

# NORTHWEST FAIR HOUSING ALLIANCE



LINK TO NEW  
ADA “SERVICE  
ANIMAL”  
REGULATION:

[28 CFR Part 36,  
Nondiscrimination  
on the Basis of  
Disability by Public  
Accommodations  
and in Commercial  
Facilities. Final rule.  
Effective Date:  
March 15, 2011.](#)

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VOLUME 1, ISSUE 1

MAY 2011

## Companion Animals Still Allowed in Housing

### New ADA Regulations

The U.S. Dept. of Justice (DOJ) recently amended the Americans With Disabilities Act (ADA) regulations, changing the definition of “service animal” to “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Other species of animals, whether wild or domestic, trained or untrained, are not service animals (except that, the use of a miniature horse shall be permitted if individually trained to do work or perform tasks). Emotional support animals are not included as “service animals.”

### The ADA service animal definition does not apply to the Fair Housing Act

The ADA regulations govern State and local government services, places of public accommodation, and commercial facilities. The FHA regulations apply to “dwellings”. The FHA and its regulations do not contain a definition of “service animal”.

### Training Not Required

Under the FHA, there is no requirement that the animal be trained to perform work or a task. Emotional support animals that don’t

qualify as service animals under the ADA regulations may qualify as permitted reasonable accommodations for persons with disabilities under the FHA.

### FHA Reasonable Accommodation Request

Disabled individuals may request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals, under the FHA. An individual with a



### Animals other than dogs may still be allowed under the Fair Housing Act

disability may have the right to have an animal other than a dog in his or her home if the animal qualifies as a “reasonable accommodation” that is necessary to afford the individual equal opportunity to use and enjoy a dwelling. Conversely, under the ADA, the animal need only meet the definition of “service animal” to be covered by the law—a reasonable accommodation analysis is not applied.

### Information that Can Be Requested

The FHA focus is on the nature of a person’s disability, the difficulties the disability may impose, and whether the requested accommodation would address those difficulties, not on evaluating the animal involved. Housing providers are entitled to verify the existence of a disability, and need for accommodation—if either is not readily apparent.

A public accommodation may make 2 inquiries to determine whether an animal qualifies as a service animal: 1) If the animal is required because of a disability, and 2) what work or task the animal has been trained to perform. However, a public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

*Marley J. Hochendoner  
Executive Director, NWFHA*

[Click](#) to Link to:  
HUD Memo,2/17/11: New  
ADA Regulations and  
Assistance Animals as  
Reasonable  
Accommodations under the  
Fair Housing Act and  
Section 504 of the  
Rehabilitation Act of 1973.

Each month NWFHA selects a friend of fair housing to recognize. These are housing providers who exemplify both knowledge of fair housing laws and a willingness to make equal housing opportunity a reality.

# 2011 NWFHA Friends of Fair Housing



**APRIL**

Tim Campbell  
Property Manager  
Oakwood Club &  
McDonald Place Apartments  
Riverstone Residential Group

**MAY**

Kim Rasp  
Manager,  
Resident Services and Occupancy  
Spokane Housing Ventures



## OUR RECENT HUD GRANT HIGHLIGHTS

### FHIP PEI 1/09-11/10

During the third 12-months of a 3-year HUD FHIP PEI grant, NWFHA staff:

- Responded to more than 1934 inquiries received by telephone and in-person, from individuals seeking assistance, exceeding our goal of 1300 inquiries by 48%
- Completed intake and investigated 214 complaints of housing discrimination
- Negotiated 92 successful reasonable accommodations for persons with disabilities who filed fair housing complaints with NWFHA
- Completed 59 site tests (45 rental, 8 sales, and 6 lending), and 5 on-site accessibility tests, 31 phone tests based on accents, 61 disability-based phone tests, 2 familial status phone tests, and 4 national origin phone tests
  - Of 36 rental audit tests, 36% showed differences
  - 33% of 9 complaint-based rental

- tests showed differences
- 25% of 8 sales audit tests showed differences
- 0% of 6 lending audit tests revealed differences
- 15% of 59 total on-site tests showed discrimination, and 15% showed some differences
- Assisted 23 individuals in filing complaints with HUD; an additional 4 complaints were filed with the WSHRC, for a total of 27 complaint referrals

### FHIP EOI 1/09-11/10

During the 12-months of a HUD FHIP EOI grant, NWFHA staff:

- Compiled list of HUD-approved housing agencies and area resources
- Created E. WA Lending Awareness website, [www.lendingawareness.org](http://www.lendingawareness.org)
- Designed & distributed English & Spanish E. WA Lending Awareness brochures
- Created awareness curriculum

