



ASSISTANCE ANIMALS IN HOUSING

WHAT IS AN ASSISTANCE ANIMAL?

An assistance animal is 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. An animal that provides emotional support to a person who has a disability-related need for such support may be an assistance animal. There are no limitations on size, breed or weight of the assistance animal, even if the breed is illegal in the jurisdiction. Dogs are the most common, but not only, type of assistance animal.

WHAT ARE SOME EXAMPLES OF THE WORK OR THE TASKS PROVIDED BY ASSISTANCE ANIMALS?

Guiding people who are blind, providing non-violent protection or rescue work, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person having a seizure, reminding a person with mental illness to take prescribed medication, helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors, performing other duties, or mitigating emotional distress.

MY HOUSING PROVIDER DOES NOT ALLOW PETS. CAN I STILL KEEP AN ASSISTANCE ANIMAL IN MY HOME?

A housing provider must make an exception to a no-pets policy to permit a person with a disability to use and live with an assistance animal.

DOES MY ASSISTANCE ANIMAL NEED TO BE CERTIFIED?

No. In fact, New York State and the federal government do not offer a certification process.

DOES AN ASSISTANCE ANIMAL NEED TO BE PROFESSIONALLY TRAINED?

No. An assistance animal does not need to be trained by a professional trainer or training center.

HOW DO I ASK MY HOUSING PROVIDER FOR PERMISSION TO HAVE AN ASSISTANCE ANIMAL?

If you need an exception to a no-pets policy as a reasonable accommodation of a disability, you should tell your housing provider (1) that you have a disability, and (2) that you have a disability-related need for an assistance animal. Requests for a reasonable accommodation do not need to be in writing. However, it is best practice to put your request in writing so you have a record if it.

CAN MY HOUSING PROVIDER ASK FOR PROOF THAT I HAVE A DISABILITY OR THAT MY ANIMAL IS AN ASSISTANCE ANIMAL?

Unless your disability and disability-related need for the animal are obvious, a housing provider may ask for documentation that you have a disability and that you have a disability-related need for the animal. For example, if your assistance animal provides emotional support that alleviates symptoms of a mental illness, the housing provider may ask you to provide a letter from a physician, psychiatrist, social worker, or other mental health professional. However, a housing provider is not allowed to ask for medical records or extensive documentation of a person's physical or mental impairments.

CAN MY HOUSING PROVIDER DENY MY REQUEST TO HAVE AN ASSISTANCE ANIMAL?

A housing provider must honor requests to keep an assistance animal as a reasonable accommodation unless:

The animal would cause an undue burden for the provider or fundamentally alter the nature of the housing; or

The specific assistance animal would create a threat to the health or safety of others that could not be reduced by another reasonable accommodation, or if it would cause physical damage to the property of others that could not likewise be reduced.

CAN MY HOUSING PROVIDER CHARGE ME A FEE FOR KEEPING AN ASSISTANCE ANIMAL?

No. However, it may charge reasonable costs for damage the animal causes to the housing unit or common areas beyond reasonable wear and tear.

Depending on the facts of your situation, Disability Rights New York may be able to assist you with your issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.

DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

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portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf.

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