



Do I have to let tenants have multiple assistance animals?

QUESTION: I am really steamed! I recently accepted a rental application from a married couple on a “no pets” property I manage. The lease was signed, and then just before they were to take occupancy, they informed me they each have a service animal dog and they gave me copies of service animal registration papers. Do I have to let them have two dogs? When they came to the office, they appeared to me to be perfectly healthy.

ANSWER: We understand your frustration. There are several different parts to your question. We will address them one at a time.

The first thing is whether a landlord has to allow a tenant to have an animal notwithstanding a “no pets” policy. The answer to that question according to the fair housing laws is clearly “yes,” assuming the tenant can provide documentation from a physician, psychiatrist, social worker, or other mental health professional demonstrating that the tenant has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.

QUESTION: Does the tenant have to provide documentation that the animal is trained?

ANSWER: No, the fair housing laws do not require assistance animals to be individually trained or certified.

QUESTION: So the service animal registration papers the prospective tenants gave me don’t allow them to keep the dogs on the property?

ANSWER: That’s correct. In fact, the registration papers are irrelevant. What is relevant is whether either or both of them are disabled, and if so, whether an assistance animal will provide disability-related assistance or emotional support. As noted above, you can require them to provide reasonable supporting documentation.

QUESTION: Let’s say only one of them provides documentation of a disability and the need for an assistance animal. In that case, would I have to let them keep both animals?

ANSWER: If only one of the tenants can prove they are disabled and need an assistance animal, we think you would be rightfully skeptical of a claim that they need multiple assistance animals to provide disability-related assistance or emotional support. If such a claim is made, we don’t think it would be out-of-bounds for you to ask for an explanation from the physician, psychiatrist, social worker, or other mental health professional providing the documentation why multiple assistance animals are necessary for a single tenant.

QUESTION: What if they both provide documentation of a disability and the need for an assistance animal? I’d have to let them keep both animals, right?

ANSWER: Not necessarily, in our view. Just because they both provide documentation of a disability and the need for an assistance animal doesn't automatically mean they need more than one assistance animal. Isn't it possible that a single animal could provide disability-related assistance or emotional support sufficient for them both? Again, we think that would be a question you may reasonably ask be addressed by their health professional.

QUESTION: Okay. What about the fact that they didn't tell me about the dogs until after they had been approved and the lease was signed? They indicated on the application that they didn't have any pets!

ANSWER: We are sympathetic. However, for starters, assistance animals are not considered to be pets, so the indication on the application that they didn't have pets wasn't necessarily incorrect. Also, prospective tenants don't have to volunteer—nor should you ask for—information about their race, color, religion, sex, disability, familial status or national origin. If they can in fact provide reasonable documentation demonstrating the existence of a disability and the need for the assistance animals, we think it would be very risky to refuse to honor the lease based on their failure to tell you up front about their disabilities and the need for assistance animals.

QUESTION: What if they can't provide reasonable documentation of a disability and the need for an assistance animal/animals? The lease is already in effect. They are supposed to take possession next week!

ANSWER: They can still lease the property without the animals. If they insist on having the animals, from a practical point-of-view, we think you should consider letting them out of the lease and returning any deposit and/or rent they've paid. If they won't agree to a mutual termination of the lease, you should seriously consider not letting them take possession unless they provide assurance that they won't keep the dogs. If, however, they take possession and you discover that the dogs are there, that would be a breach of the lease and you could evict them if you demand that the animals be removed and they don't comply within five days.

QUESTION: Where can I get more information on this subject?

ANSWER: For more detailed information on assistance animals for people with disabilities in housing, [click here](#) to access a HUD Notice on the subject dated April 25, 2013. Section I of the Notice (beginning on page 2) addresses assistance animals and the Federal Fair Housing Act. Section II of the Notice (beginning on page 4) addresses service animals and the Americans with Disabilities Act. The Fair Housing Act covers privately-owned and federally assisted housing, while the ADA covers public accommodations. The rules are different. Generally speaking, the ADA rules would not apply to the rental of a private dwelling, but it could be applicable under certain circumstances. For example, a leasing office likely would be considered a place of public accommodation, so the ADA rules would be applicable there.

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