



High Plains Fair Housing Center

How to Request a Reasonable Accommodation for Service or Assistance Animal | A Guide for Tenants

Part I: Service Animals

Do you have a disability as described by the Fair Housing Act? Under the Fair Housing Act, a disability is defined as:

- (1) individuals with a physical or mental impairment that substantially limits one or more major life activities
- (2) individuals who are regarded as having such an impairment
- (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

No

Only those who have disabilities as defined by the Fair Housing Act can obtain a Reasonable Accommodation.

Your animal is a service animal. No other inquiries by your landlord are appropriate, and they are obligated to promptly allow the request once you have requested it. Remember, assistance/service animals are not considered pets, so pet fees and any pet restriction policies that your landlord might have do not apply to you.

Yes

Is your animal trained to work or do tasks that assist you with your disability, other than emotional support? This is normally a dog, although there are rare exceptions (such as miniature horses and monkeys).

Yes

Is it readily apparent that the animal is trained to do work or tasks to assist with your disability?

It is readily apparent when the dog is observed:

- guiding an individual who is blind or has low vision
- pulling a wheelchair
- providing assistance with stability or balance to an individual with an observable mobility disability

Yes

No

Your animal is not a service animal, so your property manager has a right to request proof from someone knowledgeable about your disability (such as your doctor, social worker, therapist, etc..) that you have a disability and that the animal can assist with it. However, they are **not** entitled to know about your specific diagnosis or to have access to any of your medical records. Please continue on to **Part II** to learn how to request the reasonable accommodation for an assistance animal.

All information in this infographic is courtesy of HUD's FHEO-2020-01 "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act," released January 28, 2020.

Questions? Please contact us at 701-203-1077 or visit our website at highplainsfhc.org.

Part II: Requesting an Assistance Animal

Is your animal an animal that is commonly kept in households? Examples include a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish or turtle.

Yes

No

If you are requesting to keep a unique type of animal that is not commonly kept in households, then you have the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. You will need to submit suitable documentation from a health care professional confirming the need for this specific kind of animal. If your landlord has a policy prohibiting the kind of animal you wish to have, and you obtain the animal before submitting adequate documentation proving your need for the animal, your landlord can legally enforce that policy.

Have you (or someone close to you familiar with your disability such as a spouse, live-in caretaker, parent, etc..) requested a reasonable accommodation? The request can be verbal or in writing (although it is recommended that it be in writing in case a record of the request is needed in the future). Your property manager cannot force you to apply for the reasonable accommodation in a specific manner, such as a particular form or internet only.

No

Yes

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances.

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that: Allergies prevent the person from using a dog; or without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

A reasonable accommodation cannot be provided for you if you have not requested one. A request should be made promptly. It is fine if you already have the animal — the request is still valid and they cannot deny you just because you already obtained the animal before making the request. However, if you have not made the request and you have an unauthorized animal on the premises, the landlord could make you remove the animal, so make the request as soon as possible.

Has your property manager responded to your request and requested additional information about your disability as mentioned beforehand? A property manager cannot make you use their preferred format for the proof of your disability. The proof need only be from a legitimate source, as described below.

No

If you have made an effort to request a reasonable accommodation and your property manager has not responded or acted on the request in a reasonable amount of time, that can potentially be treated as a failure to provide it. Contact us — we may be able to help.

Yes

Submit a Legitimate Form of Documentation to Your Property Manager and Wait for a Response

Be aware that there are numerous for profit sites on the internet that offer to draft letters for the purpose of requesting a reasonable accommodation. They usually, for a fee, interview you for a short period of time and then issue you a letter indicating the need for the assistance animal. **Letters obtained from one of these types of websites are not legitimate. You do not need to pay for a letter, and the letters issued from these sites are commonly rejected by property managers.** However, there are some forms of documentation obtained over the internet that are acceptable. For example, a letter from a legitimate primary care physician that you are a patient of that remotely provides you services through telehealth would suffice. Other good forms of documentation would be a note from your physician or other medical professional that works with you, a social worker or other professional at a non-medical care agency, peer support group, or a reliable third party who knows about your disability.

After you submit your documentation to your property manager, they should respond ideally within a couple weeks. A lack of a response for a prolonged period of time could possibly be interpreted as a failure to grant the reasonable accommodation. Please contact us if your landlord has not responded in an inordinate amount of time.