

# Resource Guide: Service & Assistance Animals in Colorado

***\*\*\* Disability Law Colorado distributes this material for informational purposes only. It does not constitute legal advice. For further assistance, we suggest you contact the phone numbers/internet sites referred to in this publication or seek the counsel of an attorney for your specific issue. \*\*\****

**\*\*\* DISCLAIMER: This document is not intended as legal advice but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. \*\*\***

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## Introduction

This resource guide is intended to help you better understand the various categories of animals that help people with disabilities, as well as the rights that attach to the person with a disability when they have each specific category of animal. It is important to note up front that the rights of the person vary widely based on the setting in which the person wants to have the animal so please keep that in mind as you review this information.

## Categories of animals

### Service animals

A service animal is a dog or miniature horse that is individually trained to do work or perform tasks for a person with a disability. Colorado state law also includes service animals who are in training. The task(s) performed by the service animal must be directly related to the person's disability.

If an animal is not a dog or a miniature horse, it is not recognized as a service animal under either Colorado or federal law.

A different definition of "service animal" applies to air travel. Please see the Animals in Air Travel section of this packet for additional information.

### Support animals

Support animals are other animals that do work, perform tasks, help, and/or provide therapeutic emotional support for people with disabilities. No training is required for support animals. Support animals are not limited to just dogs and miniature horses; they can be many other types of animals as well.

### Assistance animals

Assistance animal is a term used in housing law to encompass both service and support animals as defined above. Because this term is only used in housing, this packet will generally refer to service and/or support animals throughout rather than grouping them together.

### Therapy animals

Therapy animals are taken to hospitals, schools and other facilities to provide therapy to the people there. For example, a therapy dog may visit patients at a children's hospital. The major difference with therapy animals is that their owners do not necessarily have disabilities. Instead, therapy animals visit people with disabilities to provide them a form of therapy.

People with therapy animals are only allowed to go into places that choose to allow them. The exception to this is if the therapy animal is also a service or support animal for the person handling them – in this case, you would refer to the rights of people with those specific categories of animal.

## Pets

Pets are the final catch-all category and include all animals that any person, with or without a disability, may have if they do not fall into one of the other categories. Pets do not have to be allowed unless the entity has a policy allowing pets – this applies regardless of the setting.

## Defining disability

The tasks performed by the service or support animal must be directly related to the disability of the person using that animal, meaning that person must have a disability. It is important to understand what qualifies as a disability. Under the ADA and related law, the term disability means:

1. A physical or mental impairment that substantially limits one or more of the major life activities; or
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

## Substantial limitation of a major life activity

To qualify under this definition, a person must have a physical or mental impairment that substantially limits one or more major life activities. This is not meant to be a demanding standard and should instead be construed broadly in favor of expansive coverage.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Major life activities include activities such as caring for oneself and include major bodily functions, such as bladder and brain functions. Some examples of disabilities are cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, autism, anxiety, depression, etc.

The determination of whether an impairment substantially limits a major life activity must be made without considering mitigating measures. As an example, a person with an amputated limb would still be substantially limited in a major life activity even though a prosthetic leg could mitigate their limitations. The exception to this is “ordinary eyeglasses or contact lenses,” so people whose vision can be corrected in this manner do not qualify as having disabilities.

## Record of such an impairment

The term “record of such an impairment” means you have a history of or have been classified as having a mental or physical impairment that substantially limits one or more major life activities. For example, someone whose cancer is in remission and who is no longer receiving any treatment for it would still be covered under this definition.

## Regarded as having such an impairment

To determine whether a person is regarded as having a disability the focus is on how a person has been treated based on an assumption that they have a disability. It is important to note that

individuals who are qualified only under this definition are protected from discrimination but are not entitled to reasonable accommodations – including service and support animals.

You should visit [www.ada.gov](http://www.ada.gov) for additional information for determining whether you are a person with a disability who is covered under the ADA and related laws.

## Animals in public spaces

### Applicable laws

Service animals are covered under Titles II and III of the ADA, which include requirements that state/local government entities and places of public accommodation provide reasonable accommodations.

