



DAKOTA FAIR HOUSING

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The information in this publication is not itself legal advice; for legal advice about a particular situation, contact an attorney.

APRIL IS FAIR HOUSING MONTH

On April 11, 1968, the Federal Fair Housing Act was passed by Congress. From 1966-1967, Congress regularly considered the fair housing bill, but failed to garner a strong enough majority for its passage. However, when the Rev. Dr. Martin Luther King, Jr. was assassinated on April 4, 1968, President Lyndon Johnson utilized this national tragedy to urge for the bill's speedy Congressional approval. Since the 1966 open housing marches in Chicago, Dr. King's name had been closely associated with the fair housing legislation. President Johnson viewed the Act as a fitting memorial to the man's life work, and wished to have the Act

passed prior to Dr. King's funeral in Atlanta. Since the Act's passage, April has been the chosen month to celebrate its passage.

The Federal Fair Housing Act states it is illegal to discriminate in the rental, sale or financing of housing based upon race, color, national origin, religion, gender, familial status and disability.

FAIR HOUSING WORKSHOPS SCHEDULED

To celebrate Fair Housing Month, the North Dakota Fair Housing Council will sponsor a limited number of fair housing workshops in North Dakota and eastern South Dakota. These workshops are open to the public and free of charge; however, seating may be limited. *Please RSVP in advance to the NDFHC to ensure adequate seating and handouts.* The following workshops have been scheduled to date:

(1) April 14: Best Western Ramkota Hotel, Bismarck, ND 1-4:30 PM

(2) April 20: Best Western Ramkota Hotel, Aberdeen, SD, 1-4:30 PM

(3) April 21: Ramkota Inn, Pierre, SD, 1-4:30 PM

(4) April 22: Ramada Inn & Suites, Sioux Falls, SD, 1-4:30 PM

Due to funding and grant limitations, a workshop in the community of Fargo, ND will be held in the fall. Workshops in Grand Forks, ND; Minot, ND and Devils Lake, ND will be held depending on grant awarding, so remain pending at this time.

Courtesy of Montana Fair Housing Newsletter, November, 2001: RE-QUESTS FOR REASONABLE ACCOMMODATIONS: THE SERVICE ANIMALS, COMPANION ANIMALS AND COMFORT ANIMALS DILEMMA

These days questions about reasonable accommodation and/or modification requests most often revolve around service animals. To understand requests for these accommodations there are a couple of basic concepts a provider needs to know generally about requests for accommodations and/or modifications.

1) Can a housing provider inquire as to the nature, severity, or treatment of the disability? ANSWER: No.

A housing provider has a right to verification of the disability as defined by federal and state law, and verification of the need for the accommodation and/or modification.

2) Can a housing provider request the verification come only from a medical professional? ANSWER: A provider has a right to verification of a disability by a qualified professional who would have knowledge of the disability and the need for an accommodation and/or modification. The "qualified professional" does not have to be a doctor or other licensed medical provider. Verification may be provided by, for example, a voc-rehab counselor, nurse practitioner, or case manager if such individual has expertise relating to the request or has access to records verifying the disability and treatment needs.

3) Does the housing provider have to offer the accommodation exactly as requested? ANSWER: No. A provider can offer an alternative accommodation that would still meet the need of the tenant, but not provide an undue burden to the provider.

4) Can only a tenant request an accommodation

or modification? ANSWER: No. Federal and state fair housing laws offer protections for visitors of tenants and family members. If a request for an accommodation or modification is received by the guest of a tenant, the provider needs to treat the request as he/she would if the request were coming from a tenant.

5) Does an individual with a disability need to use the terms associated with fair housing laws such as accommodation, modification, or service animal? ANSWER: No. If a housing provider is notified by a consumer that he/she has a disability and needs a physical change to a unit and/or common area or needs a change to a policy, practice, service or rule, the provider has an affirmative duty to share with the consumer the provider's policy for requesting an accommodation or modification.

And what about service animals specifically?

1) What is the difference between a service animal, companion animal or comfort animal? ANSWER: For purposes of federal and state Fair Housing Laws, essentially none. Companion animals or comfort animals become service animals when a medical provider verifies that a person has a disability as defined by fair housing law and needs the animal for treatment and/or to live in the community as ably as someone without a disability.

2) Does the service animal have to be a trained service animal? ANSWER: No.

3) Can a housing provider ask that the service animal be spayed, neutered, or have its vaccinations? ANSWER: A housing provider can ask that the animal have vaccines or licenses as required by local laws. The provider cannot ask that the animal be spayed or neutered.

4) If a housing provider has a no pets policy does he/she have to allow a service animal? ANSWER: Yes. A service animal should be viewed as an assistive device, much like a wheelchair.

5) Can a provider charge a deposit for a service animal? ANSWER: No, not even if the provider charges tenants with pets an additional deposit.

6) Should a provider have a request for an accommodation specific to service animals? ANSWER: The policy of having a separate request form for service animals immediately demonstrates differential treatment, a practice that is illegal under the federal and state fair housing acts.

7) Can a housing provider place limits on the size of a service animal or breed of service animal? ANSWER: If a consumer does not have the service animal already, the provider has more latitude on this issue, though needs to be open to discussion if the consumer has identified a specific service animal. If the consumer has the service animal, a housing provider cannot refuse the acceptance of that service animal.

8) Can a housing provider have rules regarding the service animal? ANSWER: Yes. A housing provider has the right to request that the animal be leashed when in public or common areas. The housing provider can ask that all feces be cleaned up and disposed of properly. The housing provider does not have to allow the animal to disturb other tenants, destroy property, or pose a threat to others.

How individuals cope with their disability is different from person to person. Symptoms of a disability can be different from person to person. Some disabilities happen suddenly, others worsen over time. Some disabilities are temporary and some are permanent. Housing providers need to address every request for an accommodation, or modification, individually.

NDFHC WEB SITE

Be sure to visit the web site of the North Dakota Fair Housing Council for publications, newsletters, event schedules and related links for North and South Dakota. The web site may be viewed at:

www.ndfhc.org

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