COMPANION ANIMALS IN HOUSING

WHAT IS A COMPANION ANIMAL?

- Not defined in regulations, primarily defined by case law and administrative guidance – more broad than definition of "service animal"
- Also called "assistance animal"
- Primary purpose is to provide comfort or support – legally termed "ameliorating the effects of a person's mental or emotional disabilities"
- Not necessarily individually trained or certified
- Not a limit on type or number of animals (dog, cat, bird, fish, monkey, or 2 or more of these), though numbers may be limited by an ordinance

HOW ARE COMPANION ANIMALS TREATED IN THE CONTEXT OF HOUSING?

- Not pets, so not subject to pet policies
- Owners can't be required to pay additional maintenance or cleaning fees (but you can be charged for damage if the landlord ordinarily charges for damages to property)
- Allergens or fear of dogs is typically not a valid reason to deny a companion animal
- Governed by reasonable accommodation law (Fair Housing Act, § 504, Colorado Anti-Discrimination Act)
- Must show that the person has a disability and that the animal provides something for the person (nexus between disability and the need for the animal(s)) – *Note: this is liberally construed and a landlord can only seek minimal documentation, documentation doesn't need to come from a licensed medical professional
- Service animals AND companion animals are allowed in housing
- Landlord cannot charge extra fees or "pet deposits" for companion or service animals

Turn over for additional information.

<u>AS AN INDIVIDUAL WHO HAS A COMPANION ANIMAL, WHAT ARE MY RESPONSIBILITIES</u>?

- Must take care of your animal (provide food, water, and supervision at all times – must clean up after your animal!)
- Cannot allow animal to be aggressive or threatening
- Must harness, leash, or tether animal in public, unless doing so would interfere with your disability

*** *DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights.* ***

References:

Disability Law Colorado – www.disabilitylawco.org
U.S. Department of Housing and Urban Development – www.hud.gov