

*Please read the following information on service/assistance animals in housing. For Disability Justice to consider your case for direct representation, please first take the following steps for requesting a reasonable accommodation set out below.*

### **Federal and State Housing Law Regarding Assistance Animals**

The Fair Housing Amendments Act (“FHAA”) specifically includes protections for people with disabilities and defines a disability as: (1) a physical or mental impairment which substantially limits one or more of [a] person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.<sup>1</sup>

As part of the protections for people with disabilities, the FHAA mandates that “covered housing providers”<sup>2</sup> make “reasonable accommodations.” Reasonable accommodations are changes to policies or procedures due to a person’s disability-related need. Under the FHAA, there is a statutory right to a reasonable accommodation upon proof of a disability and an appropriate request. Similarly, the Colorado Anti-Discrimination Act (“CADA”) prohibits discriminatory housing practices. Assistance animals (service animals, service animals in training, emotional support animals, companion animals) are considered a reasonable accommodation under the law.

### **Allowing Service & Assistance Animals as a Reasonable Accommodation**

The United States Department of Housing and Urban Development (“HUD”) has issued specific guidance on service & assistance animals in housing. HUD groups these two animals together and defines assistance animals as follows:

“[An] animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support.<sup>3</sup>

***HUD has specifically recognized that an accommodation can be requested for assistance animals (both service animals and emotional support/companion animals)—and an accommodation must be considered even when a housing provider forbids or restricts resident pet or animal ownership.***

<sup>1</sup> 42 U.S.C.A. §3602(h).

<sup>2</sup> Not all housing is covered by the FHAA or CADA. FHAA covers most housing but has some exceptions (religious housing, private clubs, 4plex or fewer if owner lives there, single family homes, etc.). CADA includes only one exception for rooms leased in single-family homes, occupied by the owner or lessee.

<sup>3</sup> U.S. Department of Housing and Urban Development, Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs (available at [https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO\\_508.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO_508.pdf))

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## Requesting an Assistance Animal as a Reasonable Accommodation

*Please complete these steps as soon as possible*

The FHAA does not require a request for a reasonable accommodation to be made in any particular manner or at a particular time. This request can be made by the person with a disability or by a family member or someone else who is acting on their behalf. We, however, always recommend that a request be made in writing and that you keep a copy of everything you submit and everything you receive in response to your request.

1. Please submit a reasonable accommodation request in writing.
  - a. **Option 1:** Use the form your housing provider uses for reasonable accommodation requests.
    1. This will likely include information from you and information from a healthcare professional.
  - b. **Option 2:** Ask a medical professional for a letter explaining that you are a person with a disability<sup>4</sup> and have a disability-related need for your animal.
  - c. **Option 3:** (1) Ask a medical professional for a letter that explains that you are a person with a disability; AND (2) Ask a person who knows you very well<sup>5</sup> (preferably not someone in your family) who can verify that you have a disability-related need for your animal.
2. If you submit a letter on your own, without using a housing form, include your own reasonable accommodation letter that you are requesting a written response to the reasonable accommodation request within 10 business days.
  - a. Make sure to sign and date your own letter. Keep a copy of ALL documents.
3. If your request is denied, provide this “guide” to your landlord or property manager to help explain their obligation to provide you with your requested accommodation.
4. If the accommodation is not granted after ALL of the above steps are followed, please call Disability Justice to discuss direct representation.

\*\*\* If a person’s disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also obvious or known, then the housing provider may not request any additional information. (i.e. – A blind resident who uses a guide dog)

\*\*\* An assistance animal can be excluded only if it is an actual threat or significant nuisance—this can **only** be based on the specific animal’s conduct **rather than** factors such as breed stereotypes, size or weight limits, or harm caused by other animals.

See our Fact Sheets, including our in-depth Housing Packet and Animal Packet, at:

<http://www.disabilityjustice.co>

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<sup>4</sup> A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability may provide verification of a disability. Typically, an individual’s medical records/detailed information about the resident’s disability is not necessary.

<sup>5</sup> HUD refers to a “person in the know” as someone who knows the person well enough to explain the need for the animal based on the person’s disability.

**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable Accommodation for a Service or Assistance Animal**

Mr. / Ms. **[Name of Building Manager]** **[Housing Provider Name]**  
**[Street Address]**  
**[City], CO [Zip Code]**

Dear Mr. / Ms. **[Name of Building Manager]**:

I live at **[address]** in **[unit number]** and have lived there since **[date]**. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988 because I have a substantial limitation in one or more major a major life activity. **[Briefly describe the reason you need a service or assistance animal, and how that animal assists you i.e. "I suffer from anxiety, and my assistance animal provides emotional support in which improves the effect of my disability"]**.

Because of my disability, I request the following accommodation(s): **[briefly describe the appropriate accommodation and situation i.e. "a waiver of the pet or animal related policy/ restriction on my unit to accommodate for the presence and use of my assistance animal; a long haired domestic cat named Charles."]**. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Please let me know what, if any, additional information you need in order to better understand my disability and the limitations it imposes.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of use of a service or assistance animal which may be necessary to afford such person full use and enjoyment of the premises, and that helps to improve the effect of a disability.

If you have any questions about my request, you can contact me in writing or by phone. Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. For this purpose, I believe ten (10) business days is sufficient. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

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**Sample Letter to Doctor Requesting a Medical Necessity for Accommodation for a Service or Assistance Animal**

Dr. **[Name]**  
**[Street Address]**  
**[City], CO [Zip Code]**

Dear Doctor **[Name]**:

As you know, you have been treating me for my medical conditions, including my **[condition/disability]**. I am requesting a related accommodation from the landlord of my housing complex located at **[Address of Housing]** because I am entitled to such an accommodation pursuant to the Americans with Disabilities Act and Fair Housing Act. The accommodation I am requesting is **[briefly describe the appropriate accommodation i.e. "waiver of pet/animal policy"]**.

