The Fair Housing Act

The Fair Housing Act (FHA) protects people in protected classes from being treated differently than others in housing situations. Under the FHA, people with disabilities have the right to ask for changes to the rules of their housing complex, like a pet policy.

(42 U.S.C. § 3601 et al. See also the Utah Fair Housing Act at Utah Code Ann. § 57-21-1 et al. The federal protected classes are race, color, sex, national origin, familial status, religion, and disability. Utah law also prohibits discrimination based on sexual orientation, gender identity, and source of income.)

What Disability Means Under the FHA

Under the FHA, a person has a disability if they:

- Have a physical or mental impairment that substantially limits one or more major life activities, which may include seeing, hearing, walking, breathing, learning, speaking, taking care of oneself or performing manual tasks;
- Is regarded as having such an impairment, and;
- Have a record of having such an impairment.

The FHA Applies, But is Not Limited To...

- Home Owners Associations (HOA)
- Apartment complexes with 4 or more units
- Condominiums, cooperatives, and time shares
- Emergency shelters
- Mobile homes and trailer parks

State-owned, or subsidized, residential support facilities
- Rentals where the landlord uses a real estate agent, or management company, to manage.

Reasonable Accommodations

Reasonable accommodations are changes in rules, policies, or services that allow a person with a disability to use and enjoy their home like anyone else. If you ask for a change, and it is reasonable, the landlord should allow you to do it. An example of a reasonable accommodation is:

- Changing a "no pets" policy to allow an assistance animal for someone with a mental illness.

What is an Assistance Animal?

The FHA provides that an assistance animal is an animal that helps a person with a disability deal with physical and/or emotional problems. An assistance animal also allows a person with a disability to fully use and enjoy their residence. "Assistance animal" is an umbrella term which may include service animals, guide dogs, hearing animals, therapy animals, and emotional support animals. These animals are not “pets” and must be prescribed by a doctor or other professional.

What is an Assistance Animal?

Under the FHA, a landlord may not ask you to pay any deposit, or fees, for an assistive animal.
Your Responsibilities

If you have an assistance animal, your responsibilities include:
- treating your animal well;
- keeping the animal under your control at all times;
- making sure your animal is well-behaved;
- cleaning up any and all animal food/waste;
- paying for any damage caused by your animal;
- following local laws about animals (which may include having your animal licensed and/or inoculated).

A Landlord May Ask for More Information Regarding Your Disability

Your landlord may request more information from your doctor, therapist, or other professional who is familiar with your disability that:
- explains how your disability affects your life;
- explains the relationship between your disability and the need for the requested modification;
- explains why you need to make changes in your housing.

You may consult an attorney to find out what type of information you'll need to give your landlord.

For More Information

If you have further questions, or would like more information in general, please contact the Disability Law Center (DLC).

The Fair Housing Program at the DLC provides services to all protected classes throughout Utah, not just those with disabilities. Our services are offered statewide and free of charge. Materials are also available in alternative formats such as audio, large-print, Braille, and Spanish.

Call (800) 662-9080 or visit our office to speak confidentially with a Short Term Assistance Advocate. Office hours are Monday-Friday, 9:00 AM to 4:00 PM.

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