

## Assistance Animals

Federal, state and local fair housing laws protect the rights of people who have physical or mental disabilities and use assistance animals in their homes for tasks (like warning about an epileptic seizure) and/or emotional support (like providing comfort during a panic attack). These animals can also be called service or emotional support animals.

If you have an assistance animal:

1. **Your landlord cannot consider the assistance animal a “pet.”** If your lease has a general “no pet” rule, it does not apply to assistance animal, which are considered a health aid similar to medication or a wheelchair.
2. **Your landlord cannot charge you a “pet deposit” or monthly “pet fee.”**
3. **Your landlord cannot ban or limit assistance animals by type.** If the assistance animal is a dog, the landlord cannot place limits on weight or breed.
4. **You are still responsible for:**
  - Picking up after your assistance animal.
  - Paying for damages caused by it;
  - Making sure it is not a nuisance, like barking excessively.
  - Providing care and maintenance for it, including food and water, grooming, vaccinations and health checkups.
  - Dealing with behavioral issues, like aggression. Spaying or neutering your assistance animal will help. You can find out more about resources in your area from animal shelters.
  - Following local ordinances, like keeping it on a leash when you are in public spaces.

## Requesting a Reasonable Accommodation

If you have a support animal and your landlord does not agree, we recommend you take the following steps.

1. **Think about the connection between the support animal and your disability.** What are the specific ways that the assistance animal reduces your symptoms from morning to night?
2. **Get a letter of support from your health care providers.** In most situations, your healthcare provider does not have to reveal details about your specific medical conditions. However, the letter should describe how the animal improves your health.
3. **Write a letter to your landlord.** This letter is called the “reasonable accommodation request.” Include a statement about how the support animal helps you and include letters from your health providers. If you deliver it, get a receipt. If you mail it, send it by certified mail so you have proof that you mailed it.
4. **Your landlord cannot require proof that the assistance animal is registered or trained as a service animal.**
5. **Your landlord can only deny your request if it is unreasonable** because it will cause an undue burden or will fundamentally alter the landlord’s role.

For additional information:

[www.fairhousing.com](http://www.fairhousing.com)

[www.bazelon.org](http://www.bazelon.org)

[www.nationalfairhousing.org](http://www.nationalfairhousing.org)

## If your landlord denies your assistance animal

You can complain with an agency and/or file a lawsuit if your landlord denies your right to have an assistance animal.

1. File an agency complaint within 1 year of the date when the discrimination took place with:
  - U.S. Dept. of Housing and Urban Development (HUD) at [www.hud.gov](http://www.hud.gov) or call 1-800-669-9777 or,
  - Texas Workforce Commission Civil Rights division at [www.twc.state.tx.us/](http://www.twc.state.tx.us/) or 1-888-452-4778.
2. File a lawsuit in state or federal court within 2 years of the discrimination.

Your landlord cannot retaliate against you for filing a fair housing complaint. Your landlord cannot evict you, refuse to renew your lease, keep you from using the premises, increase your rent, terminate your lease, or interfere with your rights under the lease. However, your landlord can file an eviction for valid reasons like not paying rent or violating your lease.

Federal Fair Housing Act of 1968: 42 U.S.C. 3601, et seq; 24 CFR Parts 100, 103, and 104

Texas Fair Housing Act: Texas Property Code Sec. 301.001, et seq.

Local ordinances: Check your municipal code



**For Assistance: 1-888-988-9996**  
**[www.trla.org](http://www.trla.org)**

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# Assistance Animals for People with Disabilities

Fair Housing laws protect tenants against discrimination based on race, color, religion, sex, familial status, national origin, and disability. Under these laws, a person with a physical or mental disability has the right to request and use a service or emotional support animal as a reasonable accommodation. Ignoring or denying a reasonable accommodation request is discrimination based on disability. With few exceptions, fair housing laws apply to landlords who own 4 or more rental units.



This brochure is meant to provide basic information about fair housing laws. Please consult an attorney for legal advice.