

# FACT SHEET: FAIR HOUSING FOR PERSONS WITH DISABILITIES - ASSISTANCE ANIMALS

---



## Protection under the Federal Fair Housing Act

The Federal Fair Housing Act prohibits discrimination in housing, both public and private, on the basis of race, color, religion, sex, national origin, familial status, and disability. One potential type of prohibited discrimination under this Act is a refusal to provide a reasonable accommodation to a person with a disability.

## Definition of a “disability” under the Federal Fair Housing Act

The Act describes disability as those individuals

- with a physical or mental impairment that substantially limits one or more major life activities,
- who are regarded as having such an impairment, and/or
- with a record of such an impairment.

Physical and mental impairments can include but are not limited to:

- visual, speech, or hearing issues,
- cerebral palsy, autism, epilepsy, multiple sclerosis, or muscular dystrophy,
- cancer, heart disease, diabetes, or HIV/AIDS,
- intellectual development disorder, and/or
- emotional illness.

## ASSISTANCE ANIMALS

### What are assistance animals?

According to the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, an assistance animal is one which works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability.

### Does an assistance animal require certification?

It is not necessary for an assistance animal to be individually trained or certified to qualify.

### How should a tenant request a reasonable accommodation for an assistance animal?

A tenant should go through the same process as a non-animal [reasonable accommodation request](#). The housing provider is expected to provide a timely response to the request.



### **May a housing provider ask for proof of disability or the need for an assistance animal?**

In cases where the disability is readily apparent or known and the need for the assistance animal is also apparent, this isn't necessary. However, in cases where the disability is not obvious or the need for the assistance animal is not apparent, the housing provider may request additional information.

### **What information may the housing provider request?**

In order to evaluate a request for reasonable accommodation, a housing provider may request information that is necessary to:

- verify that the person meets the Act's definition of disability,
- describes the needed accommodation, and/or
- shows the relationship between the person's disability and the need for the assistance animal

### **What materials can I provide to the housing provider if requested?**

Some materials that may be provided include but are not limited to:

- proof of Supplemental Security Income (SSI),
- proof of Social Security Disability Insurance (SSDI) benefits,
- a letter from a doctor or medical professional verifying the disability and the need for the assistance animal, and/or
- a letter from a non-medical service agency verifying the connection between the disability and assistance animal.

Materials should demonstrate how the assistance animal performs tasks which benefit the person with a disability or how the assistance animal alleviates one or more symptoms of a disability.

### **How is a request for an assistance animal evaluated?**

A housing provider will evaluate the following:

- Does the person seeking to use and live with the animal have a disability?
- Does the person making the request have a disability-related need for an assistance animal?

If the answer to both of these questions is yes, the housing provider must modify or provide an exception to a "no pets" rule or policy to permit the tenant with the disability to live with and use their assistance animal in all areas of the premises where people are usually allowed to go.

### **Can a housing provider charge for an assistance animal?**

A housing provider cannot require a tenant with a disability to pay a deposit, fee, or surcharge in exchange for having the assistance animal. Pet fees do not apply because an assistance animal is not a "pet," but exists in order to serve an individual's disability.

### **Can my request for an assistance animal be denied and, if so, when?**

A request for an accommodation allowing an assistance animal may only be denied if

- the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation and/or
- the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

A housing provider may not reference previous experience with other assistance animals in the past when considering the above statements. Additionally, any determination that the assistance animal would indeed cause the harms above would need to be based on objective evidence and not speculation.

### **Does an assistance animal have to be a dog?**

Unlike the Americans with Disability Act (ADA) which defines a service animal as only a dog, the Fair Housing Act allows assistance animals to be animals other than dogs. Therefore, it is admissible to have a cat, a ferret, or other animal as an assistance animal.

### **Can an assistance animal be held to breed, size, or weight restrictions?**

An assistance animal for a tenant with a disability cannot be held to a housing provider's usual restrictions on pets. An accommodation must be made for the tenant.

### **What should I do if I believe my rights have been violated?**

The Fair Housing Center of Southeast & Mid Michigan (FHC) is ready to help with any problem of housing discrimination.

We are a private nonprofit organization providing investigative services (testing), advice, advocacy, conciliation, attorney referrals, and community education for Clinton, Eaton, Ingham, Jackson, Lenawee, Livingston, Monroe, and Washtenaw counties. The mission of the FHC is to end discrimination in housing and public accommodations and to promote accessible, integrated communities.

If you think you have experienced housing discrimination or have a question about fair housing, call us at [877-979-3247](tel:877-979-3247).

You can also fill out a contact form on our website ([www.fhcmichigan.org](http://www.fhcmichigan.org)) and FHC staff will follow up with you to obtain additional information concerning your allegation or complaint of discrimination.

Information provided about allegations or complaints of housing discrimination will be kept confidential.

## Sources

American Bar Newsletter

[“Service and Support Animals in Housing Law”](#) – John Ensminger & Frances Breitkopf

Iowa Civil Rights Commission Factsheet

[“Service and Emotional Support Animals under the Fair Housing Act and the Americans with Disabilities Act”](#)

National Service Animal Registry

[“Housing Rights and Your Service or Emotional Support Animal”](#)

U.S. Department of Housing and Urban Development

[“Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs”](#)

