

# Project Sentinel

## Fair Housing Rights & Responsibilities: Service and Support Animals



Federal and state fair housing laws require that an accommodation be made to a “No Pet” policy to permit the use of a service or support animal by an individual with a disability, unless doing so would result in an unreasonable burden on the housing provider.



## *The Law*

Federal and state fair housing laws prohibit discrimination against a renter or buyer on the basis of disability. Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a place of residence. Making a reasonable accommodation can include permitting a disabled person to have a service or support animal in their apartment or house.

### *What is a service or support animal?*

Service or support animals are animals that assist people with disabilities in the activities of independent living. Service animals are not considered to be pets. Under the Fair Housing laws, unlike under the Americans with Disabilities Act, the animal does not have to be licensed or certified by any local or state government or any training program, or even have any formal training at all.

Service or support animals are often used as therapy tools to assist persons with disabilities. The animal may be incorporated as an integral part of the treatment process. Service or support animals are usually dogs or cats, but the tenant and their treatment provider may designate any animal. Service or support animals are called by a variety of names, including service, emotional support, therapy, and companion, but the name does not matter as long as the animal meets the requirements of the Fair Housing laws.

## *Examples of Service or Support Animals*

**G**uide or seeing-eye animal: serves as a travel tool by a person who is legally blind.

**H**earing Animal: alerts a person with a significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.



**M**obility Animal: assists persons who have a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, or helping a person up after a fall.

**S**eizure response animal: assists persons with a seizure disorder. The animal may go for help, or may stand guard over the person during a seizure, depending upon the person's needs. Some animals have learned to predict a seizure and warn the person.

**C**ompanion animal or emotional support animal: assists persons with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress, and difficulties regarding social interaction, and thus allow tenants to live independently and fully use and enjoy their living environment.

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### The Federal Fair Housing Act Definition

*A person with a disability is someone who has, has had, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.*

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## **Guidelines for Tenants**

### ***Request for a Service or Support Animal Accommodation:***

Tenants in a “no pet” unit should submit a written request to have a service or support animal as an accommodation for their disability.

### ***Verification of Disability and Need:***

If the disability is not obvious and the housing provider so requests, the tenant must provide written verification that he or she has a disability and that the accommodation may be necessary to give the person equal opportunity to use and enjoy the housing. However, the tenant need not disclose the nature of the disability. The best verification is usually a signed letter from the tenant’s healthcare or mental health provider on professional letterhead answering the following questions:

- ☛ Is the person disabled as defined by fair housing laws?
- ☛ In the health care provider’s professional opinion, does the person need the requested accommodation to have the same opportunity as a non-disabled person to use and enjoy the place of residence?

### ***Supervision:***

The animal must be supervised and the tenant/handler must retain full control of the animal at all times.

### ***Clean-up Rules:***

Never allow the service or support animal to defecate on any public or private property, (except the tenant’s own property) unless the tenant immediately removes the waste.

Always carry equipment to clean up waste from the service or support animal when you are in common areas or off tenant’s property.

Properly dispose of waste and/or litter.

Contact housing provider if you need assistance with waste removal.



## Guidelines for Housing Providers

### *Service or Support Animal Accommodations*

Property management or the property owner must consider a tenant's written request and the written verification from the tenant's healthcare or mental health provider regarding the service or support animal accommodation request. The only acceptable reason to deny such a request is if granting the accommodation would cause an undue financial or administrative burden upon the housing provider or change the nature of the property owner or manager's business.

### *Fees?*

Service or support animals are generally very well behaved and usually cause no damage to the property. However, if any damage is caused, the tenant will be responsible and the routine security deposit should be sufficient to cover the repair and cleaning cost. Any special deposit or move-in cleaning fee related to the service animal may be deemed discriminatory, and thus, illegal.

### *Awareness Training*

Property management and staff should be properly trained in the facility's service animal policies, including the following rules:



Service or support animals may accompany a tenant at all times and everywhere on the property except where animals are specifically prohibited.

