**Idaho AHMA Fair Housing Training 2014:**

**Fair Housing Case Studies**

**Scenario One: Eviction for Service Animal**

In the middle of a one year lease agreement, tenant’s disabling condition becomes worse and his professional says he needs a therapy animal. The tenant gets the animal and asks his landlord who has a “no pets” policy if he can have it. The landlord says no, says he doesn’t look disabled, charges him $300 for having the “pet,” and gives him a Three Day Notice to Evict. The landlord proceeds to evict. You have been asked to negotiate this case.

See the ***HUD DOJ Statement on Reasonable Accommodations***.

**Scenario Two: Eviction for Nonpayment of Rent**

You are in eviction court to mediate. The tenant is being evicted for nonpayment of rent. She received all required notices and was served properly. During mediation, you find out that she requested a reasonable accommodation for more time to pay rent because she was hospitalized for her disabling condition. The landlord refused to give her time to pay the rent to him and filed a summary proceeding for nonpayment of rent. She tried to pay after she was discharged from the hospital. The tenant has the rent money in court.

See the **Bazelon Center for Mental Health’s Fair Housing Information Sheet Four at www.bazelon.org**.

**** 

Intermountain Fair Housing is distributing this publication, supported by funding under a grant with the U.S. Department of Housing & Urban Development. The substance & finding of the work are dedicated to the public. The author & publisher are solely responsible for the accuracy of the statements & interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal government.

**Idaho AHMA Fair Housing Training 2014:**

**Fair Housing Case Studies Debrief**

**Scenario One: Eviction for Service Animal**

**Fair Housing Issues:** The landlord’s behavior may be discriminatory based on disability as a denial of a reasonable accommodation and discriminatory statement. Best practice for the tenant is to wait until the landlord gives permission for the service animal; however, the landlord has probably committed a fair housing violation based on disability with regard to his statement about not looking disabled and denial of service animal if the tenant has a disability has defined under the FHA and there is a nexus or connection between the disability and need for the animal. It is also probably illegal to charge a pet deposit or fee for a service animal and evict a tenant for having one.

**Scenario Two: Eviction for Nonpayment of Rent**

**Fair Housing Issues:** The landlord’s behavior may be discriminatory based on disability as a denial of a reasonable accommodation. Although a landlord is not required to grant economic accommodations to tenants as it may present a financial hardship for the landlord to go without rent, best practice for the landlord in this situation is to allow a tenant to pay rent when she exited the hospital so as not to deny a reasonable accommodation. However, in some situations, paying rent late is not reasonable if the landlord can’t afford to wait.

**** 

Intermountain Fair Housing is distributing this publication, supported by funding under a grant with the U.S. Department of Housing & Urban Development. The substance & finding of the work are dedicated to the public. The author & publisher are solely responsible for the accuracy of the statements & interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal government.