Generally, Title II and Title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go. Furthermore, they may not give the person with a service animal a less desirable location or require that the animal remain outside as that would likely be considered discrimination.

It is also a class 3 misdemeanor in Colorado to withhold, deny, deprive, interfere with or attempt to withhold, deny, deprive or interfere with a qualified individual with a disability who is accompanied by a service animal or a trainer of a service animal. Violators can be subject to monetary damages.

### Covered spaces

Title II of the ADA applies to state and local government, which includes state legislatures, city halls, city councils, state and local agencies, state and local courts, state police, local police, and sheriffs, state and local prisons and jails, public medical or health facilities or clinics, state and local parks and recreation programs, public colleges and universities, and public libraries and museums.

Title III of the ADA applies to places of public accommodation, which are privately operated entities who own, lease, lease to, or operate facilities that are open to the general public, such as places of lodging, establishments serving food or drinks, places of exhibition or entertainment, places of public gathering, sales or rental establishments, service establishments, stations used for public transportation, public displays or collections, places of recreation or exercise, private colleges and universities, and social service centers.

Federal government entities are not covered by the ADA; however, Section 504 of the Rehabilitation Act does prohibit federal entities from discriminating based on disability as well.

Religious organizations are specifically excluded and therefore not subject to the ADA. However, if another entity is using a place like a church for their program, that program must comply with the ADA. For example, if a day care program is operating in a church, the day care program is required to comply with the ADA. This could mean relocating the program if the church is not accessible and is not willing to make the changes so that it is accessible.

## Training and certification

Service animals must be individually trained to perform a task for the person with a disability. Although service animals are often trained by an official training organization, an individual may train their own service animal.

Certifications and service dog vests are not recognized by the law; thus, they are meaningless except that they may visually signal that a dog is working and indicate that you should not interfere with that animal because it is performing a task for someone with a disability.

## Questions that may be asked

When an individual does not have an obvious disability or need for a service animal and they bring a dog (or miniature horse) into a public space, two questions can be asked of the individual:

- (1) Is the animal required because of your disability? and
- (2) What task is it trained to perform?

This means that the individual with a service animal cannot be asked any other questions, such as what their disability is, nor can they be asked to show the animal performing the task. Many disabilities are hidden disabilities and though the need for the animal may not be obvious, that does not mean that it is not a service animal.

Furthermore, if the disability and the related need for the animal is obvious – such as a seeing eye dog – staff at the public place cannot even ask the two questions listed above and must allow the service animal access to the facility.

Finally, it is important to note that the person cannot be required to provide any documentation proving that the animal is a service animal when entering a public space as described above.

## When an animal may be excluded

An animal – even a qualified service animal or service animal in training – can be excluded if it is (1) out of control and the animal's handler does not take effective action to control it, or (2) the animal is not housebroken. This means that if a dog is defecating in the aisle of a grocery store or sitting on the table in a restaurant, staff can ask that the animal be removed (though they still must offer their services to the person with a disability). This must be based on actual behavior of the animal and may not be based on stereotypes or generalizations.

Service animals must also be under control of the individual with a disability – either on a leash or under voice commands if a leash would interfere with the task the animal does – so the animal may be excluded if it is out of the control of the person with a disability.

The Department of Justice has consistently stated that breed restrictions do not apply to service animals. If you live in a city that bans a certain breed of dog, this ban does not apply if your dog is a service animal. Thus, breed is not a legitimate reason to deny access to a service animal.

It should be noted that service animals are the only category of animal for which places of public accommodation and state/local government entities are required to provide access. This

requirement does not extend to support animals, therapy animals, or pets. However, a place of public accommodation may allow these latter categories of animals to be permitted if an individual requests it as a reasonable accommodation.

## Complaint Options

If you suspect you have been the subject of discrimination by a public accommodation or government entity, you have the right to file a complaint with the Colorado Civil Rights Division (CCRD) or Department of Justice (DOJ).