Do not pet, feed, or startle a service or support animal. Petting a service or support animal can cause the animal to become distracted or disoriented, resulting in the tenant or handler being left without the trained assistance of his or her animal.

Avoid initiating conversation about the service or support animal, the tenant's disabilities, other service animals or a disabled individual one has previously known.

## Sample Verification of Disability



Dear Housing Provider:

(Name of tenant) is my client/patient, and has been under my care since (date). I am familiar with his/her history and with the functional limitations related to his/her disability. He/she meets the definition of disabled under the fair housing laws.

To enhance his/her ability to live independently and to fully use and enjoy the dwelling you provide, I am prescribing a service/support animal that will assist (name of tenant) with the functional limitations relating to his/her disability. The service/support animal will facilitate the patient's ability to use and enjoy his/her residence by (describe connection between disability and what the prescribed service/support animal does for disabled person).

Sincerely,

Name of Professional

## Sample Request for Reasonable Accommodation

This form can be used when requesting a reasonable accommodation. This specific form is not required; however, a tenant most likely will need to request an accommodation in writing. Any written request for accommodation must be considered by management.

Name:

Phone:

Address:

I have a disability as defined by the fair housing laws. I use a service/support animal to assist me with the functional limitations related to my disability. My service/support animal also enhances my ability to live independently and to fully use and enjoy the dwelling you provide.

Type of service animal: (dog,cat etc.):

I am requesting that you:

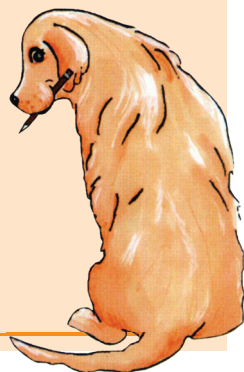
- ☐ waive your “no pet” policy
- ☐ waive your pet weight/height restrictions
- ☐ waive your pet deposit/pet related fees requirement
- ☐ other:

as an accommodation for my disabilities.

I have attached a letter from my treatment provider verifying that I have a disability and that I have a need for a service/support animal. Please provide a response in writing to my request within two weeks of the date of this letter.

Signed:

Date:



## Project Sentinel Can Help

Project Sentinel is a nonprofit Fair Housing agency that provides education and counseling to community members, housing providers, and tenants about the Fair Housing laws. We also investigate complaints and advocate for those who have experienced housing discrimination.

If you are a tenant, we may be able to:

- investigate your complaint
- educate the owner or manager about their legal obligations
- negotiate with the property owner or manager on your behalf
- help you file a complaint with a state or federal enforcement agency
- refer you to a free Fair Housing attorney for further legal assistance

If you are a housing provider, we may be able to:

- explain your obligations under the Fair Housing laws
- conduct a fair housing training for you and/or your staff
- provide you with additional educational resources

Our services are **free of charge** and available regardless of your income or immigration status.

### Our Service Area:

Project Sentinel is able to provide assistance over the phone or at one of our many regional offices. We provide assistance in the following geographic areas:

Santa Clara County  
San Mateo County  
Stanislaus County  
Sacramento County  
City of Fremont  
City of Merced



Toll Free: (888)324-7468

TTY: dial 7-1-1

Website: [www.housing.org](http://www.housing.org)

Email: [info@housing.org](mailto:info@housing.org)

Facebook: [facebook.com/PSProjectSentinel](https://facebook.com/PSProjectSentinel)

Twitter: @ProjSentinel

Project Sentinel is funded through the U.S. Department of Housing and Urban Development Fair Housing Initiatives Program and local Community Development Block Grants.

*Project Sentinel does not discriminate on the basis of race, color, religion, national origin, sex, disability, sexual orientation, gender identity, age, or familial status.*

\*To request materials in accessible formats for people with disabilities, please email [scotttrell@housing.org](mailto:scotttrell@housing.org)\*