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OLRS staff write and update publications to provide self-advocacy skills and information to people with disabilities and their families.

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Ohio Legal Rights Service FACT SHEET:

FAQ about Housing Accommodations for People with Disabilities: Service and Support Animals and Other Things

Federal law (the Fair Housing Amendments Act of 1988) and state law (Ohio Revised Code Chapter 4112) specify that landlords and other housing providers may not discriminate against a person with a disability or a handicap in the sale or rental of a dwelling, such as a house or an apartment. One type of prohibited discrimination is a refusal to provide a reasonable accommodation under certain circumstances. This FAQ describes some basic aspects of this issue and offers tips on things you should consider when asking for a reasonable accommodation in housing.

Question: ***Who is covered by these laws?***

Answer: These laws protect a person with a disability (the laws use the term “handicap”). A disability or handicap is a physical or mental impairment that substantially limits a major life activity (including such activities as walking, talking, thinking, eating, seeing, hearing, working, or caring for oneself). The impairment must be permanent or of long-term duration. Temporary conditions such as pregnancy or a broken bone would usually not qualify. Note that the degree of limitation must be “substantial.” Even serious health conditions like cancer or heart disease might not qualify if the present effect is not a “substantial” limitation on the life activity. Some conditions (such as blindness, deafness, or inability to walk) will always impair a major life activity, while many conditions (such as epilepsy, which may or may not be controlled by medication) in some individuals would substantially limit a major life activity, but in other individuals do not. These situations are judged on a case-by-case basis.

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Question: *When can I ask for an accommodation?*

Answer: You can ask your landlord or housing provider for an accommodation whenever your proposed accommodation is necessary for you to have an equal opportunity to use and enjoy that dwelling. In most cases, this means something like this: “If you don’t grant me the thing I’m asking for, I won’t be able reasonably to live in this apartment any more.” Usually, the proposed accommodation serves to lessen or overcome in some way the effect of the disabling condition. Generally this will involve a medical necessity, either physical or psychological. The best way to support your request is with a statement from a medical professional, such as a psychiatrist or other physician, though in some cases a statement from a mental health counselor or social worker might be sufficient. Sometimes a simple prescription is good enough, but usually a note or letter is better. The doctor’s statement should say that the accommodation is necessary or required. Try to avoid statements that say that something is “useful,” “beneficial,” “helpful,” or “recommended.” Those words are usually inadequate.

Question: *What type of accommodation can I ask for?*

Answer: Lots of different things. It may be something like a request to have a second refrigerator in an apartment complex that does not ordinarily allow an extra appliance. One common request, though, is to be allowed to have a service animal or support animal where a no-animals rule is in place. Some particular things should be said about this.

Question: *What should I know about requesting permission to have an animal?*

Answer: The first thing is that a request for an animal is just like any other request for an accommodation, and is judged by the same standard - necessity. There is no special regulation about animals in this context. The only reference to animals in federal fair housing regulations is in the general regulation about accommodations, where one example of a reasonable accommodation is a request by a blind person to have a guide dog. This is generally good, because you do not want to get sidetracked by notions that some type of higher standard can be applied to requests for animals.

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For instance, the landlord may try to argue that some type of training or certification is necessary for the animal to qualify as an accommodation. This contention is based upon other laws such as state laws or the Americans with Disabilities Act. Those laws and regulations do not apply to requests for housing accommodations. Nothing in fair housing law distinguishes between service animals and support animals. Nothing in fair housing law requires that any animal meet training or certification requirements. An emotional support animal, for example, could seldom meet such requirements. It can, however, meet the standard of being determined by a physician to be psychologically necessary to enable a person to reside in a particular dwelling. That should be the end of the inquiry.

Question: Does every request for an accommodation have to be granted?

Answer: No. First, a landlord can contend that you are not covered by fair housing laws because your impairment is not sufficient to constitute a disability. If the landlord prevails on this point, he or she does not have to consider granting your request.

Second, the landlord can dispute the issue of necessity. This issue will usually be decided by the strength of your expert statement.

Third, the landlord can argue that your request need not be granted because it is not “reasonable.” A request that requires the landlord to fundamentally alter the housing operation is not reasonable. A request that creates an undue financial or administrative burden is not reasonable. A request that entails a direct threat to other individuals or which would result in substantial physical damage to the property of others is not reasonable.

Finally, your preferred type of accommodation need not be granted if the landlord can substitute another (probably cheaper) form of accommodation that would accomplish the same purpose. It would be up to you, with the help of your expert, to establish that the landlord’s proposal would be inadequate or ineffective.

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Question: *How would I file a complaint?*

Answer: You can file a charge of discrimination in housing on the basis of disability with the Ohio Civil Rights Commission (OCRC) at the regional office serving your county. The regional offices can be reached at the following numbers:

| | |
|------------|--------------|
| Akron | 330-643-3100 |
| Cincinnati | 513-852-3344 |
| Cleveland | 216-787-3150 |
| Columbus | 614-466-5928 |
| Dayton | 937-285-6500 |
| Toledo | 419-245-2900 |

You can also file a complaint with the U.S. Department of Housing and Urban Development (HUD) through its Chicago regional office. That office can be reached toll-free at 800-765-9372.

In any case, the complaint or charge must be filed no later than one year after the date of the denial of the accommodation request.

Question: *Where can I get more information?*

HUD has an informative brochure, Questions and Answers about Fair Housing, available on its website at

<http://www.hud.gov/local/shared/working/r10/fhsgquestions.cfm?state=wa>

For individual consultation about accommodation requests, you may contact Ohio Legal Rights Service at 800-282-9181 or on the web at **www.olrs.ohio.gov**

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