

SERVICE ANIMALS

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THREE CLASSES OF ANIMALS:

- **Pets:** Animals living with owners for the purposes of love, affection and/or company.
- **Service Animals:** Animals individually trained to perform tasks for the benefit of an individual with a physical, intellectual and/or mental disability.
 - Guiding individuals with impaired vision
 - Providing protection or rescue work
 - Pulling a wheelchair
 - Fetching dropped items
- **Emotional Support Animals:** Provides therapeutic benefit to a person with a mental or psychiatric disability.

Service Animals/Emotional Support Animals are not pets

- Animals needed to assist, support or provide service for persons with disabilities are not pets and therefore not subject to certain conditions of pet ownership.
 - Including (but not limited to):
 - ‘No pet’ policy
 - Payment of a pet deposit
 - Pet rent
 - Limitations on the number of animals in the unit
 - Prohibitions on individual animals based on size and weight

Reasonable Accommodations

- If a tenant or someone associated with a tenant has a disability, he/she may request a reasonable accommodation.
- A reasonable accommodation could mean a change in rules, policies, practices or services be made in order to afford said tenant with an equal opportunity to use and enjoy the residential dwelling.
- Refusal to make reasonable accommodations in rules, policies, practices or services when necessary to provide equal opportunity to use and enjoy a residential dwelling is discriminatory.

Reasonable Accommodations (Cont.)

- When can a landlord refuse a reasonable accommodation?
 - A landlord can refuse a reasonable if the accommodation will
 - Be an undue financial or administrative burden on the landlord
 - Fundamentally alter the nature of the provider's operations
 - Result in substantial physical damage to the property of others **unless** the threat can be eliminated or significantly reduced by a reasonable accommodation
 - Pose a direct threat to the health or safety of others

Reasonable Accommodations (Cont.)

- If a landlord has a 'no pet' policy or other restrictions on pets in buildings, the landlord must modify the policy, practices or procedures to permit an individual with a disability to use, own and live with a service and/or emotional support animal.
- Failure to modify pet restrictions for service and/or emotional support animals is a refusal to make a reasonable accommodation.

Reasonable Accommodations (Cont.)

- Landlords cannot:
 - Ask a tenant to pay a deposit, fee or surcharge in exchange for having a service or emotional support animal **even if** they require such fees from pet owners.
 - Require an emotional support animal to have any specific training.
 - Require the service or emotional support animal to wear or carry any special collar, harness, vest, emblem or other means of identifying it as such.
 - Inquire about the extent of the disability, or ask for detailed medical records for the individual requesting the service or emotional support animal.

Reasonable Accommodations (Cont.)

- Landlords can request the tenant provide documentation from a physician, psychiatrist, social worker or other mental health professional that:
 - Verifies the tenant is disabled
 - The service and/or emotional support animal is required to assist the tenants disability.
- Landlords can also request proof of current vaccination and/or license for the service and/ or emotional support animal.

Reasonable Accommodations (Cont.)

- Landlords may also charge for damages caused to the premises by their emotional support and/or service animal.
 - Cannot charge pet deposit for potential damages but can charge for damage actually done to the property.

In Conclusion

- Service Animals/Emotional Support Animals are not pets
- Failure to make a Reasonable Accommodation to allow the Service/Emotional Support animal is discriminatory
- A landlord cannot charge a pet deposit, pet rent or other fees associated with pet ownership for a Service/Emotional Support animal.
- A landlord can request documentation from the individual's medical provider verifying:
 - The individual is disabled
 - The Service/Emotional Support animal is necessary in order to ameliorate some of the effects of the individual's disability.
- A landlord cannot charge a deposit in anticipation of damage done to the property but can charge the individual for actual damage done to the property by the Service/Emotional Support animal.

Questions, Comments, Concerns

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