My landlord has requested verification of my disability and how the accommodation relates to it. As such, I need you to write a letter on my behalf in which you state the following information:

- How long you have been treating me;
- The type of disability I have;
- What the symptoms of my disability are; and,
- How the accommodation/modification I am seeking will assist my continued access to live at my current housing complex by assisting to mitigate complications due to my disability.

Thank you for assisting me with this effort. Attached to this letter is a sample letter to assist you in your response. If you have any questions, please call me at **[phone number here]**.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

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**Sample Letter for Doctor Requesting a Medical Necessity for Accommodation for a Service or Assistance Animal**

**[Date]**

**[Landlord/ Community Manager Name]**

**[Landlord/ Community Manager Address]**

Re: **[Patient Name]**/ Request for Reasonable Accommodation

Dear Mr./ Ms. **[Landlord/ Community Manager Name]**

I have been treating **[Patient Name]** as a patient for **[Time Period]**.

My patient has the following disability: **[List Conditions Relevant to Accommodation/Modification Here]**

My patient's medical conditions have the following symptoms: **[List Symptoms Relevant to Accommodation/Modification Here]**.

A reasonable accommodation in my patient's housing would assist my patient with his/her conditions and symptoms by **[Explain How Accommodation/Modification Would Help]**.

Thus, it is my recommendation, based on my medical judgment, that **[Patient Name]** be granted the accommodation requested.

Please call me if you have questions related to this medical judgment.

Sincerely,

**[Doctor's Name] M.D. [or Psychotherapist]**

**Sample Letter For Non-Doctor Person “in the know” Requesting a Medical Necessity  
for Accommodation for a Service or Assistance Animal**

**[Date]**

**[Landlord/ Community Manager Name]**

**[Landlord/ Community Manager Address]**

Re: **[person with disability name]**/ Request for Reasonable Accommodation

Dear Mr./ Ms. **[Landlord/ Community Manager Name]**

I am a qualified person “in the know” as it relates to **[person with disability name]**’s disability. A qualified person in the know, under the Americans with Disabilities Act and the Department of Justice’s guidelines is to make the determination of the necessity for disability related accommodations, regardless of specialized training. **[Describe relationship between person in the know and person with disability, and how the person is qualified in the know].**

**[Person with disability name]**’s conditions have the following observable symptoms:  
**[List Symptoms Relevant to Accommodation/Modification Here].**

A reasonable accommodation in **[person with disability name]**'s housing would assist **[person with disability name]** with his/her conditions and symptoms by **[Explain How Accommodation/Modification Would Help]**. I have personally observed, **[Describe how the animal has helped the person with a disability that you have been able to personally observe.]**

Thus, it is my recommendation, based on my judgment as a person in the know under the Americans with Disabilities Act and the Department of Justice’s guidelines, that **[person with disability name]** be granted the accommodation requested.

Please call me if you have questions related to this judgment.

Sincerely,

**[Person in the Know’s Name]**

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**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable  
Accommodation for a Service or Assistance Animal after No Response**

Mr. / Ms. **[Name of Building Manager]** **[Housing Provider Name]**  
**[Street Address]**  
**[City]**, CO **[Zip Code]**

Dear Mr. / Ms. **[Name of Building Manager]**:

I live at **[address]** in **[unit number]** and have lived there since **[Date]**. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988 because I have a substantial limitation in one or more major a major life activity. **[Briefly describe the reason you need a service or assistance animal, and how that animal assists you i.e. "I suffer from anxiety, and my assistance animal provides emotional support in which improves the effect of my disability"]**.

Because of my disability, on **[Date of First Request]** I requested the following reasonable accommodations: **[briefly describe the appropriate accommodation and situation i.e. "a waiver of the pet or animal related policy/ restriction on my unit to accommodate for the presence and use of my assistance animal; a long haired domestic cat named Charles."]**. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation if such accommodation may be necessary to afford such person full use and enjoyment of the premises.

Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. It has now been **[Number]** days since my first letter. You have failed to provide me with a response to my request for a reasonable accommodation. As such, this letter serves to put you on notice that you are in violation of the Americans with Disabilities Act and the Fair Housing Amendments Act. Please provide me a response to my request for a reasonable accommodation within three (3) business days.

Failure to respond may result in legal action initiated against you. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,  
**[Your name]**  
**[Your full address]**  
**[Your phone number]**

**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable  
Accommodation for a Service or Assistance Animal after Request to Pay Extra**

Mr. / Ms. **[Name of Building Manager]** **[Housing Provider Name]**  
**[Street Address]**  
**[City]**, CO **[Zip Code]**

Re: **[your name]**/ Request for Reasonable Accommodation for a Service or Assistance  
Animal

Dear Mr. / Ms. **[Name of Building Manager]**:

Thank you for your response to my letter requesting a reasonable accommodation to allow me to continue to realize full enjoyment of my housing. I appreciate your willingness to provide such accommodation.

However, I am concerned about your request for me to pay extra for such accommodations. State and Federal Law instruct that these accommodations must be made available at no additional charge to an individual with a disability. I hope we can resolve this amicably and without undue time or burden. Please provide me with the reasonable accommodation I requested at no additional charge. **[(Include if applicable.) While I understand that you charge a pet fee/deposit, under the law my assistance animal is not considered a “pet” and therefore a pet fee/deposit does not apply.]**

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to charge a person with a disability a fee for a reasonable accommodation if such accommodation may be necessary to afford such person full enjoyment of the premises.

If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

**[Your name]**  
**[Your full address]**  
**[Your phone number]**

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