



Assistance Animals in Housing

My landlord says only service dogs qualify as an assistance animal, is he right?

No. For housing, the federal government uses a more inclusive definition of what types of animals must be allowed in housing as a reasonable accommodation under the Fair Housing Act (FHA.) The broader term used in housing is “assistance animal.” An assistance animal is “an animal that works, provides assistance, or performs tasks for the benefit of the person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a persons’ disability.” This means that, in addition to service animals, emotional support animals and animals that provide some type of disability-related assistance are permitted as a reasonable accommodation in housing.

Assistance animals can be any type of animal.

My housing complex has a “No-Pets” Policy. Must my landlord or HOA allow me to keep my assistance animal in my residence as a reasonable accommodation?

Yes. Housing discrimination against persons with disabilities is prohibited under federal law. Under the FHA, which covers most types of housing, landlords and homeowners’ associations must make reasonable accommodations for people with disabilities. The obligation to make reasonable accommodations includes a requirement that housing providers make exceptions to a “no-pets” policy to permit persons with disabilities to use and live with either a service or emotional support animal.

How do I get a reasonable accommodation?

You must request it. As a tenant, you have the responsibility to ask for a specific accommodation when you need it. You should make your request in writing.

What must I include in my request for an accommodation?

Your request for a reasonable accommodation must disclose the fact that you have a disability. You must describe the accommodation you want as specifically as possible and state why it would be helpful. You do not have to describe the specifics of your disability or give landlords a full copy or access to your medical history. You only need to provide proof that you have a covered disability, that an accommodation is needed, and that the accommodation you are requesting will allow you to use and enjoy your residence fully.

To have a covered disability under the FHA, you must have at least one of the following:

- 1) Physical or mental impairment that substantially limits one or more major life activities;
- 2) Record of such an impairment; or,
- 3) You are regarded as having such impairment.

How do I prove that I need an accommodation?

If you request an accommodation, a landlord has a right to ask you for proof of your need for it. However, the landlord should not request documentation if your disability and your disability-related need for the service or support animal is obvious, or if the landlord otherwise should have known about the disability and need.

There are limits on how much information a housing provider can ask. The landlord may ask for further proof of disability and for some evidence that the accommodation is necessary. However, the type of information you may need to provide depends upon your situation. The information might be provided by a doctor or nurse or by a non-medical service agency. For example, a letter from the health professional that prescribed or recommended the service or emotional support animal for you may be required. The letter should explain how the animal is useful to you but it does not need to disclose the specifics of your disability.

What if my landlord refuses my request because he thinks my dog is dangerous?

Your landlord can reject your request only if the animal:

- 1) Poses a direct threat to others;
- 2) Would cause substantial physical harm to the property of others;
- 3) Imposes undue financial or administrative burden to the landlord; or,
- 4) Fundamentally alters the nature of the services provided by the landlord.

In those cases, the landlord may refuse to allow a service or support animal. However, direct threat must be determined by individual assessment of the animal, not stereotypes about the breed.

Owners must ensure that their service or emotional support animal complies with state and local animal control laws and is not a danger or nuisance to the community.

Can my landlord make me pay a pet deposit for my assistance animal?

No. A housing provider may not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep the assistance (emotional support or service) animal. However, if the individual's assistance animal causes damage to the unit or the common areas of the dwelling, at that time, the housing provider may charge the individual for the cost of repairing the damage if the provider regularly charges tenants for any damage they cause to the premises. However, the landlord should only charge for excessive damage beyond what might be considered ordinary wear-and-tear.



Provided by the Disability Law Center of Alaska 2015
www.dlcak.org Toll Free, Statewide (800) 478-1234
3330 Arctic Blvd., Suite 103; Anchorage, AK 99503

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