### **Colorado Civil Rights Division (CCRD)**

1560 Broadway, Suite 1050  
Denver, CO 80202  
Phone: (303) 894-2997  
Toll Free: (800) 262-4845  
V/TTY: (711) 894-2997  
askdora.colorado.gov  
(click on File a Complaint)  
Satellite offices in Pueblo & Grand Junction, V/TTY: (202) 514-0716

### **U.S. Department of Justice (DOJ)**

[ada.gov/filing.complaint.htm](https://ada.gov/filing.complaint.htm)  
950 Pennsylvania Ave, NW  
Civil Rights Division  
Disability Rights Section - 1425 NYAV  
Washington, D.C. 20530  
Phone: (202) 514-4609  
Fax: (202) 307-1197

But all intakes through Denver Office

If your complaint is against a preschool, an elementary/secondary school, a college, a university, or a public library, you can also file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

### **U.S. Department of Education (OCR)**

Office for Civil Rights – Denver Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

You may also have the option of filing a private lawsuit in state or federal court.

## Timeline to file a complaint

The deadline to file a complaint with CCRD is 60 days. The deadline to file a complaint with OCR is 180 days. DOJ does not have a deadline; however, you should be aware that DOJ does not respond to all complaints, and it is not unusual for a complainant to hear nothing with regards to the complaint they filed for a year or more.

Should you decide to file a lawsuit, there will be a deadline for filing a complaint. This will depend on your specific facts and circumstances. You should consult an attorney for specific timelines and exhaustion requirements.



# Animals in Public Elementary & Secondary Schools

## Applicable laws

Public elementary and secondary schools must comply with the ADA, Section 504 of the Rehabilitation Act (Section 504), and the Individuals with Disabilities Education Act (IDEA). Public schools are considered places of state/local government, so everything in the previous section also applies to public schools. However, there are some unique aspects of public schools that are addressed in this section of our resource guide.

Public schools have an obligation to provide students with disabilities with a free appropriate public education (FAPE) under the IDEA and Section 504. This occurs through the development and implementation of an Individual Education Program (IEP) or Section 504 plan. If the IEP or 504 team determines that the student needs a service or support animal to receive a free appropriate public education, that animal will need to be allowed to attend school with the student.

It is important to note that while IEP and 504 teams may need to consider adding a service animal to a student's plan, this is to provide more protections to the student with a disability, not to increase barriers. Thus, the starting point is whether the animal is a service animal. If it is, only the two questions mentioned in the section above may be asked. The exception would be if the student needs help caring for the animal. Since the ADA does not require assistance, this could then require the IEP or 504 team to discuss whether assistance for the service animal is required for FAPE.

If the animal is a support animal as opposed to a service animal, the only way that would need to be allowed would be if the IEP or 504 team determine it's necessary for FAPE. For example, if a student is requesting a cat attend school with them, this would be a support animal that would not be automatically allowed because it cannot be a service animal (not a dog or miniature horse).

If the person with the animal is not a student, but instead a parent or other member of the public, you should refer to the section above regarding state/local government. If the person with the animal is an employee of the school, you should refer to the section below regarding employment.

## Assisting a student with their service animal

An issue that comes up in the school context is that the service animal must be under the control of the individual with a disability. It is not generally considered reasonable to require school staff to control or take care of the animal, so the student must be able to control and care of the animal by themselves. The exception to this would be if the student's IEP or 504 team determines that assistance is appropriate and necessary for that student to receive FAPE.

## Allergies

Another common issue in the school context is allergies of other students or school staff. The Department of Justice has made it clear that allergies are not a legitimate reason to deny access to a service animal and that entities must accommodate both the individual with the service animal and the individual with the allergy.

## Complaint options

If you have a complaint against a public school, you have the right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice, or the Colorado Department of Education.

