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HUD ISSUES GUIDANCE ON REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT RELATING TO ASSISTANCE ANIMALS

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) today announced the publication of guidance clarifying how housing providers can comply with the Fair Housing Act when assessing a person's request to have an animal in housing to provide assistance because of a disability.

The Fair Housing Act prohibits discrimination in housing against individuals who have disabilities that affect a major life activity. The Act requires housing providers to permit a change or exception to a rule, policy, practice, or service that may be necessary to provide people with disabilities that affect a major life activity an equal opportunity to use and enjoy their home. In most circumstances, a refusal to make such a change or exception, known as a reasonable accommodation, is unlawful. A common reasonable accommodation is an exception to a no pet policy. A person with a disability that affects a major life activity may require the assistance of an animal that does work, performs tasks, or provides therapeutic emotional support because of the disability. Housing providers may confirm, if it is not apparent, whether the requested accommodation is needed because of a disability that affects a major life activity and is a reasonable request.

This new Assistance Animal Notice will help housing providers in this process by offering a step-by-step set of best practices for complying with the Act when assessing accommodation requests involving animals and information that a person may need to provide about his or her disability-related need for the requested accommodation, including supporting information from a health care professional. [Read the Notice.](#)

“Countless Americans rely on assistance animals to fill a void, providing individuals with disabilities with the means to have a home that supports their quality of life,” stated Secretary Ben Carson. “In my many discussions with housing providers and residents impacted by the need for assistance, I recognized the necessity for further clarity regarding support animals to provide peace of mind to individuals with disabilities while also taking in account the concerns of housing providers. Today’s announcement responds to the ambiguity surrounding proper documentation for assistance animals with clarity and compassion to provide an equal opportunity for a person

living with a disability to use and enjoy their home.”

“For decades, HUD has recognized the rights of individuals with disabilities to keep an assistance animal in the home where it is a reasonable accommodation,” said Anna María Farías, HUD’s Assistant Secretary for Fair Housing and Equal Opportunity. “Housing is unique, and a person with a disability that affects a major life activity might need an animal that provides support in ways that is not readily apparent to housing providers. For example, veterans or senior citizens may need the assistance or therapeutic support of an animal to help them cope with the symptoms of a disability that affects a major life activity. This guidance will help housing providers to recognize the important way assistance animals can improve the lives of persons with disabilities and to meet their obligation to grant such accommodations.”

HUD General Counsel Paul Compton added, “With the Assistance Animals Notice, both housing providers and individuals with disabilities will better understand their rights and obligations under the Fair Housing Act regarding assistance animals, particularly emotional support animals. For housing providers, this is a tool that can be used to help them lawfully navigate various sets of sometimes complex circumstances to ensure that reasonable accommodations are provided where required so that persons with a disability-related need for an assistance animal have an equal opportunity to use and enjoy their housing. The guidance will help ensure that these important legal rights are asserted only in appropriate circumstances.”

Additionally, this new Assistance Animal Notice provides information on the types of animals that typically may be appropriate and best practices for when the requested animal is one that is not traditionally kept in the home. It also provides information for both housing providers and persons with disabilities regarding the reliability of documentation of a disability or disability-related need for an animal that is obtained from third parties, including internet-based services offering animal certifications or registrations for purchase.

Because they apply to more types of facilities than housing, the laws applicable to public accommodations and government funded facilities, including Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, while sometimes overlapping with the Fair Housing Act, have different, and sometimes narrower, requirements. Similarly, public transportation and common carriers, such as airlines, are also subject to different rules. The Assistance Animal Notice does not address those circumstances.

Persons who believe they have experienced housing discrimination may file a complaint of discrimination by contacting HUD’s Office of Fair Housing and Equal Opportunity at (800) 669-9777 or visiting [How to File a Complaint](#) on HUD’s website.

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