearing impairment needs an assistance animal as a reasonable accommodation. The housing provider may not require the applicant to pay a fee or a security deposit as a condition of allowing the applicant to keep the assistance animal, regardless of any pet policy. However, if a tenant's assistance animal causes damage to the applicant's unit or the common areas of the dwelling, the housing provider may charge the renter for the cost of repairing the damage (or deduct it from the standard security deposit imposed on all tenants).

If you have questions, please visit [www.FHCO.org](http://www.FHCO.org) or call the Fair Housing Hotline at 800/424-3247.

For information about service animals in places of business visit:

<http://www.usdoj.gov/crt/ada/qasrvc.htm>

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This article brought to you by the Fair Housing Council; a nonprofit serving the state of Oregon and SW Washington. Learn more and / or sign up for our free, periodic newsletter at [FHCO.org](http://FHCO.org).

Much of the information provided here was taken from a Joint Statement by The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") on Reasonable Accommodations Under the Fair Housing Act and from Source: U.S. Department of Justice publication: Commonly Asked Questions About Service Animals in Places of Business, <http://www.usdoj.gov/crt/ada/qasrvc.htm>).

**Questions about this article? Want to schedule an in-office fair housing training program or speaker for corporate or association functions?**

Contact Jo Becker at [jbecker@FHCO.org](mailto:jbecker@FHCO.org) or 503/453-4016.

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