

All About - Support, Service, and Assistance Animals

Support, service and assistance animals are not pets. They are animals that help you manage the symptoms of a disability or medical condition. This includes service animals and emotional support animals. If you live in a rented home and need a service animal or emotional support animal because of a disability, you can in some circumstances ask your landlord to let the animal live with you. This is called a reasonable accommodation.

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What are support, service and assistance animals?

Under Wisconsin housing law, a 'service animal' is any animal trained, or being trained, to do work or perform a specific task for the benefit of a person with a disability.

Examples:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Pulling a wheelchair,
- Alerting a person with epilepsy to an upcoming seizure and assisting the individual during the seizure,
- Retrieving the telephone or summoning emergency assistance,
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

An 'emotional support animal' provides emotional support, well-being, comfort or companionship to an individual with a disability but is not trained to perform work or tasks.

Examples:

- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors,
- Taking an action to calm a person with post-traumatic stress disorder (PTSD) during an anxiety attack,
- Assisting the person in dealing with disability-related stress or pain,
- Assisting a person with mental illness to leave the isolation of home or to interact with others,
- Enabling a person to deal with the symptoms or effects of major depression by providing a reason to live.

Under the federal Fair Housing Act (FHA), an animal is not a pet if it is used to assist, support, or provide service to a person with disabilities. These ‘assistance animals’ would include what Wisconsin calls ‘service animals’ and ‘emotional support animals’.

Note: The FHA covers virtually all types of housing, including privately owned housing and federally assisted housing, with a few limited exceptions.

When it comes to housing, both Wisconsin and federal law protect any animal as long as the buyer or renter has a disability-related need for the animal, whether it is called a service animal, emotional support animal, or assistance animal. For simplicity, we will refer to “assistance animals” unless we are talking specifically about either service animals or emotional support animals.

What is a reasonable accommodation?

A reasonable accommodation is a change in the housing provider’s rules, policies, practices or services when the change is needed to give people with disabilities equal opportunities to use and enjoy their housing. For example, a person who is blind can ask to keep a guide dog in their rental apartment, even if the building they live in has a “no pets” policy. Generally, if the accommodation you asked for is reasonable, your housing provider must make the accommodation. (Although there are certain exceptions to this general rule—see section below “Can my landlord say no?”)

How to ask for a reasonable accommodation for your support animal

You do not need to use a specific form or specific words to ask your housing provider for permission for your assistance animal to live with you. However, it is a good idea to ask your housing provider in writing so that you have a record in case there is a later disagreement about when or whether a request was made. Likewise, housing providers may find it helpful to have a consistently maintained list of reasonable accommodation requests.

Remember: While it is not necessary to use the words “reasonable accommodation,” “assistance/support animal,” or any other special words to request a reasonable accommodation, it is a good idea to do so in order to avoid miscommunication.

Under the law, you can make the request at any time, even after you’ve gotten the animal and moved them in, and the housing provider must consider the request. But from a practical standpoint, it is usually going to work out better if you ask the housing provider for the accommodation as soon as you know you will be needing an accommodation.

You should explain two things to your housing provider when asking for a reasonable accommodation:

1. That you have a disability
2. That you need an assistance animal in order to enjoy your home and reduce the effects of the disability

It is also a good idea to provide proof to support what you write to your housing provider, such as a letter from a health professional explaining the connection between your assistance animal and your disability.

[Sample Accommodation Request Letter \(provided by the City of Madison Civil Rights\)](#)

[Solicitar Adaptacion Razonable Para un Animal de Apoyo \(proporcionado por Ciudad de Madison Derechos Civiles\)](#)

What proof can my housing provider ask me for?

1. Proof that you have a disability

- Exception: Housing providers can't ask for this if your disability is obvious.
- Depending on circumstances, information verifying disability may come from:
 - a. A credible statement by the individual themselves
 - b. A determination of disability from a government agency
 - c. Receipt of disability benefits or services (Social Security Disability Income (SSDI)), Medicare or Supplemental Security Income (SSI) for a person under age 65, veterans' disability benefits, services from a vocational rehabilitation agency, housing assistance or a housing voucher received because of disability, or disability benefits or services from another government agency.
 - d. A health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse.
 - Housing providers may not require a healthcare professional to use a specific form, to provide notarized statements, to make statements under penalty of perjury, or to provide an individual's diagnosis or other detailed information about a person's physical or mental impairments.
 - e. A peer support group, non-medical service agency, or other reliable third-party who is in a position to know about the individual's disability

2. Proof that your assistance animal is necessary to help with your medical condition or disability

Example: A rental applicant who uses a wheelchair advises a housing provider that he wishes to keep an assistance dog in his unit even though the provider has a "no pets" policy. The applicant's disability is readily apparent but the need for an assistance animal is not obvious to the provider. The housing provider may ask the applicant to provide information about the disability-related need for the dog.

- Exception: Housing providers can't ask for this if your disability-related need is immediately obvious. For example, you are blind and use a guide dog.
- **Documentation from the Internet:** Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Such documentation from the internet may not, by itself, be sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal. By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

Caution: If you want permission to house an emotional support animal, a housing provider can request that you provide documentation of your disability-related need for the animal from a licensed health professional, which can be a physician, psychologist, social worker or other health professional

My landlord wants more information than what is listed above. What should I do?

If you have already given your landlord the two pieces of proof above, you do not have to give your landlord any other proof, but you can choose to if you want to. If you decide not to give any extra information, your landlord cannot use that as a reason to deny your reasonable accommodation.

Examples of extra information you do not need to give to your landlord:

- Information about what kind of disability you have or other personal medical information.
 - A person with a disability has a general right of privacy about the disability, and cannot be asked about the individual diagnosis or extent of the disability.
- Proof that your animal has been trained or is "official"
 - State and federal laws do not require assistance animals to be documented in an official registry, or to wear an identifying vest or identification tag. The U.S. Department of Justice does not recognize a

commercially marketed “certification” or “registration,” or products such as an “official” vest, as proof that a dog is a service animal.

Can my landlord say no?

Under limited circumstances a property owner can deny the ability to keep an assistance animal if:

- You are not disabled.
- You don't have a disability-related need for the animal.
- You didn't provide proof of your disability or disability-related need for the animal.
- Allowing the animal would cause an excessive financial burden on the housing provider.
- The animal is dangerous.
- A property owner can't deny an animal based on the type of animal, breed or past experiences. Denials should be based on the individual animal.
- The animal is not housebroken or under your control.

Can my landlord charge me for my assistance animal?

No. Assistance animals are not pets. Therefore, your landlord cannot charge you a pet fee, extra security deposit, or apply other pet policies like breed or weight restrictions.

However, you are still responsible for cleaning up after your animal and caring for it properly. If your animal damages the landlord's property, your landlord can charge you for those damages.

Understanding these rights and responsibilities can make it easier to live with an assistance animal in rental housing.

I'm looking for a new place to live. Should I mention my assistance animal in my applications?

You do not need to mention your assistance animal in your application for new housing. However, after your application is accepted, it may be helpful to talk to

your new landlord about your assistance animal before move-in day, in case they have a valid reason that your animal can't live with you.

[Discrimination & Fair Housing](#) [Renting](#) [Housing](#)

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Table of Contents

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