### **U.S. Department of Education (OCR)**

Office for Civil Rights – Denver Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Phone: 303-844-5695  
Fax: 303-844-4303; TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

### **Colorado Department of Education (CDE)**

201 East Colfax Ave.  
Denver, CO 80203  
Phone: 303-866-6600; Fax: 303-830-0793

### **U.S. Department of Justice (DOJ)**

Detailed instructions available at:  
[ada.gov/filing\\_complaint.htm](https://ada.gov/filing_complaint.htm)  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section –  
1425 NYAV  
Washington, D.C. 20530  
Phone: (202) 514-4609  
Fax: (202) 307-1197  
V/TTY: (202) 514-0716

## Timeline for complaints

The deadline to file a complaint with OCR is 180 days. The deadline for filing with CDE is 1 year for a state complaint and 2 years for a due process complaint. For additional information regarding these two types of complaint with CDE, please visit their website at <https://www.cde.state.co.us/spedlaw>. You may be required to file a claim with CDE before filing in court. The DOJ does not have a deadline; however, you should be aware that DOJ does not respond to all complaints, and it is not unusual for a complainant to hear nothing with regards to the complaint they filed for a year or more.

You may also have the option of filing a private lawsuit in state or federal court regardless of whether you file with an agency above. You should consult an attorney for specific filing deadlines and exhaustion requirements.

## Animals in Housing

### Applicable laws

The Fair Housing Amendments Act ("FHAA") specifically includes protections for people with disabilities and mandates that "covered housing providers" make "reasonable accommodations." Reasonable accommodations are changes to policies or procedures due to a person's disability-related need. Under the FHAA, there is a statutory right to a reasonable accommodation upon proof of a disability and an appropriate request. Similarly, the Colorado Anti-Discrimination Act ("CADA") prohibits discriminatory housing practices. Service and support animals are considered a reasonable accommodation.

There is no specific limitation on the number of animals that may need to be allowed but is based on what is reasonable for that individual. Housing providers may not charge a pet fee or an additional security deposit for service or support animals.

## Covered housing

Covered housing includes dwellings that are occupied as, or designed or intended for occupancy as, a residence by one or more families. In some circumstances, the Fair Housing Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members. However, Colorado state law is broader and defines covered housing as “any building, structure, vacant land, or part thereof offered for sale, lease, rent, or transfer of ownership; except that “housing” does not include any room offered for rent or lease in a single-family dwelling maintained and occupied in part by the owner or lessee of said dwelling as his household.” Thus, some housing may be covered under Colorado State law even though it is exempt from the Fair Housing Act.

## Reasonable accommodations

The United States Department of Housing and Urban Development (“HUD”) has issued specific guidance on service & support animals in housing. HUD has specifically recognized that an accommodation can be requested for assistance animals (both service and support animals)—and an accommodation must be considered even when a housing provider forbids or restricts resident pet or animal ownership.

## Documentation requirements

An individual who desires to keep a service or support animal with them in their housing may be required to provide documentation of their disability and disability-related need for the animal. Proof of the individual’s disability should come from a medical provider, but proof of the benefit the animal provides can come from anyone “in the know” and does not necessarily need to come from a medical provider. Furthermore, if the disability and related need for the animal are obvious, the housing provider may not request documentation of the disability or the need for the animal. However, if the disability is obvious but the need for the animal is not, the housing provider may ask only for proof of the disability-related need for the animal. Housing providers may also ask for proof that the animal has been vaccinated. They may not, however, require full access to the individual’s medical records, require proof of training or certification, or require that the letter from the medical provider is notarized.

## Making the request

Please complete these steps as soon as possible

The FHAA does not require a request for a reasonable accommodation to be made in any particular manner or at a particular time. This request can be made by the person with a disability or by a family member or someone else who is acting on their behalf. We, however, always recommend that a request be made in writing and that you keep a copy of everything you submit and everything you receive in response to your request.

