

**THE FAIR HOUSING PROGRAMS OF STEUBENVILLE, TORONTO & JEFFERSON COUNTY
OHIO VALLEY FAIR HOUSING CENTER
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Residents Who Have Service Animals

WHAT DOES THE LAW SAY?

The Fair Housing Act makes it illegal to discriminate against someone on the basis of a disability. If a disabled resident requests a “reasonable accommodation,” you must grant that request if it is indeed reasonable and the resident needs the accommodation to enjoy his home to the same extent that nondisabled residents enjoy their homes.

Allowing a disabled resident to keep a service animal is one kind of reasonable accommodation you might be required to make. Also, animals that provide emotional support rather than physical assistance to disabled people are considered service animals under federal fair housing law. Any distinctions drawn between conventional service animals and emotional support animals are false distinctions and must be avoided. Courts and the Department of Housing and Urban Development (HUD) have recognized things like security and unconditional love as legitimate benefits provided to disabled people by service animals.

This means you may need to deal with all types of service animals, fulfilling all types of roles, and you must know how to do that properly. For instance, you must know whether you are allowed to charge an additional security deposit for a resident who keeps a service animal in the apartment. If you allow all residents to keep pets, you need to know which of your pet rules, if any, you are allowed to apply to service animals. And you need to know what you can and cannot do when a service animal causes problems in the community, such as biting someone or barking all night and keeping neighbors awake. If you make a mistake in any of these situations, it could lead to fair housing trouble.

12 RULES FOR PROPERLY DEALING WITH RESIDENTS WHO HAVE SERVICE ANIMALS

Here are 12 rules to help you properly deal with residents who have service animals:

1. In general, don't apply pet rules to service animals
2. Set reasonable rules regarding service animals
3. Make accommodations for resident, not service animal
4. Enforce State, Local Health and Safety Laws
5. Treat all service animals to same, unless doing so is unreasonable
6. Don't charge additional security deposit to residents with service animals
7. Charge residents for damage their service animal causes
8. Ban service animals that create undue financial and administrative burden
9. Ban service animal that hurts someone
10. Don't require service animals to be identified as service animals
11. Don't divulge information about resident's disability to other residents
12. Don't provide care for service animals