

Animals can be a major help to people with disabilities to live independently. More and more, animals are being used to assist persons with emotional and mental disabilities. Yet, many tenants and landlords may not fully understand the differences between service animals and companion animals or what it means for their apartment building or rental unit.

A companion animal, also known as an emotional support or assistance animal, is not the same as a service animal. North Dakota Century Code defines a service animal as “any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for an individual with a disability.” These can include guide dogs for the blind, hearing dogs, medical alert dogs, or medical assistance dogs.

A companion animal provides emotional support and comfort for individuals who are mentally impaired or to those with depression, anxiety or those in need of emotional support, including veterans with post traumatic stress disorder.

Tenant Rights and Responsibilities

- The Fair Housing Act states that a landlord must provide reasonable accommodation for persons with a disability including the use of service or companion animals. Under state code, you may be required to provide documentation from a physician or medical professional confirming your disability and stating the relationship between your disability and the need for the animal.
- You cannot be charged a pet deposit or pet fee.
- You cannot be turned away because of a service or companion animal.
- Tenants should also remember to be responsible pet owners. Clean up after your pet, walk in designated areas, keep up on vaccinations, and be respectful of the property.

Landlord Rights

- You are entitled to verify the existence of the disability and the need for the accommodation.
- You can charge the tenant for damage done to the property. Just like any other tenant, they will pay a normal rent deposit which you are allowed to use if the animal has done damage to the property.
- The Fair Housing Act also protects you against animals that are not house broken, are dangerous or are not well cared for or controlled by the tenant.

Resources

www.hud.gov
www.highplainsfhc.org
www.nd.gov/labor/human-rights/housing
www.disability.gov
www.ada.gov