1. Please submit a reasonable accommodation request in writing. Sample letters for the below documentation are included in Appendix A of this guide.
  - a. Option 1: Use the form your housing provider uses for reasonable accommodation requests. This will likely include information from you and information from a healthcare professional.
  - b. Option 2: Ask a medical professional for a letter explaining that you are a person with a disability and have a disability-related need for your animal.
  - c. Option 3: (1) Ask a medical professional for a letter that explains that you are a person with a disability; AND (2) Ask a person who knows you very well (preferably not someone in your family) who can verify that you have a disability-related need for your animal.
2. If you submit a letter on your own, without using a housing form, include your own reasonable accommodation letter that you are requesting a written response to the reasonable accommodation request within 10 business days. Make sure to sign and date your own letter. Keep a copy of ALL documents.
3. If your request is denied, provide this “guide” to your landlord or property manager to help explain their obligation to provide you with your requested accommodation.
4. If the accommodation is not granted after ALL the above steps are followed, please call us to discuss whether we are able to provide additional help.

\*\*\* If a person’s disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also obvious or known, then the housing provider may not request any additional information. (i.e. – A blind resident who uses a guide dog)

\*\*\* A service or support animal can be excluded only if it is an actual threat or significant nuisance—this can only be based on the specific animal’s conduct rather than factors such as breed stereotypes, size or weight limits, or harm caused by other animals.

## Responsibilities of the tenant

A tenant must take care of the animal. It is not considered reasonable to ask the housing provider to assist with the animal’s care. The tenant also has an obligation to clean up after the animal and to ensure that the animal does not pose a real threat or a significant nuisance. The tenant must also retain control over the animal, either by having it on a leash or under the control of voice commands. Furthermore, so long as management charges all tenants for damages, the tenant may be responsible for covering the cost of any damages to the property caused by the animal.

## When an animal may be excluded

An animal can be excluded if it is an actual threat or a significant nuisance. Exclusion cannot be based on generalizations or stereotypes. Furthermore, service and support animals are not bound by weight, size, or breed restrictions. This means, for example, that a Pitbull who is a legitimate service or support animal would need to be allowed despite any breed ban. This also means that if a housing provider has a weight restriction for pets, a service or support animal is exempt from this policy.

## Complaint options

If you suspect you have been the subject of housing discrimination, including if your housing provider or potential housing provider failed to provide reasonable accommodations, you have the right to file a complaint, or charge, with the Colorado Civil Rights Division (CCRD) or Department of Housing and Urban Development (HUD).

Make sure you are aware of deadlines for filing the charges that are listed below. Failure to file before the deadline may cause you to lose your right to file a claim or charge.

### **Colorado Civil Rights Division**

1560 Broadway, Suite 1050  
Denver, CO 80202  
Phone: (303) 894-2997  
Toll Free: (800) 262-4845  
V/TTY: (711) 894-2997  
[CaseConnect Start](#)

### **HUD**

1670 Broadway  
Denver, CO 80202  
Phone: (303) 672-5151  
Fax: (303) 672-5004  
V/TTY: (303) 672-5022  
[Report Housing Discrimination](#)

## Timeline for complaints

The deadline for filing an administrative case with CCRD or HUD is one year.

You also have the option of filing a private lawsuit in state or federal court without going through any administrative complaint process. The statute of limitations for bringing a fair housing complaint in federal court is two years.

## Animals in a Person's Place of Employment

### Applicable laws

Title 1 of the ADA requires employers with 15 or more employees to make reasonable accommodations for people with disabilities. The Colorado Anti-Discrimination Act ("CADA") further requires that employers regardless of how many employees they have provide reasonable accommodations. A reasonable accommodation is any change in the work environment or the way things are usually done that gives equal employment opportunities to a person with a disability. One such reasonable accommodation is allowing a service animal or a support animal to accompany the individual in the workplace. Therefore, employers must consider allowing an employee with a disability to have a service or support animal at work if that is the accommodation the individual requests.

Under Colorado law, employers must allow service animals in the workplace unless the employer can show an undue burden. This standard does not apply to support animals.

### When an animal may be excluded

An accommodation is considered reasonable if it is feasible and meets the need of the person with a disability. An employer must make a reasonable accommodation for an employee with a disability unless the employer can show that the accommodation would cause an undue financial burden or

hardship on the operations of its business, or that providing the accommodation would pose a direct threat to the health or safety of the employee or others.

