

Fair Housing and Reasonable Accommodation

Federal and State fair housing laws make it illegal to discriminate against someone because of that person's Race, Color, National Origin, Religion, Sex, Familial Status, Disability, Marital Status, Age, and Creed.

If a person has a disability, the law allows him/her to request Reasonable Accommodations.

This includes the waiver of a no pet policy for someone with a disability needing an assistance animal. Assistance animals are often referred to as service animals, companion animals, or therapy animals. If the need for the animal is linked to an individual's disability, the animal is considered an assistance animal. A disability is a physical or mental impairment which substantially limits one or more major life activities, like walking, talking, thinking, or learning.

A housing provider cannot treat a person with a disability differently than a similarly situated person without a disability.

Applying additional terms such as insurance coverage, higher or additional deposit monies, increased rent or other fees for an assistance animal would subject a person with a disability to different treatment because of his/her disability. A housing provider can enforce the same conditions of tenancy for a person with a disability as are applied to persons without disabilities. For example, the lease may contain a clause that the tenant is liable for damage caused by his/her negligence. The housing provider would enforce this clause against a tenant who is using a barbecue that causes a fire damaging another tenant's property. A housing provider enforces the same provision against a tenant with a disability who fails to keep his/her animal leashed in public areas and the animal damages a piece of furniture.

Requiring proof of vaccination of an assistance animal would likely be permitted.

If a lease includes a section requiring tenants to abide by state and local laws, the housing provider would enforce these sections with respect to storage and/or use of vehicles, equipment, firearms, etc., on the property. The housing provider can require proof that the animal is registered with the animal shelter and has received the required rabies vaccination.

An animal does not have to receive specialized training in order to be considered an assistance animal.

A housing provider can ask for verification that the person has a disability, has a need for the animal, and that the need for the animal relates to the disability. The verification does not have to include a statement identifying diagnosis or treatment, and the consumer does not have to provide medical records. In regards to requests for accommodations or modifications, a health care provider is defined broadly. Health care providers can include social workers, paraprofessionals, chiropractors, etc.

A housing provider cannot ask about a disability.

It is the responsibility of the consumer to request needed accommodations or modifications, and there is no limit to the number of accommodations and/or modifications that can be requested. Visitors with disabilities may also request accommodations and/or modifications.

Information Provided by Montana Fair Housing

Montana Fair Housing is a private, non-profit, fair housing organization providing education, outreach, and enforcement activities throughout the state of Montana. Information contained in this article should not be construed as legal advice and does not provide a legal opinion. For further information about Fair Housing laws, contact Montana Fair Housing at 406-782-2573.

If you feel you have been discriminated against, please call the Office of Fair Housing & Equal Opportunity!

1-800-877-7353 General Intake

(303) 672-5248 TDD

Montana Relay 711



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