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Your Right to Assistance Animals in Rental Housing

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What is the Fair Housing Act?

The Fair Housing Act is a set of federal civil rights laws originally passed by Congress in 1968 that protect everyone from discrimination in housing. One of the protections the Fair Housing Act created is the right for people with disabilities to get reasonable accommodations from their landlord.

What is a reasonable accommodation?

A reasonable accommodation is any change that is made to a landlord's usual rules in order to give a person with a disability an equal opportunity to use and enjoy their home. One of the most common examples of a reasonable accommodation is a person with a disability living with an assistance animal, even if their landlord usually has a "no pets" policy.

What is an assistance animal?

An assistance animal is not a pet. An assistance animal also does not need to be a trained or certified service dog, though it can be. An assistance animal is any animal that performs a task or gives emotional support to a person with a disability. There are many examples of assistance animals. Some examples include

- A dog that guides a person who is blind or has low vision

- A cat that helps a person with depression, anxiety, or post-traumatic stress disorder manage their symptoms
- A monkey that is trained to open jars, use light switches, and open doors for a person who does not have full use of their hands

How do I talk to my landlord about my assistance animal?

You can ask your landlord for a reasonable accommodation for your assistance animal at any time. You do not need to use the words "reasonable accommodation" or "assistance animal," but you should be clear about why you are asking your landlord to let you live with your animal. It is also a good idea to communicate with your landlord about your request in writing and to keep a copy of the correspondence for your personal records.

Your landlord is allowed to ask you for certain information about why you need an assistance animal, but you do not need to give your medical records to your landlord. Instead, you should be ready to give your landlord a letter from a health care provider explaining that you have a disability and how your need for your assistance animal is related to your disability.

What else should I know?

If your landlord allows your request for an assistance animal, it is still your responsibility to provide and care for your animal.

Your landlord may deny your request if your animal poses an unavoidable direct threat to the health and safety of others.

Your landlord cannot charge you extra fees or apply breed or size restrictions to your assistance animal.

If your landlord denies or ignores your request about your assistance animal, you can contact the Fair Housing Enforcement Project at Legal Assistance of Western New York, Inc. by calling 1-866-671-3247.

This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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