Employers may offer an alternative accommodation if it is equally as effective as the individual's animal. For example, if an employee requests that their support dog be allowed to accompany them to work to help with anxiety in a brightly lit and crowded space, the employer could instead offer the individual a private office with lower lighting as a potentially acceptable alternative to having the animal. If this is not equally effective, the employee should explain why to the employer so they can reengage in an interactive process to determine accommodations.

## Complaint options

If you suspect you have been the subject of employment discrimination, including if your employer failed to provide reasonable accommodations such as your request to have a service or support animal with you at work, please review our "[Employment Law Packet](#)," which explains the relevant filing deadlines and entities with which to file a complaint.

In most cases, you must file a sworn written statement (charge) before a private lawsuit may be filed in court. You must receive a right-to-sue letter prior to filing a private suit. For specific information regarding filing deadlines and exhaustion requirements, you should consult an attorney.

## Animals in Air Travel

### Applicable laws

In the context of air travel the term service animal exclusively means a dog that is individually trained to do work or perform a task for an individual. This includes psychiatric service dogs, so long as they have been individually trained to do work or perform a task for an individual. No other animal is considered a service animal, but airlines cannot discriminate based on breed of dog so long as the dog meets the definition of service animal. Support animals are not included. A carrier must allow a service dog to accompany a person with a disability, and they cannot refuse to allow a service dog on a plane based on possible annoyance to the crew or other passengers.

Carriers can determine whether a dog is a service dog by asking whether the dog is required to accompany a passenger because of a disability, and what task or work has the dog been individually trained to perform. Airline staff can also look at the behavior of the dog to determine whether the dog is a service dog. They also can look at visible indicators such as a harness or vest in determining whether a dog is a service dog.

Carriers are permitted to require documentation 48 hours in advance of the flight requesting information about vaccination history, health, and training of the dog. If the flight is more than 8 hours, they can require a relief attestation form be completed stating the dog either will not relieve themselves or can relieve themselves in a way that does not endanger health or sanitation.

The service dog must be allowed to sit with the passenger. The service dog must be able to fit in a passenger's lap or their foot space. If necessary, the carrier must offer the passenger the

opportunity to move with the animal to another seat where both the passenger and animal can be accommodated, presuming such a seat exists on the plane.

If a carrier refuses to accept an animal as a service dog, it must explain its decision to the affected passenger in writing within 10 days.

## Complaint options

If you suspect you have been the subject of discrimination during air travel, you can file a complaint with the U.S. Department of Transportation. Questions regarding this process should be directed to the Aviation Consumer Protection Division's Hotline at (800) 778-4838.

### **U.S. Department of Transportation**

Aviation Consumer Protection Division

1200 New Jersey Ave, SE

Washington, D.C. 20590

Phone: (855) 368-4200

Online Complaint Form: <http://airconsumer.dot.gov/escomplaint/ConsumerForm.cfm>

You may also have the option of filing a private lawsuit in state or federal court.

## Colorado's law regarding misrepresentation of an animal

Colorado law addresses misrepresentation of both service and support animals. An individual must have first received a verbal or written warning regarding the fact that it is illegal to intentionally misrepresent an animal as a service or support animal prior to being charged under this law.

Violation of this law is a class two petty offense, with a fine of \$25 for the first offense, a fine of \$50 to \$200 for the second offense, and a fine of \$100 to \$500 for the third offense.

## Lawyer referral list

The attorneys listed below may be able to help. Disability Law Colorado neither receives nor pays any compensation from/to these attorneys for their placement on this list.

### **Rathod | Mohamedbhai LLC**

2701 Lawrence St

Denver, CO 80205

(303) 578-4400

[RM Lawyers](#)

Specialties: Employment Law, Disability Discrimination, Civil Rights

### **The Animal Law Center**

730 W. Hampden Avenue, #304

Englewood, Colorado 80110

(303) 322-4355

[The Animal Law Firm](#)

Specialties: Animal Law Only

**Eric H. Maxfield**

Maxfield Gunning, LLC

1738 Pearl St, Ste 300

Boulder, CO 80302

(720) 586-8567

[Maxfield Gunning, LLP](#)

