

Who is Protected?

To be protected by the Marion Ordinance and the Fair Housing Act regarding service or companion animals, three criterion must be met:

1. Person must have a disability.
2. Animal must serve a function directly related to the person's disability.
3. Request must be reasonable.

Disability Defined

- An individual who has a physical or mental impairment that substantially limits one or more major life activities, or;
- Has a record of an impairment, or;
- Is regarded as having an impairment (regardless of whether that perception is accurate).

Service Animals

Service animals perform a wide variety of tasks for people with disabilities.

Examples:

- Alerting a person with hearing impairment to noises such as alarms, doorbells, a baby crying, etc.
- Assisting wheelchair users by retrieving dropped items, opening doors, pulling a wheelchair, or carrying supplies.
- Sensing and warning about a person's oncoming seizure.
- Providing assistance with balance.

The Fair Housing Act recognizes that service or companion animals are necessary for the individuals with disabilities who have them, and does not categorize service animals as “pets.” These animals cannot be subjected to “pet rules.”

Companion Animals

Companion animals, *also referred to as assistive, emotional support, or therapeutic animals*, assist individuals with disabilities in their daily living to overcome limitations and barriers in their environment.

A service or companion animal is *not* a pet. It is unlawful to require any additional deposits or monthly fees.



Reasonable Accommodation

The Fair Housing Act requires that owners and landlords provide *reasonable accommodations* to persons with disabilities.

These refer to changes in rules, policies, practices, and services which are necessary to permit persons with disabilities to use and enjoy their housing units.

Tenants

Individuals with disabilities may request other reasonable accommodations regarding their service or companion animals.

For example, a person with a mobility impairment may find it difficult to walk a service/companion dog. Tenant and landlord might work together to identify a mutually agreeable, and accessible, area of the property on which the dog can relieve itself.

Tenant Responsibilities

The tenant is responsible for the actions of his/her animal and can be held accountable for any damage to property. Additionally, the tenant must comply with established policies such as cleanliness and maintenance of the unit, as well as leash requirements and noise guidelines.

It is the responsibility of the person with the disability to request any reasonable accommodations necessary for tenancy.

Housing Providers

It is legal for housing providers to inquire about any individual's ability to meet the requirements of ownership or tenancy when the same inquiries are made of all applicants, whether or not they have disabilities.

For service and companion animals housing providers cannot:

- Impose breed, size, or weight restrictions of a pet rule.
- Exclude from areas where people are generally welcome, or access restrictions to only a particular door or elevator.
- Require special tags, equipment, certification, or special identification.

A housing provider is obligated to attempt resolution of the problem before eviction proceedings are initiated.

The Act does not specifically limit the number of service or companion animals an individual with a disability may have. Requests for multiple animals may be reviewed on a case-by-case basis.

Documentation Requests

Housing providers *can ask* an applicant or tenant to provide documentation from a qualified professional that the individual has a disability and requires a Service or Companion Animal as a reasonable accommodation.

Housing providers *can not ask* an applicant or tenant to provide:

- Any details about the applicant's/tenant's disability.
- Medical records.
- Proof of training (such as a training certificate).

Qualified Professionals may include a doctor, social worker, counselor, therapist, psychiatrist.

Complaints and Damages

Individuals with disabilities are solely responsible for the conduct of their service or companion animals, and housing providers may have recourse available if the tenant fails to satisfy this obligation.

For example:

- A housing provider may require payment for damages (such as chewed carpeting).
- Insist that the animal be prevented from repeated barking that disturbs neighbors.

Complaints about a service or companion animal must be substantiated and not based on speculation.



If you feel that you have been discriminated against or would like more information, contact the Marion Civil Rights Commission.



The Marion Civil Rights Commission shares staffing with Cedar Rapids:

50 2nd Avenue Bridge, 7th Floor
Cedar Rapids, Iowa 52401
Phone: (319) 286-5036
civilrights@cedar-rapids.org

cityofmarion.org/CivilRights



Guide to Service and Companion Animals

