

# Assistance Animals in Housing

Westchester County Human Rights Commission



## Assistance Animals in Housing

You have the right to choose where you want to live without being discriminated against based on a disability. Some people with disabilities need assistance animals. The Westchester County Human Rights Commission accepts, investigates and adjudicates complaints of discrimination based on failure to provide reasonable accommodations, such as assistance animals.

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## Disability Definition

Under the Westchester County Fair Housing Law, a disability is an impairment which substantially limits one or more major life activities or prevents an unimpaired bodily function. Housing providers may not discriminate against a tenant or prospective tenant because of their disabilities.

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## Reasonable Accommodations

Reasonable accommodations are changes, exceptions or adjustments to rules, policies, practices or services that are necessary for a person with a disability to have an equal opportunity to use and enjoy their home. An assistance animal is an example of one type of a reasonable accommodation.

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## Assistance, Service, or Comfort Animals

The Fair Housing Law makes no distinction between assistance animals, service animals, comfort animals, emotional support animals, or other commonly used phrases that refer to animals who perform tasks to assist people with disabilities. They can range from a seeing-eye Shetland pony for a person with a visual impairment, to a dog trained to detect diabetic emergencies, to an iguana that provides emotional support to a resident with a mental disability.

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## An Assistance Animal is NOT a Pet

An assistance animal works, provides assistance, or performs tasks for the benefit of a person with a disability and/or provides emotional support that alleviates one or more symptoms of a person's disability. A "No Pet Policy" cannot be used to deny or limit housing to people with disabilities who require the use of an assistance animal. A number of species and breeds may qualify as an assistance animal. A landlord cannot require extra fees because a tenant has an assistance animal.

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## Interactive Process

A housing provider is entitled to understand that a current or future resident has a disability and that there is a need for the assistance animal because of the disability. If the disability and need are clear to the casual observer, the housing provider is not entitled to request any additional information. If it is not obvious, the housing provider may request minimally invasive information from someone with firsthand knowledge of the disability and need, including but not limited to, the person themselves, a caretaker, or a medical provider. A housing provider may not require a HIPAA release form based on a reasonable accommodation request.

*Retaliation is illegal because an individual filed a complaint of discrimination. This general guidance is not binding, is not to be used in any litigation or proceeding, and does not constitute legal advice. Each situation is fact specific and will depend on the circumstances. Certain exceptions apply.*

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## **Westchester County Human Rights Commission**

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