



*EVERYONE WELCOME*

## **Intermountain Fair Housing Council**

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### **Frequently Asked Questions Regarding: Reasonable Accommodations for a Support Animal**

#### **What is a reasonable accommodation?**

- An exception or change to the rules, policies, services, or regulations.
  - Permitting a service or companion animal in a “no-pet” community, without charging a pet deposit.
  - See 42 U.S.C. §3604(f)(3)(B)

#### **Where can I obtain guidance on reasonable accommodations?**

- **HUD/DOJ Statement on Reasonable Accommodations:**  
<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

#### **When is a request reasonable?**

- When the request is not an undue financial or administrative burden.
- When the request is not a fundamental alteration to the nature of the operation.

#### **What should a housing provider NOT do when a reasonable accommodation is requested?**

- Delay a request.
- Outright deny a request.
- Ignore a request.

#### **What should a housing provider do when a reasonable accommodation is requested?**

- Engage in an interactive dialogue with a tenant, consumer, or participant.
- Talk.
- Document actions and keep a record of actions taken.

**What is a support animal/service animal/companion animal/emotional support animal/assistance animal? Is there a difference?**

- An assistive device (not a pet) that helps a person with a disability use and enjoy his/her dwellings and ameliorate the effects of his/her disability.
- There is no difference in these terms. These terms are all the same and interchangeable.

**What animals are considered support animals?**

- Any breed, size, weight, and species.
  - State/County/City may impose limits on exotic animals and vicious breeds. However, a reasonable accommodation may be appropriate in some circumstances.

**How many service animals can a person have?**

- There is no limit on the number of service animals a person and or family can have.
- That being said, a housing provider can request a proof of need for each support animal for the person with the disability that is obvious but has a nonobvious need or whose disability is not obvious and there is not an obvious need for the animal.
- The qualified professional or person in the position to know should show how s/he needs an animal for each disabling condition.
- **Attention:** Some advocacy groups might argue that a person with a disability with multiple service animals which have a symbiotic relationship that helps one condition or several serve a need as a group and should not have to show a connection for each animal to each condition.
- Examine each request on a case-by-case basis and get help when you need it.

**What if the service animal has a litter or babies?**

- The litter is rarely considered service animals if ever.
- If against the rules, the housing provider may give the tenant a violation of the rules notice and request the tenant remove the litter once weaned.
- The landlord may charge the tenant a pet deposit if pets are allowed, or waive it, if the tenant agrees to remove the litter once weaned.
- Housing providers should never force the person to get rid of the service animal and litter until the puppies, kittens etc. are weaned.
- Any damage caused by the litter may be charged to the tenant if there is evidence to support such a charge.

**When can a tenant ask for a service animal?**

- Before and during your tenancy in a rental unit, housing program, etc. Anytime!
- If a tenant is applying for a unit, it is best to notify the housing provider of the service animal when the tenant applies. If the housing provider denies the request, the tenant should ask for help from the IFHC to educate the provider for the tenant.

- During a tenant's tenancy, if the tenant needs a service animal, make the request before getting the animal. Remember the housing provider should NOT outright deny, delay or ignore your request. If the qualified professional says the tenant needs a service animal and the tenant has a pet that can provide the need for disability, notify the housing provider in writing and make the request. Keep a copy for the tenant's records and landlord's records.

**When can service animals be required to get shots and a license?**

- If the State, city, or county requires animals to be licensed and or receive certain shots, the housing provider can require it. The tenant can also request a reasonable accommodation from the regulating government body if needed.

**Can a tenant/homeowner be required to get insurance for a service animal?**

- No, although renter's insurance and or liability insurance is always a good idea. In unusual situations in which the support animal is an exotic pet or "vicious" breed and the housing provider's insurance prohibits them or puts restrictions, then the housing provider should request a reasonable accommodation from the regulating government body or insurance company if needed. (See below regarding the Housing Provider's Insurance Company)

**Can a service animal be required to be spayed/neutered?**

- No. While it may be great idea because of overpopulation of animals, do NOT require it as it may be financial barrier to the person with the disability or cause harm to the service animal.

**Can a support animal required to be declawed?**

- No, as it may be financial barrier to the person with the disability and may cause harm to the service animal.

**Can an assistance animal be required to be on a leash?**

- It depends. If city or county ordinance requires an animal to be leashed, then it may be required, unless an animal cannot perform its need for the person. For example, a dog on a leash may have trouble alerting a person with Epilepsy that s/he is going to have a seizure and then have trouble keeping the person safe. The housing provider can also request a reasonable accommodation from the regulating government body if a leash is required. Don't require cats to be leashed.

