

GUIDELINES FOR TENANTS WITH SERVICE ANIMALS

REQUEST FOR A SERVICE ANIMAL ACCOMMODATION:

The tenant who needs a service/companion animal should submit a request in writing to the housing provider requesting an accommodation for the tenant's disability. The tenant cannot be required to submit a request in writing (for ex., if unable due to their disability). The tenant is also not required to disclose the nature of his/her disability. The tenant should keep copies of all correspondence. Please note that if a tenant has a verified disability and need for a service/companion animal, the tenant should try not to refer to the animal as a "pet". (For more information on pets vs. service animals, see the Fair Housing of the Dakotas Fact Sheet or other information available from the FHD.)

VERIFICATION OF DISABILITY AND NEED FOR A SERVICE ANIMAL:

The tenant must provide written verification that s/he has a disability and that the accommodation is necessary to give the tenant equal opportunity to use and enjoy the community unless the disability and/or need are visually apparent. The tenant should obtain a signed letter on professional letterhead from his/her healthcare or mental health provider to the housing provider answering the following questions:

- Is the person disabled as defined by the fair housing laws?
- In the health care provider's professional opinion, does the person need the requested accommodation (use of a service animal) to have the same opportunity as a non-disabled person to use and enjoy the housing community?

Sample letters are below or use the FHD Disability Pack 3-Verification (Certification as a Person with a Disability) Form. Remember to keep copies.

ANIMAL CARE AND SUPERVISION:

The tenant/handler is responsible for the care of his/her service animal. The animal must be supervised and the tenant/handler must retain full control of the animal at all times. This generally means that while the animal is in common areas, it is on leash, in a carrier, or otherwise in the direct control of the animal owner/handler. When in the presence of others, the animal is expected to be well behaved (not jumping on or nipping at people, not snarling or barking, etc.).

The tenant is responsible for the proper disposal of animal waste:

- Never allow the service animal to defecate on any property, public or private (except the tenant's own property), unless the tenant immediately removes the waste.
- Always carry equipment sufficient to clean up the animal's feces whenever the service animal is in the common areas or off the tenant's property.
- Properly dispose of waste and/or litter.
- If you need assistance with cleanup, make arrangements for such help through family, friends or advocates.

PROBLEMS

If you believe staff is not handling your request for a service animal properly, contact [property management company contact, address and phone number] or the Fair Housing of the Dakotas.

RESOURCES/QUESTIONS

If you have any questions regarding your rights and responsibilities under fair housing laws, contact the Fair Housing of the Dakotas. Here are some additional resources for information on service animals:

Service Dogs for America/Great Plains Assistance Dogs Foundation

920 Short Street, PO Box 513
Jud, ND 58454
877-737-8364 (toll free), 701-685-2290
www.greatplainsdogs.com/

Americans with Disabilities Act (ADA) Information Line

U.S. Department of Justice
800-514-0301, TTY 800-514-0383
www.usdoj.gov/crt/ada/animal.htm

Delta Society National Service Dog Center

Provides advocacy education, referral, research assistance, and a variety of other information services regarding service dogs.

Delta Society
289 Perimeter Road East
Renton, WA 98055-1329
Voice: 800-869-6898, TTY: 800-809-2714
deltasociety.org

This information does not constitute legal advice. The fair housing laws are subject to change. If you have questions about this topic or other fair housing issues, feel free to contact the:

Fair Housing of the Dakotas
909 Basin Avenue, Suite 2
Bismarck, ND 58504
Phone: 701-221-2530 or 1-888-265-0907
Web: www.fhdakotas.org Email: info@fhdakotas.org

This document was adapted from information provided by the King County Office of Civil Rights.

SAMPLE LETTER:

REQUEST FOR REASONABLE ACCOMMODATION

This is a sample letter for tenants or prospective tenants to use when requesting a service animal as a reasonable accommodation. This form is not required; however, a tenant should request an accommodation in writing.

Name: _____ Phone: _____

Address: _____

I have a disability as defined by the fair housing laws. I use a service animal to assist me with the functional limitations related to my disability. My service animal also enhances my ability to live independently and to use and enjoy my dwelling fully.

Type of service animal (dog, cat, etc.): _____

As an accommodation for my disability/disabilities, I request that you:

waive your "no-pet" policy

waive your pet weight/height restrictions

waive your pet deposit/pet-related fees

other: _____

I have attached a letter from my treatment provider verifying that I have a disability and that I have a need for a service animal.

Signed: _____ Date: _____

SAMPLE LETTER:

REASONABLE ACCOMMODATION LETTER FROM SERVICE PROVIDER (ON LETTERHEAD)

Dear housing provider:

(Name of Tenant) is my client/patient, and has been under my care since (date). I am familiar with his/her history and disability-related functional limitations. S/he meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to use and enjoy his/her dwelling, I am prescribing a service animal that will assist (name of tenant) with the functional limitations relating to his/her disability.

I am available to answer any questions you may have concerning my recommendation that (name of tenant) have a service animal.

Sincerely,
Name of Professional
Title

SAMPLE LETTER:

RESPONSE TO REQUEST FOR REASONABLE ACCOMMODATION

This is a sample letter for housing provider staff to use when responding to a tenant's request for a service animal as a reasonable accommodation.

Dear (tenant):

We have received your request for a reasonable accommodation, specifically, your use of a service animal in our housing complex. We also received the letter from your service provider confirming your disability status and need for the animal.

We agree to your request to have your animal in your unit. In addition, we agree to:

- waive our "no-pet" policy
- waive our pet weight/height restrictions
- waive our pet deposit/pet-related fees
- other: _____

Our rules require tenants with animals to follow noise regulations, to dispose of animal waste appropriately, and to ensure that animals do not cause property damage.

Signed: _____ Date: _____

P059