

SERVICE & ASSISTANCE ANIMALS IN HOUSING

RIGHT TO A REASONABLE ACCOMMODATION | WHAT IS AN RA?

- ▶ A reasonable accommodation (RA) is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces. Accommodations must be related to a person's disability. Housing providers must generally grant requests for accommodation if they meet these criteria. Persons with disabilities may request an RA for service animals or assistance animals, including support animals, under the Fair Housing Act.

WHAT TYPES OF ANIMALS ARE COVERED?

- ▶ The following are examples of animals that may be considered a reasonable accommodation:

SERVICE ANIMALS

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability

ASSISTANCE ANIMALS

Any animal that does work, performs tasks, provides assistance, or provides emotional support for a person with a disability (i.e., emotional support animal, therapy dog, etc.)

- ▶ **Breed, size, or weight limitations** do not apply to service or assistance animals. **Pet fees or deposits cannot be charged** for service or assistance animals.

GRANTING REQUESTS | WHAT QUESTIONS CAN A LANDLORD ASK?

- ▶ If the answer to the following questions is **"yes"**, a landlord **must approve** an RA request:

- 1 **Does the person seeking to use and live with the animal have a disability** — i.e., a physical or mental impairment that substantially limits one or more major life activities?
- 2 **Does the person making the request have a disability-related need for a service or assistance animal?** In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

- ▶ A landlord is **not permitted** to ask about the nature or extent of the person's disability.

- ▶ A landlord is **not required** to grant a request for an assistance animal if:

- The specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal.
- The animal is not commonly kept in households, except in rare circumstances.
- It causes an undue financial and administrative burden or a fundamental alteration of the normal service provisions.

For more detailed information on service and assistance animals in housing, please refer to HUD FHEO Notice: FHEO-2020-01, available online at: <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

