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`No pets'? Not when Fluffy is doctor's orders Landlords have to put out the welcome mat for animals that help renters with depression or other disorders.

By Dinah Eng
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For Roxanne Aquino, whose lupus and rheumatoid arthritis led to depression, relief came in the form of a cat -- pet therapy prescribed by her psychiatrist. But when she and her family tried to move into a North Hollywood shelter for the homeless, she ran into a problem. The shelter management forbade pets.

"They ... didn't understand that my cat is an assistance animal, not a pet," Aquino said. So she sought help from the Housing Rights Center of Los Angeles, a nonprofit organization that offers legal aid to low-income people with housing issues. The center advocated for her right to have the cat in the shelter and prevailed.

This year, when Aquino and her family moved into an apartment complex in Canyon Country with a no-pets policy, she encountered the same resistance. Again, a letter from the center resolved the situation in Aquino's favor.

Although the concept of assistance animals to aid those with mental or emotional disorders has been around since the 1980s, experts say it's only been in recent years that awareness of their protection under the law has increased, due mostly to the outreach efforts of groups advocating disability rights.

Federal housing laws prohibit discrimination against people with physical and mental disabilities, and those certified to need an assistance animal of any kind must be allowed reasonable accommodation -- even if the housing complex has a no-pets policy. The Federal Fair Housing Act, enacted in 1968, was amended in 1988 to add disability provisions. In California, the 1980 Fair Employment and Housing Act offers even broader disability provisions than the federal law.

Janie Siess, an attorney with the state Department of Fair Employment and Housing, notes that many landlords and condominium associations don't understand this requirement because the need for having a companion animal in the home is not always readily evident.

"If you see a [blind] person walking down the street with a cane, it's obvious that it's a person who doesn't have sight," Siess said. "When you're looking at someone with a mental condition or emotional impairment, it's harder ... to grasp that the disability limits life activities.

"But a companion animal is not a pet. Asking to have one in the home is no different than someone who asks for a ramp or a door wide enough to accommodate a wheelchair."

Many legal cases involving assistance animals in the home have been filed across the nation, including a noted case in recent years in California known as "the Pooky ruling."

Six years ago, an Auburn, Calif., couple diagnosed with severe depression filed a complaint with the state, charging that their condominium association discriminated against them because it refused to let them keep a companion animal in their home.

The Fair Employment and Housing Commission found in the couple's favor in May 2002, awarding them \$12,500 in emotional-distress damages. Their condo association, which had a no-dogs policy, appealed the case in court. A Superior Court judge ruled in favor of the association, despite testimony from a psychiatrist and psychologist that Pooky, a wire-haired terrier, was required therapy for the couple.

The couple maintained that taking care of the dog got them out of the house and interacting with other people, and that because of the animal's affection, their depression was alleviated.

In 2004, the 3rd District Court of Appeals found that the condo association had discriminated against the couple by failing to "reasonably accommodate their disabilities by permitting them to keep a small companion dog."

Although the court decision has been applied to rental apartments and condos, Beth Rosen-Prinz, a regional administrator for housing with the state agency, said the same principle applies to assisted-living facilities too.

Since the animal is considered a reasonable accommodation for a disability, and not a pet, the housing provider can't charge a fee for having the animal in residence, said Rosen-Prinz. If the animal is aggressive or threatening to anyone, the housing provider can request that the animal be replaced, and if there's any damage, the animal's owner is responsible.

The size of the companion animal may be a factor in determining whether a request is reasonable, Siess said. "If you're talking about putting a 120-pound dog in an apartment that's 800 square feet," Siess said, "maybe that's not reasonable."

For more information on housing law, contact the state Department of Fair Employment and Housing at (800) 233-3212, or check its website at www.dfeh.ca.gov. The Housing Rights Center of Los Angeles can be reached at (800) 477-5977, or (213) 387-8400. PAWS/LA (Pets Are Wonderful Support/Los Angeles), a group that assists low-income people with disabilities in Los Angeles County who need emotional-support animals, can be reached at (213) 741-1950..

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