

Assistance Animal Questions and Answers

Q: My landlord says I cannot keep my assistance animal, a pit bull, because his insurance policy does not cover pit bulls. Can he deny my reasonable accommodation request for this reason?

A: Your landlord might be able to deny your accommodation request if his insurance company would cancel the policy, charge a lot more, or change the terms of the policy because the company considers a pit bull to be a “dangerous breed.” But if you file a complaint with HUD and the investigator finds that there is a comparable insurance policy that would cover the pit bull, then HUD might find that the landlord has unlawfully denied your request. HUD might also determine that the insurance company has violated the Fair Housing Act (FHA). The facts need to be evaluated on a case-by-case basis. At minimum, your landlord should discuss his concerns with you and try to resolve the issue.

Q: I was recently granted an accommodation to my apartment’s “no pets” policy so that I can live with my assistance dog. My landlord tells me that my dog has to be on a leash in the common areas and cannot bark for more than ten minutes. Can he make these kinds of rules?

A: Yes, a housing provider may enforce reasonable rules and regulations regarding an assistance animal. A housing provider may have a standard “Assistance Animal Policy” in place or they can attach these rules as an addendum to your lease. A landlord may include rules about the use of leashes and barking, especially when the rules conform to state and local laws. Keep in mind that as the owner of the assistance animal, you are also responsible for the animal’s care and maintenance.

Q: My medical doctor recently suggested that I get an assistance animal to help alleviate the symptoms of my depression. Is there something I need from my doctor to let my housing provider know that I need an assistance animal?

A: Ask your doctor to write a letter on his letterhead verifying that you are disabled as defined by the FHA and that the assistance animal may be necessary to alleviate the symptoms of your disability. Under the law, a housing provider may not request medical records or access to your health care provider. The housing provider may also not inquire as to your diagnosis, nature, or severity of your disability. You do not have to fill out a form provided by the housing provider, but if you have no objections to the questions, you may use the form.

Q: I have an assistance cat and was recently denied a unit that I applied for. The landlord said that the reason I was denied was because the next door neighbor is allergic to cats. Can he do this?

A: The landlord should not have outright denied you the unit. The first issue that would need to be addressed is whether or not the neighbor has a reasonable accommodation to not have anyone with cats live in the unit next to him. If that is the case, the landlord should have entered into an interactive process with both you and neighbor. Could the landlord install an air conditioner in neighbor’s unit to lessen the effect of the cat next door? Are there any other units available that could be rented? Would neighbor be willing to move to another unit? These are the types of options that should be explored when such a situation arises. If no resolution can be reached, landlord might have a right to deny you the unit.

Q: My son recently gave me a cat to provide me with emotional support while I go through chemotherapy for cancer. I live in a “no-pets” condominium, so I have submitted a request for a reasonable accommodation to keep my cat in my unit. The board told me I cannot keep my cat unless I can show that it has been trained to perform some task for me. Does my cat have to be trained?

A: No, your cat does not have to be trained. Under the FHA, a disabled person may request a reasonable accommodation for an assistance animal, which includes animals other than dogs, with or without training, and includes animals that provide emotional support.