

ASSISTANCE ANIMALS IN RENTAL UNITS

Federal and Vermont fair housing laws protect the rights of people with disabilities to keep assistance animals in their homes. An assistance animal can be any breed or size. It might wear specialized equipment such as a backpack, harness, special collar or leash, but this is not a legal requirement. The animal may have had some sort of specialized training, but this too is not a legal requirement under fair housing laws. Assistance animals are not just for individuals who are blind or visually impaired. Some people may have “hidden disabilities” such as cancer, chronic back pain, seizure disorder, mental or psychological disabilities. Assistance animals perform functions or tasks that provide individuals with disabilities an equal opportunity to use and enjoy a dwelling.

Assistance animals are typically dogs, but may include other types of animals. These animals assist persons with many kinds of disabilities in their day-to-day activities. These can include:

- | Alerting Deaf and hard-of hearing persons to sounds
- | Assisting wheelchair users by retrieving dropped items, opening doors and pulling a wheelchair
- | Picking up and carrying things for persons with mobility impairments
- | Assisting persons with their balance
- | Alerting and assisting persons with seizure conditions
- | Guiding persons with visual limitations
- | Providing emotional support to persons who have a disability-related need for such support

An individual with disabilities who wishes to keep an animal for assistance may need to provide a landlord with information specifying the individual's limitations and describing how the animal would allow the individual full use and enjoyment of the rental property. If an individual is able to provide reliable information to show that there is a disability-related need to keep an animal, a landlord generally must allow the individual to keep an animal in the rental unit, even if the landlord has a “no pet policy.” Under the fair housing laws, an assistance animal is not considered a pet.

□ **What a landlord may ask when an individual with a disability seeks to keep an animal in a rental unit:**

- } The landlord **may** ask whether the animal is an assistance animal.
- } The landlord **may** ask for reliable information that (1) is necessary to verify that the person meets the legal definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), and (2) shows the relationship between the person's disability and the need for the assistance animal. Depending on the individual's circumstances, this information can often be provided by the individual himself or herself (e.g., proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical [over ...]

service agency, or a reliable third party who is in a position to know may also provide verification of a disability.

□ **What a landlord may not require of an individual with a disability seeking to keep an animal in a rental unit:**

- } The landlord **may not** ask the individual for details about his or her disability. The individual with a disability is not required to explain the disability but, as part of a request for reasonable accommodation, may be required to specify the limitations that result from a disability.
- } The landlord **may not** require the individual to produce medical records beyond those necessary to verify the individual's limitations and need for an assistance animal.
- } The landlord **may not** require the individual to produce any certification or documentation about an assistance animal other than documents showing that the animal has been licensed where required by law.

A landlord cannot lawfully require insurance or an additional deposit because a tenant or applicant for housing has an assistance animal.

The tenant is responsible for the actions of the animal and can be held accountable for any damage to property and injury to others. Additionally, the tenant must comply with any established policies such as cleanliness and maintenance of the unit, health and safety rules, as well as any leash requirements and noise guidelines. If the tenant fails to abide by reasonable rules, the landlord may lawfully require that the animal be removed.

□ **The difference between an assistance animal and a service animal:**

A person with a disability may have a lawful right to keep an assistance animal in her or his home – but that same animal may not qualify as a service animal that would be allowed to accompany the individual into stores, restaurants, professional offices and other public places. The Americans with Disabilities Act regulations define a service animal as a dog (and in a few instances a miniature horse) that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of determining whether an animal is a service animal. Trained "seeing eye dogs" may be the best known type of service animal. By contrast, an animal may qualify as an assistance animal even if it has not been individually trained.

Questions? Contact the Vermont Human Rights Commission:

> Telephone toll-free - (800) 416-2010 (or, for TTY, (877) 294-9200)

> E-mail - human.rights@state.vt.us

> Web site - <http://hrc.vermont.gov>