

## **“Service Animals” and “NO PET” Policies**

### **FAIR HOUSING HIGHLIGHT #35**

**A friend wanted to move into an apartment with her dog but the landlord said, “Sorry! No pets”. She explained that her dog helps her cope with depression and that her doctor could verify this. The landlord said “Everyone loves their dog. If I let you keep your dog, then I will have to let everyone else keep their dogs.” Is this legal since the need for a dog is related to a disability?**

NO! Under the Fair Housing Act, if you are a person with a disability who requires a service animal to help you manage your disability, you have the right to request a “reasonable accommodation” to a “No Pets” policy. If the need for the disability is not obvious, a housing provider may ask for a note from a doctor demonstrating the need for the service animal and its relationship to the person’s disability. However, a housing provider cannot deny a person a service animal due to a fear that all the other residents will want to keep their animals. The “snowball” effect is never an excuse to violate the Fair Housing Act.

#### **What is the difference between a service animal and a pet?**

Service animals are often called assistance animals, “companion animals”, “support animals” or “therapy animals”. Service animals are NOT pets. Rather, service animals are animals that work, provide assistance, perform tasks for the person with a disability or provide emotional support that alleviates the symptoms of a person’s disability. Because the person *needs* the animal because of their disability, fair housing laws require housing providers to modify a “No Pets” policy for a person who uses a service animal. For example: a “Seeing Eye” dog is not a pet – it is a service animal, even when the person has a great affection for the dog. In addition, because a service animal is not a pet, a person should not pay any pet deposits or additional fees associated to the animal, unless the animal causes damage beyond normal wear and tear.

#### **Do service animals have to be specific breeds, such as a German Sheppard? Do they need to be certified or trained?**

Service animals are not limited to a particular breed, size or weight. Although the most common type of service animal is a dog, other species such as a cat or bird are often used, especially as emotional support animals for people with psychological disabilities. In addition, service animals do not have to wear special collars and harnesses nor do they have to be licensed or have official identification papers. There are many types of service animals which are not certified and don’t have special training, such as companion animals. While they do not do a specific task such as respond when there is an alarm, the animal does provide emotional support and thus is considered a service animal. In other words, there is no legal requirement for service animals to be visibly identified or to have certification or training.

#### **What other things do service animals typically do?**

Service animals often perform tasks that the individual with a disability cannot do alone. For example: Carrying and picking up things for persons with mobility problems; A hearing animal alerts a person who is deaf to a ringing smoke alarm or a knock on the door. Other service animals may help by fetching, opening doors, ringing doorbells, activating elevator buttons, helping a person up after a fall, etc. A seizure response animal may assist a person with epilepsy by going for help, or may stand guard over a person who is having a seizure. Emotional support/companion animals can alleviate depression, anxiety, stress, and difficulties with social interactions, allowing their owners to live independently and fully use their living environment.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711  
or visit us online at [www.fairhousingrights.org](http://www.fairhousingrights.org).**