Specialties: Employment Law, Housing Law, Civil Rights, Animal Law

## Additional Resources

- [Fact Sheets | Disability Law Colorado](#)
- [ADA Requirements: Service Animals | ADA.gov](#)
- [HUDAsstAnimalNC1-28-2020.pdf](#)
- [Taking a Service Animal to School | ADA National Network \(adata.org\)](#)



## Appendix A – Sample Letters for Housing

### Sample Letter to Housing Manager/ Landlord Requesting a Reasonable Accommodation for a Service or Support Animal

Mr. / Ms. [Name of Building Manager] [Housing Provider Name]

[Street Address]

[City], CO [Zip Code]

Dear Mr. / Ms. [Name of Building Manager]:

I live at [address] in [unit number] and have lived there since [date]. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988 because I have a substantial limitation in one or more major a major life activity. [Briefly describe the reason you need a service or support animal, and how that animal assists you i.e. "I suffer from anxiety, and my support animal provides emotional support in which improves the effect of my disability"].

Because of my disability, I request the following accommodation(s): [briefly describe the appropriate accommodation and situation i.e. "a waiver of the pet or animal related policy/ restriction on my unit to accommodate for the presence and use of my support animal; a long haired domestic cat named Charles."]. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Please let me know what, if any, additional information you need in order to better understand my disability and the limitations it imposes.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation of use of a service or support animal which may be necessary to afford such person full use and enjoyment of the premises, and that helps to improve the effect of a disability.

If you have any questions about my request, you can contact me in writing or by phone. Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. For this purpose, I believe ten (10) business days is sufficient. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

[Your name]

[Your full address]

[Your phone number]

## Sample Letter to Doctor Requesting a Medical Necessity for Accommodation for a Service or Support Animal

Dr. [Name]

[Street Address]

[City], CO [Zip Code]

Dear Doctor [Name]:

As you know, you have been treating me for my medical conditions, including my [condition/disability]. I am requesting a related accommodation from the landlord of my housing complex located at [Address of Housing] because I am entitled to such an accommodation pursuant to the Americans with Disabilities Act and Fair Housing Act. The accommodation I am requesting is [briefly describe the appropriate accommodation i.e. "waiver of pet/animal policy"].

My landlord has requested verification of my disability and how the accommodation relates to it. As such, I need you to write a letter on my behalf in which you state the following information:

- How long you have been treating me;
- The type if disability I have;
- What the symptoms of my disability are; and,
- How the accommodation/modification I am seeking will assist my continued access to live at my current housing complex by assisting to mitigate complications due to my disability.

Thank you for assisting me with this effort. Attached to this letter is a sample letter to assist you in your response. If you have any questions, please call me at [phone number here].

Sincerely,

[Your name]

[Your full address]

[Your phone number]

**Sample Letter for Doctor Requesting a Medical Necessity for Accommodation for a Service or Support Animal**

[Date]

[Landlord/ Community Manager Name]

[Landlord/ Community Manager Address]

Re: [Patient Name]/ Request for Reasonable Accommodation

Dear Mr./ Ms. [Landlord/ Community Manager Name]

I have been treating [Patient Name] as a patient for [Time Period].

My patient has the following disability: [List Conditions Relevant to Accommodation/Modification Here]

My patient's medical conditions have the following symptoms: [List Symptoms Relevant to Accommodation/Modification Here].

A reasonable accommodation in my patient's housing would assist my patient with his/her conditions and symptoms by [Explain How Accommodation/Modification Would Help].

Thus, it is my recommendation, based on my medical judgment, that [Patient Name] be granted the accommodation requested.

Please call me if you have questions related to this medical judgment.

Sincerely,

[Doctor's Name] M.D. [or Psychotherapist]

**Sample Letter for Non-Doctor Person “in the know” Requesting a Medical Necessity for Accommodation for a Service or Support Animal**

[Date]

[Landlord/ Community Manager Name]

[Landlord/ Community Manager Address]

Re: [person with disability name]/ Request for Reasonable Accommodation

Dear Mr./ Ms. [Landlord/ Community Manager Name]

I am a qualified person “in the know” as it relates to [person with disability name]’s disability. A qualified person in the know, under the Americans with Disabilities Act and the Department of Justice’s guidelines is to make the determination of the necessity for disability related accommodations, regardless of specialized training. [Describe relationship between person in the know and person with disability, and how the person is qualified in the know].

