January 21, 2010

Ralph Rosenberg, Executive Director

Iowa Civil Rights Commission

Grimes State Office Building

400 E. 14th Street

Des Moines, IA 50319-1004

RE: Fair housing provisions regarding animals owned by persons with disabilities who rent from private landlords

Dear Mr. Rosenberg,

It was a pleasure speaking with you, Don Grove, and Teresa Baustian regarding the difficulty that tenants with disabilities face when they try to rent from landlords who have a no-pets policy, refuse to recognize or allow animals that do not perform tasks or functions for the tenant, or require the tenant to pay a pet deposit. This letter is to confirm and summarize the information we discussed during the teleconference last Friday and reiterate the work we will undertake and complete for the Iowa Civil Rights Commission.

We agreed to review federal and state housing laws, regulations, policies, agency manuals and cases that cover the topic of animals owned or used by residents with disabilities in private housing. The primary focus is on the types and characteristics of animals that landlords must permit to live with a tenant with a disability as a reasonable accommodation or a reasonable modification of a lease, rule, policy or procedure. Len Sandler will supervise our efforts.

First, we will research how the Fair Housing Amendments Act of 1988 and HUD regulations define and treat animals owned or used by persons with disabilities (or handicaps). We will compare the provisions in 24 C.F.R. § 100 about disability discrimination and reasonable accommodations or modifications with the rules about pet ownership in public housing in 24 C.F.R. § 960.701 et seq. and other housing projects. As you know, public and elder housing regulations, unlike the general provisions, expressly apply to “animals that assist, support, or provide services to persons with disabilities.”

Second, we will research whether private landlords are permitted to charge a pet deposit or fee to a tenant or applicant with a disability whose animal serves a therapeutic, psychiatric, or emotional purpose but does not perform a specific task.

Third, time permitting, we will provide you with proposals to amend Commission rules or state law to ensure maximum protection for persons with disabilities who need animals that only serve a comfort or therapeutic purpose. In a similar vein, we will evaluate legislation filed during the current Iowa legislative session on this and related topics. Thank you for agreeing to send us bills that will be filed soon to amend Iowa Code Chapter 216C.

Len Sandler will supervise our efforts, which will include a comprehensive memorandum or letter-brief for you and the Commission to review and use.

Please let us know if the above information is incorrect or if you feel the need to specify what is required from us further. If you have any questions or concerns, please contact us at the Clinic office at (319) 335-9023 or by e-mail at law-legal-clinic@uiowa.edu. We look forward to working with you this spring.

Sincerely,

Thomas Cross

Student Legal Intern

Jill Sechser

Student Legal Intern