

# REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

## What is a reasonable accommodation?

A "reasonable accommodation" 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 an equal opportunity to use and enjoy a dwelling, including its public and common use space. Housing providers, including homeowner and condominium associations, must make reasonable accommodations for persons with disabilities, such as allowing assistance animals in a no-pets building. A request need not be in writing, but it is recommended that a request be made in writing, so that there is a record of both the request and the date it was sent. When considering a reasonable accommodation request to allow an assistance animal, a housing provider may take into the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is there a relationship between the person's disability and the requested accommodation or modification?
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider? Would the requested accommodation require a fundamental alteration in the nature of the provider's operations?

A housing provider may not ask about the nature or severity of the disability. However, a housing provider may request information about the relationship between the person's disability and the need for the requested accommodation to allow an assistance animal. This information can usually be provided by the individual making the request. A doctor or other medical professional, a peer support group, a non-medical service agency, or another reliable third party who is in a position to know about the individual's disability may also provide the information.



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# FAIR HOUSING RIGHTS OF PERSONS WITH DISABILITIES TO REASONABLE ACCOMMODATIONS FOR ASSISTANCE ANIMALS



## HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing related transactions because of race, color, religion, national origin, sex, disability, or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals, and homeowners' insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative, and homeowner associations must not discriminate because of a protected characteristic.

Landlords and other housing providers may not discriminate against persons with disabilities. Pet restrictions cannot be used to deny or limit housing to persons with disabilities who require the use of an assistance animal. This brochure discusses how reasonable accommodations may be required to enable persons with disabilities who require the use of an assistance animal to use and enjoy a dwelling.

**Housing discrimination is against the law. One way to stop discrimination is to report it.**



## COMMONLY ASKED QUESTIONS AND ANSWERS

### What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

### Is an assistance animal a pet?

An assistance animal is not a pet. It is an animal that works, provides assistance, or 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 disabilities. Assistance animals perform many functions for persons with disabilities, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons with seizure-related disabilities to impending seizures, or providing emotional support to persons who have a disability-related need for such support.

Assistance animals under the Fair Housing Act are sometimes referred to as "service animals," "assistive animals," "support animals," "therapy animals," "emotional support animals," or "companion animals." Under the Fair Housing Act, housing providers have an obligation to accommodate persons who, because of their disability, require service dogs or other types of assistance animals to perform tasks, provide emotional support, or alleviate the effects of their disabilities.

### Must an assistance animal be trained or certified?

For purposes of a reasonable accommodation under the Fair Housing Act, an assistance animal does not have to be certified or individually trained. While dogs are the most common type of assistance animal, other animals may also be assistance animals. Assistance animals may be any breed, size or weight. Some, but not all, assistance animals wear special collars or harnesses. Assistance animals are not required to have special licenses, be certified, or have any visible identification.

### May a housing provider require a pet deposit for an assistance animal?

No. Since an assistance animal is not a pet, a housing provider may not require a payment of a fee or security deposit or other terms and conditions that apply to applicants or residents with pets. However, if an assistance animal causes damage to the rental unit or common areas, the housing provider may charge the tenant for the cost of repairing the damage, if it is the provider's practice to assess tenants for damage to the premises caused by tenants.

### What if a housing provider only allows pets under 30 pounds?

Assistance animals are not pets. Therefore a housing provider may not limit the size of the assistance animal. Assistance animals may be any breed, size, or weight and housing providers should reasonably accommodate a tenant with a disability-related need for an assistance animal by waiving any size or weight limitations that might otherwise apply to pets.

### When may a housing provider deny an assistance animal?

Housing providers are not required to grant an accommodation that is unreasonable. Allowing the animal may be unreasonable if it would result in a financial and administrative burden on the provider. In addition, a request may be denied if the specific assistance animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others. Whether or not an animal is a threat must be determined on an individual basis and not by assumptions or stereotypes about a particular type or breed of animal.

### What if the housing provider's property insurance carrier prohibits certain animals?

If an insurance carrier would cancel, increase policy costs, or adversely change policy terms because of the presence of a certain breed of dog or other animal that is an assistance animal, the insurance company would be violating the Fair Housing Act. The insurance company must make a reasonable accommodation to its policies and procedures to allow the assistance animal without changing the cost or terms of the provider's insurance coverage.

**If you or someone you know has experienced, or thinks they've experienced housing discrimination, contact High Plains Fair Housing Center.**