**What should a housing provider do if the reasonable accommodation looks questionable?**

- Housing providers should engage in an interactive dialogue and get the tenant help from a fair housing organization or an organization that helps persons with disabilities.
- Let the organization get the tenant/homeowner help clarifying the reasonable accommodation and or proof of need.

- As a Housing Provider, do NOT contact the qualified professional/person in position to know directly or outright deny, delay or ignore a request.

**What should a housing provider do if the proof of need provider writes proof of need letters for everyone?**

- Because persons with disabilities need service animals and accommodations, we don't want anyone misusing the law.
- Housing providers should engage in an interactive dialogue and get the tenant help from a fair housing organization or an organization that helps persons with disabilities.
- Let the fair housing organization get the tenant/homeowner help clarifying the reasonable accommodation and or proof of need.
- As a Housing Provider, do NOT contact the qualified professional/person in position to know directly or outright deny, delay or ignore a request.

**What does a housing provider do if the proof of need doesn't say the person has a disability or needs the accommodation or doesn't provide a connection to the disabling condition?**

- Housing providers should engage in an interactive dialogue and suggest the tenant get help from a fair housing organization or an organization that helps persons with disabilities. The request and proof of need should say the person has disability under the FHA and show the connection between the animal and the disabling condition.
- Let the organization help the tenant/homeowner clarify the reasonable accommodation and or proof of need.
- As a Housing Provider, do NOT contact the qualified professional/person in position to know directly or outright deny, delay or ignore a request.

**What if the housing provider's insurance does not allow the type of service animal?**

(What if the housing provider doesn't allow a pit bull, kangaroo, chicken?)

- A reasonable accommodation may be appropriate in some circumstances.
- If it is an unusual situation in which the tenant/homeowner has an exotic pet or vicious breed service animal and the law and or the housing provider's insurance prohibits or limits them, then the housing provider should request a reasonable accommodation from the regulating government body if needed.
- See HUD's Insurance Policy Restrictions as a Defense for Refusals to Make Reasonable Accommodations:

<http://servicedogcentral.org/content/files/2006-06-12%20HUD%20memo%20on%20insurance%20policy%20restrictions%20related%20to%20reasonable%20accommodations.PDF> . Housing Providers Be Careful!

**When must a reasonable accommodation be granted?**

- When a person is disabled (as defined by the Fair Housing Act).

- When a person has made an accommodation request.
- When there has been a connection between the disability and the request.
- When the request is reasonable.

**Who is disabled, as defined by the Fair Housing Act?**

- A person who has a physical or mental impairment that substantially limits one or more major life activities.
- A person who has a record of such impairment.
- A person who is regarded as having such impairment.

**What is a major life activity?**

- Caring for one’s self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

**When can a housing provider NOT request proof of need?**

- When there is an obvious disability with an obvious need, no request for accommodation or proof of need is required.
  - Example: a person with a sight impairment requests a waiver of a “no pet policy.” A request and/or proof of need would violate the Fair Housing Act.

**When CAN a housing provider request proof of need?**

- When there is a non-obvious disability or an obvious disability with a non-obvious need.

**What verification is needed for a proof of need requirement?**

- Verification by a “qualified professional or person in the position to know”
  - Vocational rehabilitation counselor
  - Case manager
  - Physician’s Assistant, RN
  - Therapist, Physician
- The proof of need should never disclose the severity or nature of the disability.
- The proof of need must show the relationship between the disability, the accommodation, and how it will affect housing.

**What a housing provider CAN do?**

- Confirm that a verifiable disability exists through a qualified health/social service professional or person who is in a position to know.

- Verify that the resident with a disability can still meet essential obligations of tenancy.
  - Pay rent
  - Care for the apartment
  - Report required information to the landlord
  - Exercise care and control of his/her service animal

**What a housing provider CANNOT do?**

- Ask about the nature or severity of a person’s disability.
- Ask for an extra fee or additional deposit.
- Directly ask the qualified professional for proof.
- Deny the accommodation if proof is presented and suggested modification is reasonable.

**Where can I get sample forms for reasonable accommodations and proof of need?**

- Sample Forms:
  - <http://ifhcidaho.org/page14.html> (Sample IFHC Ken Nagy Document)
  - <http://www.idaholegalaid.org/SelfHelp/ReasonableAccommodation> (ILAS Interactive Self-Help Form)

**What if I need help or have questions regarding service animals, the Fair Housing Act or reasonable accommodations?**

- **Resources:**

U.S. Department of Housing and Urban Development (HUD)  
 1-800-669-9777  
 1-800-927-9275 (TDD)  
[www.hud.gov](http://www.hud.gov)

Idaho Legal Aid Services  
 (208) 345-0106 in Boise  
[www.idaholegalaid.org](http://www.idaholegalaid.org)

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



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