



(image description: SouthCoast Fair Housing logo)

SouthCoast Fair Housing



(image description: person from the legs down walking with an assistance dog and holding a support cane)

FAIR HOUSING RIGHTS OF PERSONS WITH DISABILITIES: REASONABLE ACCOMMODATIONS FOR ASSISTANCE ANIMALS

HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of *race, color, religion, national origin, sex, disability* or *familial status (presence of minor children or pregnancy)*.

The Massachusetts and Rhode Island fair housing statutes prohibit housing discrimination on the basis of these additional protected classes:

- age,
- veteran or military status,
- sexual orientation,
- gender identity,
- marital status,
- receipt of public assistance* (e.g., food stamps)
- use of housing subsidy* (e.g., Section 8)
- genetics*
- status as a victim of domestic violence‡

*Massachusetts only

‡ Rhode Island only

Fair housing laws apply to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners associations must not discriminate because of one's membership in a protected class.



(image description: elderly woman sitting on a bench with two medium-sized dogs)

COMMONLY ASKED QUESTIONS & ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

Is an assistance animal a pet?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability or provides emotional support that alleviates one or more identified symptoms or effects of a person's disabilities. Assistance animals perform many functions for persons with disabilities, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing

protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons with seizure-related disabilities to impending seizures, or providing emotional support to persons who have a disability-related need for such support.

Assistance animals under the Fair Housing Act are sometimes referred to as “service animals,” “assistive animals,” “support animals,” “therapy animals,” “emotional support animals,” or “companion animals.” Under the Fair Housing Act, housing providers have an obligation to accommodate persons who, because of their disability, require service dogs or other types of assistance animals to perform tasks, provide emotional support, or alleviate the effects of their disabilities.

Must an assistance animal be trained or certified?

For purposes of a reasonable accommodation under the Fair Housing Act, an assistance animal does not have to be individually trained or certified. While dogs are the most common type of assistance animal, other animals may also be assistance animals. Assistance animals may be any breed, size or weight. Some, but not all assistance animals wear special collars or harnesses. Assistance animals are not required to have special licenses, be certified, or have any visible identification.

May a housing provider require a pet deposit for an assistance animal?

No. Since an assistance animal is not a pet, a housing provider may not require a payment of a fee or security deposit or other terms and conditions that apply to applicants or residents with pets. However, if an assistance animal causes damage to the rental unit or common areas, the housing provider may charge the tenant for the cost of repairing the damage, if it is the provider’s practice to assess tenants for damage to the premises caused by tenants.

What if a housing provider only allows pets under 30 pounds?

Assistance animals are not pets and therefore a housing provider may not limit the size of the assistance animal. Assistance animals may be any breed, size, or weight and housing providers should reasonably accommodate a tenant with a disability-related need for an assistance animal by waiving any size or weight limitations that might otherwise apply to pets.

When may a housing provider deny an assistance animal?

Housing providers are not required to provide an accommodation that is unreasonable, meaning that allowing the animal would result in a financial and administrative burden on the provider. In addition, a request may be denied if the specific assistance animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others, determined on an individual basis and not by assumptions or stereotypes about a particular type or breed of animal.

What if the housing provider's property insurance carrier prohibits certain animals?

If an insurance carrier would cancel, increase policy costs, or adversely change policy terms because of the presence of a certain breed of dog or other animal that is an assistance animal, the insurance company would be violating the Fair Housing Act. The insurance company must make a reasonable accommodation to its policies and procedures to allow the assistance animal without changing the cost or terms of the provider's insurance coverage.

REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

What is a reasonable accommodation?

A “reasonable accommodation” is a change to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including its public and common use space. Housing providers, including homeowner and condominium associations, must make reasonable accommodations for persons with disabilities, such as allowing assistance animals in a no-pets building. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation request to allow an assistance animal, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common use areas?
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider?
- Would the requested accommodation require a fundamental alteration in the nature of the provider’s operations?

A housing provider may not ask about the nature or severity of the disability. However, a housing provider may request information about the relationship between the person’s disability and the need for the requested accommodation to allow an assistance animal. This information can usually be provided by the individual making the request. A doctor or other medical professional, a peer support group, a non-medical service agency, or another reliable third party who is in a

position to know about the individual's disability may also provide the information.

Fair Housing is Your Right!

SouthCoast Fair Housing, Inc. (SCFH) works to eliminate housing discrimination and help develop inclusive communities throughout Rhode Island and southeastern Massachusetts. SCFH provides fair housing education, outreach, advocacy, and enforcement activities to ensure all individuals have equal housing opportunities.

For more information, to schedule a fair housing training, or to file a housing discrimination complaint, call (774) 473-9994 or (401) 285-2550, visit southcoastfairhousing.org or email info@southcoastfairhousing.org.



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For more information or to file a housing discrimination complaint, contact:

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SouthCoastFairHousing.org

To contact us via TTY, using your TTY call 711, call MassRelay at 800-439-2370 (or 1-866-930-9252 for Spanish), or call Rhode Island Relay at 1-800-745-5555 (or 1-866-355-9214 for Spanish) and provide our phone number.

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