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St. Helens landlord must let tenants with mental disabilities keep assistance dogs

By Bryan Denson, The Oregonian
October 09, 2009, 6:16PM



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Marilyn Dirks and her companion dog, Tasaulgi

A St. Helens landlord must let tenants with mental disabilities keep assistance dogs to help them cope with their conditions, according to the terms of a settlement reached Friday in a federal civil rights lawsuit.

The government sued Ronald A. Lucas and R.A. Lucas Developments LLC last year to ensure compliance with the federal Fair Housing Act after Lucas denied tenant Marilyn Dirks' request to own a dog to improve symptoms of her mental disabilities.

Friday's agreement requires Lucas to create and follow a policy that shows he adheres to the Fair Housing Act. The federal law requires landlords to make reasonable accommodations to people not only for physical disabilities, such as blindness, but for mental problems.

"Our interpretation of a reasonable accommodation includes allowing assistance animals as an accommodation for mental health disabilities," said Assistant U.S. Attorney Adrian Brown, who handles federal civil rights cases in Oregon.

While Friday's consent decree applies only to the Dirk-Lucas dispute, Brown hopes the agreement encourages landlords to take a look at their policies to

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make sure they are complying with the Fair Housing Act. The law applies to any landlord who rents four or more single-family homes, apartment complexes or other multiple-family dwellings.

"This does set a precedent for how the United States views the Fair Housing Act and how it should be enforced," she said.

The case began last year, when Dirks -- who suffers from severe depression, post-traumatic stress disorder, arthritis and fibromyalgia -- asked Lucas to let her to keep a dog at the Old Portland Road Apartments.

Lucas denied her request, saying the apartments had a no-animal policy, but that she could have a bird or a fish, according to his answer to the civil complaint. On Friday, Lucas declined through attorney Allyson S. Krueger to elaborate on his dispute with Dirks.

Court papers show that Dirks and Lucas don't agree on much.

They went around and around over Dirks' request to keep a dog in her apartment. Then one day last fall, after seeking legal representation, Dirks brought home a pet -- a small terrier mix named "Tasaulgi" (pronounced Tuh-SAH-la) The dog remains with her at the apartment complex.

Friday's agreement, signed by Dirks, Lucas and their attorneys, has been handed to U.S. District Judge Michael Mosman for his consideration, Brown said.

"Mr. Lucas is going to be required to attend training on this kind of issue so that as a landlord (he) gets up to date, up to speed, on what the Fair Housing Act requires," she said.

The government will review Lucas' new policy and monitor his compliance for three years, said Brown, pointing out that the government's lawsuit was only to ensure that Lucas and his company followed federal law.

Dirks, Lucas and their lawyers came to a separate settlement to resolve monetary damages, the terms of which were kept confidential.

Bryan Denson

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