Housing Rights

Service, Assistance, & Emotional Support Animals

Where are Service Animals Allowed?

The Fair Housing Act prohibits discrimination against an individual with a disability in **renting or buying** residential property, **even if the building has a "no pets" policy**. This includes "a refusal to make reasonable accommodations in rules, policies, practices when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." 42 U.S.C.A. § 3604(3)(B).

According to the United States Department of Housing and Urban Development (HUD) assistance animals are an example of a **reasonable accommodation** for a tenant with a disability. In this capacity, "An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. **An assistance animal is not a pet.**" Refusing to allow a tenant with a disability to have an assistance animal or charging a fee for the assistance animal are examples of **disability discrimination under the Fair Housing Act**.

Can a landlord require assistance animals to be licensed or registered as a condition of renting to a tenant?

- Cities may require animals to be licensed or registered. A licensing or registration requirement is typically for all cats and dogs but may include other animals. There is no licensing or registration specifically for service animals, assistance animals, or emotional support animals.
    - A landlord can require all tenants to license or register their animals in compliance with local laws.
    - A landlord must treat all tenants and animals equally.
    - A landlord cannot require only service animals or assistance animals to be licensed or registered but not require pets to be licensed or registered as a condition of tenancy.

Can Landlords Require Tenants to Provide Documentation?

Housing providers may request documentation if the disability or disability-related need for an assistance animals is not apparent.

Housing providers may not ask an individual to provide documentation showing their disability or disability-related need for an assistance animal if the disability or disability-related need is readily apparent or already known.

Can a Person with a Service Animal or Assistance Animal Visit Someone Who Lives in a Rental Unit?

A person who has a service animal or assistance animal may visit someone who lives in a rental unit. Tenants have the right to have guests, and it is a **reasonable accommodation** to allow a person who uses a service animal or assistance animal to bring the animal to the property. The person who uses the service animal or assistance animal has the right to access the tenant's home and common areas of the property. **Landlords cannot discriminate against the tenant or guest or charge a fee for the animal**.

What can I do if I'm being discriminated against?

- File a complaint with the ND Department of Labor.
- Report housing discrimination to HUD.

DISABILITY RIGHTS NORTH DAKOTA

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This document was funded in part through a Social Security grant and other U.S. taxpayer-funded federal programs. While reviewed for accuracy, it does not constitute an official government communication and does not necessarily represent the views of the funding agencies.

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