- Recorded live Spanish radio broadcast on KDNA
- Offered 4 lending awareness workshops in Wenatchee, Yakima, Kennewick & Colville
- Provided 4 workshops for social service providers & advocates in Wenatchee, Granger, Pasco & Spokane
- Produced & published English & Spanish radio, written, & TV PSAs
- Conducted 4 trainings at local homeless shelters
- Conducted fair housing trainings for people with disabilities and their advocates
- Presented fair housing & lending awareness information to first time homebuyer class attendees
- Created and distributed a fair housing brochure for veterans and active and reserve military

**OUR HUD RATINGS:**  
**PEI: 100/100 POINTS**  
**EOI: 97/100 POINTS**

# I am a Student, Not a Stereotype

Thousands of college and university students live in Spokane. Many are inexperienced first-time renters or home owners. Until now, there has been little fair housing information available to Spokane-based college and university students.

There are several fair housing issues that especially impact college students. NWFHA receives many



queries from students and landlords about: renting houses to unrelated students in single family zoning, the legality of discrimination by landlords who prefer to rent rooms in their homes to only one sex, the impact of discrimination by one roommate against another roommate, and requirements by landlords

**THIS INITIATIVE FUNDED BY A CITY OF SPOKANE 2010 CDBG GRANT**

**LANDLORDS SHOULD NOT MAKE DECISIONS BASED ON PRECONCEIVED AND STEREOTYPICAL NOTIONS ABOUT A STUDENT'S PROTECTED CLASS**

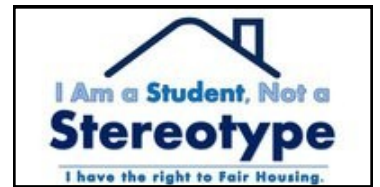
that opposite sex roommates be married. Lack of understanding of fair housing laws can lead to unfortunate consequences for both landlords and students: denial of housing for students and expensive damages for landlords (e.g., \$17,800 federal court settlement with Michigan landlord who had "students only" policy which had the effect of denying housing to adult students with children). Pursuant to a 2010 CDBG grant award from the City of

Spokane, NWFHA is offering 2 campus-based fair housing trainings for students in Spokane.

Knowing fair housing rights and obligations will help students, and their landlords, to have a positive housing experience.

*Click on the Logo below to view the new Facebook page, sponsored by the City of Spokane, dedicated to students & Fair Housing.*

*Upcoming NWFHA trainings for students and other events will be posted on this page.*



## The NWFHA Team

Call us at 1-509-325-2665 or 1-800-200-3247, then press:

2 para Español (Margaret Mount, Fair Housing Specialist I), or

1 for English

Then, press:

6 for intake

1 for Shannon Bedard, Fair Housing Spc. II

2 for Christina Mitma, Fair Housing Spc. III

3 for Shawn Nikfar, Testing Coordinator

4 for Peggy Rolando, Finance Manager

5 for Marley Hochendoner, Exec. Director

**The NWFHA Team: Christina, Marley, Peggy, Shannon, & Shawn**



**Not pictured: New team member Margaret Mount**

## Northwest Fair Housing Alliance

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Spokane, WA 99201

Phone: 509-325-2665  
Fax: 509-325-2716  
[www.nwfairhouse.org](http://www.nwfairhouse.org)



The mission of the Northwest Fair Housing Alliance is to eliminate housing discrimination and to ensure equal housing opportunity for the people of Washington State through education, counseling and advocacy.

### STAFF

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## EVERY MONTH IS FAIR HOUSING MONTH!

### COME TRAIN WITH US

For more than a decade NWFHA has provided comprehensive fair housing training for housing providers throughout Eastern and Central Washington.

#### Who Needs Fair Housing Training?

Responsibility for compliance with the law cannot be delegated. If an employee or agent acts in a discriminatory manner, his or her superiors can be held legally accountable. Property owners, property managers, real estate brokers and agents, housing developers and contractors, mortgage lenders, lending institutions, advertising media, and tenants should all be aware of the Fair Housing laws.

Training can increase awareness, sensitivity and compliance with the law. Those responsible for renting or selling housing can learn to avoid discriminatory practices as well as the inadvertent appearance of discrimination.

#### We Can Design a Curriculum that Is Right for Your Needs

NWFHA staff is knowledgeable about cutting edge fair housing issues in Washington and can design a training program to meet your needs. We provide both basic fair housing training and customized curriculum.

#### Fair Housing Training Topics include:

- Who Is Protected
- Types of Housing Covered
- Who Can be Liable
- What is Prohibited
- Advertising
- Tenant Selection Criteria
- Screening Applications
- Occupancy Standards
- Reasonable Accommodations
- Assistance Animals
- Reasonable Modifications
- The Complaint Process
- Penalties

Affordable Rates

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