



Manufactured
Housing Institute

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Fair Housing Update

No Fees for Assistance Animals

MHI is constantly fielding questions regarding service, assistance and/or emotional support animals. A regular query is whether a landlord may charge a pet fee for an accommodation allowing such an animal.

The answer quite simply is: **NO**.

There are several recent cases on the topic.

This past May, a federal jury returned a \$37,343 verdict against a **Montana** landlord for charging a tenant with physical and psychiatric disabilities a fee to have a service animal.

According to the press release from the Justice Department, the owner and manager of rental properties in Bozeman, Montana, discriminated against a tenant with physical and psychiatric disabilities, by charging her a \$1,000 deposit as a condition for allowing her to keep her service dog.

At trial, the tenant, her treating therapist and an independent expert testified that the dog assisted the tenant in living with the symptoms of her disabilities, including providing emotional support, helping to predict migraines, and reducing suicidal thoughts.

The tenant Newman also testified that she repeatedly informed the landlord that charging a deposit for a service animal was illegal and that the tenant understood that she would have to pay for any actual damage caused by her service dog. Nevertheless, the landlord continued to levy this charge and,

at one point, even threatened eviction.

The verdict included \$11,043 in compensatory damages, \$20,000 in punitive damages, and \$6,300 for Montana Fair Housing, Inc., which assisted the tenant with her fair housing complaint.

“Many people with disabilities require the assistance of an animal to carry out major daily activities,” said General Deputy Assistant Secretary Bryan Greene of the U.S. Department of Housing and Urban Development’s Fair Housing and Equal Opportunity. “Complaints alleging disability discrimination now account for the majority of the complaints HUD receives. HUD will continue to enforce the law and educate the public on the rights of people with disabilities in housing.”

In February in **Oklahoma**, HUD filed a case on behalf of combat veteran living with a mental disability who uses an emotional support animal alleging that the owners of the house he was renting refused to waive their \$250 pet deposit fee. HUD’s charge is pending before a United States Administrative Law Judge.

To learn more about service/assistance/support animals, please refer to Department of Justice’s “Frequently Asked Questions about Service Animals and the ADA” and HUD’s guidance on “Service Animals and Assistance Animals for People with Disabilities in Housing and HUD Funded Programs.” Both documents are attached to the email delivering this update.



HUD APPROVES DISCRIMINATION AGREEMENT BETWEEN CALIFORNIA FAIR HOUSING GROUP AND MARIN COUNTY LANDLORDS

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) today announced an agreement between a Northern California fair housing organization and the owners and managers of two apartment complexes in Greenbrae, California. The agreement resolves allegations the owners and their agents discriminated against a female tenant with disabilities who requires an assistance animal.

The Fair Housing Act prohibits housing providers from denying or limiting housing opportunities to persons with disabilities or imposing different rental terms and conditions. This includes refusing to make reasonable accommodations in policies or practices for people with disabilities.

“Landlords are required to provide a reasonable accommodation for individuals who require assistance animals,” said Bryan Greene, HUD General Deputy Assistant Secretary for Fair Housing and Equal Opportunity. “HUD is committed to make certain that landlords meet this obligation under the nation’s fair housing laws.”

The case came to HUD’s attention when the group Fair Housing Advocates of Northern California filed a complaint alleging that the owner of the properties (Shultz Investment Co.), representatives of its management company (Greenbrae Management, Inc.) and its leasing agents discriminated against a resident who has a medical condition and requires a service dog. The animal alerts her when she is experiencing physiological changes and helps to ameliorate many of her disability-related symptoms.

The fair housing group also claimed the woman, who had lived at the property for more than 15 years, was subjected to discriminatory statements and retaliation due to the presence of her assistance animal, including false accusations that the animal was disruptive, that it bit maintenance workers, and that it was not a service animal under California law. The woman’s Housing Assistance Program voucher was ultimately cancelled, forcing her to find housing elsewhere.

A subsequent HUD investigation corroborated the woman’s need for the dog and discovered written discriminatory statements made by the property managers. HUD found no evidence indicating that the animal was disruptive or had bitten anyone.

Under the Conciliation Agreement, the respondents will pay the woman \$31,000; pay Fair Housing Advocates of Northern California \$41,000; and develop and implement a reasonable accommodation and reasonable modification policy consistent with the Fair Housing Act. The owners will also revise their standard lease to be consistent with the new accommodations policy; send a letter to current tenants notifying them of the new policy; and obtain fair housing training.

In addition to the Fair Housing Act’s prohibition against discrimination based on disability, HUD provided guidance in April 2013 reaffirming that housing providers must provide reasonable accommodations to people with disabilities who require assistance animals. Read HUD’s notice.

Disability is the most common basis of fair housing complaint filed with HUD and its partner agencies. Last year alone, HUD and its partners considered over 4,900 disability-related complaints, or more than 58 percent of all fair housing complaints that were filed.



For more information, questions, or to get copies of past Updates, contact MHI’s General Counsel, Rick Robinson. at rrobinson@mfghome.org.

