

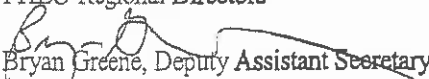


OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

June 12, 2006

MEMORANDUM FOR: FHEO Regional Directors

FROM: 
Bryan Greene, Deputy Assistant Secretary for Enforcement and
Programs, ED

SUBJECT: Insurance Policy Restrictions as a Defense for Refusals to Make a
Reasonable Accommodation

This memorandum responds to requests for guidance on how HUD investigators should examine Fair Housing Act "reasonable accommodation" cases where a housing provider cites an insurance policy restriction in denying a request from a person with a disability to reside in a dwelling with an assistance animal that is of a breed of dog that the landlord's insurance carrier considers dangerous. In the referenced cases, the housing providers stated that their insurance carriers will either refuse to cover their properties, substantially increase the cost of coverage, or adversely change the terms of their policies if these animals are allowed to occupy dwellings.

As with any request for a reasonable accommodation, the request should be evaluated on a case-by-case basis. HUD provides the following guidance to assist in that evaluation.

According to the *Joint Statement on Reasonable Accommodations*, an accommodation is unreasonable if it imposes an undue financial and administrative burden on a housing provider's operations. If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of dog or a certain animal, HUD will find that this imposes an undue financial and administrative burden on the housing provider. However, the investigator must substantiate the housing provider's claim regarding the potential loss of or adverse change to the insurance coverage, by verifying such a claim with the insurance company directly and considering whether comparable insurance, without the restriction, is available in the market. If the investigator finds evidence that an insurance provider has a policy of refusing to insure any housing that has animals, without exception for assistance animals, it may refer that information to the Department of Justice for investigation to determine whether the insurance provider has violated federal civil rights laws prohibiting discrimination based upon disability.