

FAIR HOUSING REVIEW ASSISTANCE ANIMALS

Reasonable Accommodations to 'No Pets' Policies in Housing

The Fair Housing Act protects people with disabilities from discrimination in housing transactions. The law allows for people with disabilities to ask for a reasonable accommodation, which is defined as a change in rules, policies, or practices that allow a person with a disability to use and enjoy a property in the same way as everyone else. It's the responsibility of a landlord, property manager, Realtor® or any other housing provider to grant a reasonable accommodation request when it's indeed "reasonable", or does not cause an undue financial and administrative burden. A common example of a reasonable accommodation is a landlord allowing a person with a disability to have an assistance animal, even though there is a "no pets" policy.

Many people with disabilities require the use of assistance animals in their daily lives, such as a guide dog for a person who is blind or a seizure alert dog for a person who suffers from epilepsy. While it is permitted to restrict pets from rental properties or condominiums, it is not lawful to deny a person with a disability the right to possess an assistance animal, as long as the animal's function has a direct connection to the person's disability. Assistance animals are considered different than "pets" under the Fair Housing Act, as assistance animals have a specific role to assist a person with a disability in a way that is related to the disability itself.

A landlord, property manager, condominium board or any other housing provider may request additional information or documentation to verify the need for an assistance animal if the requester has a disability that is not obvious, or the disability-related need is not apparent.

Assistance Animals are **NOT** pets! A landlord, real estate agent, property manager, condominium board, or any other housing provider **CANNOT**:

- Deny a person with a disability the right to have an assistance animal when requested as a reasonable accommodation
- Deny occupancy, or evict a person with a disability because he/she requests an assistance animal
- Charge extra fees (such as a monthly pet rent or a pet fee) for an assistance animal
- Stall or delay on responding to a request for an assistance animal
- Require mandatory training or certificates for an assistance animal
- In most cases, inquire about the nature or severity of a person's disability

Housing Equality Center Testing Uncovers Regional Noncompliance

Between 2009 and 2011, the Housing Equality Center conducted a testing audit of 15 large apartment complexes, real estate professionals and management companies in the Philadelphia region to understand how they would treat prospective tenants with assistance animals. Only two of the communities tested would permit an assistance dog without fees or restrictions. Two communities refused to allow the assistance dogs outright and one community said they only waive their “no dog” rule for people with visual impairments. Another community said the assistance dog exceeded the pet weight restriction. Five communities required additional pet rent between \$25 and \$70 a month and four requested additional refundable deposits between \$250 and \$500. Two of the communities tested required a \$250 nonrefundable pet fee for the assistance dog and at one community the tester was told that he could only rent a first floor unit due to the presence of the assistance dog.

Case Study: The Philadelphian

In 2011, a Philadelphia condominium association was charged by the U.S. Department of Housing and Urban Development with violating the Fair Housing Act. The charge alleged that the Philadelphian Owners' Association (POA), which manages the 776-unit Philadelphian condominium complex, required that residents provide burdensome and invasive medical documentation before requests for accommodation would be considered, severely limited access to the complex's facilities for residents accompanied by assistance animals, and failed to address several instances of harassment of residents requiring assistance animals.

According to the charge, POA implemented increasingly restrictive and onerous policies over a twenty-year period. The ending result was a 2011 POA policy that required exhaustive documentation to support a doctor's opinion about the necessity of an assistance animal and banned persons using assistance animals from accessing the main lobby, shuttle bus, social rooms, fitness rooms, mailroom, and laundry room, and required them to use the service elevator.

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The Housing Equality Center is a nonprofit organization leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws. We provide victims of discrimination with legal help, perform testing to determine the existence of discrimination, educate the public, consult with and train housing providers, and work with housing and related service providers to ensure compliance with anti-discrimination laws. We assist housing discrimination victims and conduct testing investigations in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties.



Visit online:

equalhousing.org

For information and assistance, contact:

info@equalhousing.org

(267) 419-8918

(866) 540-FAIR

(267) 419-8918
equalhousing.org