[Person with disability name]’s conditions have the following observable symptoms: [List Symptoms Relevant to Accommodation/Modification Here].

A reasonable accommodation in [person with disability name]’s housing would assist [person with disability name] with his/her conditions and symptoms by [Explain How Accommodation/Modification Would Help]. I have personally observed, [Describe how the animal has helped the person with a disability that you have been able to personally observe.]

Thus, it is my recommendation, based on my judgment as a person in the know under the Americans with Disabilities Act and the Department of Justice’s guidelines, that [person with disability name] be granted the accommodation requested.

Please call me if you have questions related to this judgment.

Sincerely,

[Person in the Know’s Name]

## **Sample Letter to Housing Manager/ Landlord Requesting a Reasonable Accommodation for a Service or Support Animal after No Response**

Mr. / Ms. [Name of Building Manager] [Housing Provider Name]

[Street Address]

[City], CO [Zip Code]

Dear Mr. / Ms. [Name of Building Manager]:

I live at [address] in [unit number] and have lived there since [Date]. I am a qualified individual with a disability, as defined by the Fair Housing Amendments Act of 1988 because I have a substantial limitation in one or more major a major life activity. [Briefly describe the reason you need a service or support animal, and how that animal assists you i.e. "I suffer from anxiety, and my support animal provides emotional support in which improves the effect of my disability"].

Because of my disability, on [Date of First Request] I requested the following reasonable accommodations: [briefly describe the appropriate accommodation and situation i.e. "a waiver of the pet or animal related policy/ restriction on my unit to accommodate for the presence and use of my support animal; a long haired domestic cat named Charles."]. This request constitutes a "reasonable accommodation" because of my disability. In making these accommodations, State and Federal Law instruct that they must be made available at no additional charge to an individual with a disability.

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to deny a person with a disability a reasonable accommodation if such accommodation may be necessary to afford such person full use and enjoyment of the premises.

Under the provisions of the Fair Housing Act, you have an obligation to provide a prompt response to my request for a reasonable accommodation. It has now been [Number] days since my first letter. You have failed to provide me with a response to my request for a reasonable accommodation. As such, this letter serves to put you on notice that you are in violation of the Americans with Disabilities Act and the Fair Housing Amendments Act. Please provide me a response to my request for a reasonable accommodation within three (3) business days.

Failure to respond may result in legal action initiated against you. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

[Your name]

[Your full address]

[Your phone number]

**Sample Letter to Housing Manager/ Landlord Requesting a Reasonable Accommodation for a Service or Support Animal after Request to Pay Extra**

Mr. / Ms. [Name of Building Manager] [Housing Provider Name]

[Street Address]

[City], CO [Zip Code]

Re: [your name]/ Request for Reasonable Accommodation for a Service or Support Animal

Dear Mr. / Ms. [Name of Building Manager]:

Thank you for your response to my letter requesting a reasonable accommodation to allow me to continue to realize full enjoyment of my housing. I appreciate your willingness to provide such accommodation.

However, I am concerned about your request for me to pay extra for such accommodations. State and Federal Law instruct that these accommodations must be made available at no additional charge to an individual with a disability. I hope we can resolve this amicably and without undue time or burden. Please provide me with the reasonable accommodation I requested at no additional charge. [(Include if applicable.) While I understand that you charge a pet fee/deposit, under the law my support animal is not considered a “pet” and therefore a pet fee/deposit does not apply.]

Under the Americans with Disabilities Act and the Fair Housing Amendments Act, it is unlawful discrimination to charge a person with a disability a fee for a reasonable accommodation if such accommodation may be necessary to afford such person full enjoyment of the premises.

If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

[Your name]

[Your full address]

[Your phone number]