

FREQUENTLY ASKED QUESTIONS

What is the difference between a service animal and an assistance animal?

Service animals and assistance animals are protected by different laws and in different contexts.

Under the ADA, a service animal is a dog that is trained to perform a specific task directly related to the handler's disability. A service animal must be permitted to accompany a person with a disability in areas subject to the ADA, such as businesses that are open to the public. Miniature horses must also be permitted where reasonable.

According to the U.S. Department of Housing and Urban Development, under the FHA an assistance animal is any animal that provides support to an individual with a disability but is not necessarily trained to perform any task. The person must have a disability-related need for the assistance animal. Such an assistance animal must be permitted in housing when reasonable and necessary.

Does an animal have to be trained or perform a specific task to be an assistance animal in housing?

No. Under the FHA, the animal must assist, support or help a person with a disability, but it is not necessary that the animal have received any training or perform a specific task.

I found an apartment I like, but it has a “no pets” policy. Can I apply and request an accommodation for my assistance animal?

Yes. A housing provider must make a reasonable exception to a “no pets” policy to allow an applicant with a disability to have an assistance animal.

My landlord has a “restricted breeds” policy and my assistance animal’s breed is on the list. Can I still ask for an accommodation?

Yes. A housing provider may not deny a request for accommodation solely because of an animal's breed. Any decision must be made on a case-by-case basis, including an individualized assessment of the animal.

I have a cat that provides emotional support. Is this an acceptable assistance animal?

Yes, any animal required by a person with a disability may be an acceptable assistance animal in housing, provided it is reasonable and related to a disability.

What can I do if I believe I have been discriminated against?

You may file a complaint with the Illinois Department of Human Rights (IDHR) or U.S. Department of Housing and Urban Development (HUD), or Disability Rights Bureau of the Office of the Attorney General.



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Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

www.IllinoisAttorneyGeneral.gov

ASSISTANCE ANIMALS

A Guide for Individuals
with Disabilities and
Illinois Housing Providers



KWAME RAOUL
ILLINOIS ATTORNEY GENERAL



A Message from
ILLINOIS ATTORNEY GENERAL
KWAME RAOUL



All Americans, including the approximately one in five Illinois residents with disabilities, are entitled to free and equal participation in society. As part of my efforts to ensure these rights, I have made it a priority to enforce state and federal laws to ensure

that people with disabilities have equal access to housing, including reasonable accommodations in housing for people living with assistance animals.

Under the law, housing providers have an obligation to provide reasonable accommodations to people living with assistance animals that provide a variety of assistance, including performing tasks for the benefit of a person with a disability or providing emotional support to alleviate the symptoms or effects of a person's disability. The category of assistance animals that are permitted in housing is broad under the law, and I encourage anyone who needs an assistance animal to learn more about their rights in this brochure.

For more information about assistance animals or your rights under accessibility laws or to file a complaint, please contact my office's Disability Rights Bureau at 312-814-5684 in Chicago or 217-524-2660 in Springfield or visit www.illinoisattorneygeneral.gov.

Kwame Raoul
Illinois Attorney General

Reasonable Accommodations

Under the federal Fair Housing Act (FHA) and the Illinois Human Rights Act (IHRA), housing providers must make reasonable accommodations so that people with disabilities have an equal opportunity to use and enjoy their housing. The FHA and IHRA cover nearly all types of housing, including publicly and privately owned units and housing governed by condominium or homeowners associations.

Reasonable accommodations for people with disabilities may require changes to rules, policies, practices, or services as determined on a case-by-case basis. There are no "magic words" required to request a reasonable accommodation, and a request may be made at any time. If a housing provider has questions or concerns about a request, the provider must discuss the request or ask for more information.

Assistance Animals in Housing

An applicant, tenant, or resident may request a reasonable accommodation for an assistance animal even if a housing provider has a "no pets" policy or lease provision. Unlike a service animal, which must be a dog trained to perform a specific task under the Americans with Disabilities Act (ADA), an assistance animal can be any type of animal that provides assistance, performs tasks, or provides emotional support for a person with a disability. No special training or certification is required for an animal to be considered an assistance animal.

It is a civil rights violation under the IHRA to refuse to rent to or otherwise discriminate in housing against a person who has a disability because they have a guide, hearing or support animal.

Demonstrating a Need for an Accommodation for an Assistance Animal

Generally a housing provider cannot ask a tenant or resident about their disability or diagnosis. However, if an individual requests an accommodation for an assistance animal and the individual's disability is not obvious or known, a housing provider may ask for an explanation of how the request is related to the individual's disability and may ask for reliable documentation verifying that the individual has a disability and their request is necessary. A note from a medical professional should suffice. A housing provider is generally not entitled to medical records or information about the nature or severity of the individual's disability. A housing provider cannot request further verification if the need for the animal is readily apparent.

Animal Care and Pet Deposits

A housing provider may require the assistance animal to be housebroken, but a provider may not charge a resident any fee for having an assistance animal, including a pet deposit. An animal's owner is responsible for cleaning up after the animal and may be responsible for the costs of any damage caused by the animal if the provider's usual practice is to charge tenants for such damage.

When Can a Request for an Accommodation Be Denied?

A request can be denied if the accommodation would create an undue financial or administrative burden, pose a direct threat to the health or safety of others, or result in substantial physical damage to the property of others, unless the threat can be reduced by a reasonable accommodation. A housing provider cannot deny an accommodation based solely on a "restricted breeds" policy, which prohibits specific animal breeds, speculation about the damage an animal may cause or evidence of damage caused by other animals.

Assistance Animals Outside of Housing

According to the U.S. Department of Housing and Urban Development, the FHA's protections for assistance animals are limited to housing. Assistance animals in housing are different from service animals, which the ADA protects in places of public accommodation and state and local government facilities. Under the ADA, service animals are defined as dogs (and in some cases, miniature horses) that are trained to perform a specific task for a person with a disability. If an assistance animal is specifically trained to do work or perform a task for the benefit of a person with a disability, it may also be considered a service animal under the ADA, in which case it must be permitted to enter wherever members of the public are allowed.

For more information, read our brochure "Service Animals: A Guide for Individuals with Disabilities and Illinois Businesses," which is available at www.IllinoisAttorneyGeneral.gov.

Other Resources on Reasonable Accommodations and the FHA

To learn more about reasonable accommodations in housing, visit the U.S. Department of Housing and Urban Development's website at hud.gov for materials such as:

- "Reasonable Accommodations Under the Fair Housing Act," HUD/DOJ Joint Statement (May 17, 2004), available at <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- "Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs" (April 25, 2013), available at http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf.