



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

**Media Contact:** Darren Thomas, (317) 232-2624, [darthomas@icrc.in.gov](mailto:darthomas@icrc.in.gov)

### **Landlord charged with denying reasonable accommodation**

Jamal Smith, Executive Director of the Indiana Civil Rights Commission (“ICRC”) has issued a notice of finding against an Indiana landlord (Respondent). The charge states that there is reasonable cause to believe that an unlawful discriminatory practice occurred in violation of a potential tenant’s (“Complainant”) rights under Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*).

By way of background, Complainant owned a pit bull dog as an emotional support animal for use during specific situations. On or about February 28, 2015, Complainant and her husband visited the Respondent and inquired about a four bedroom home for rent in Jeffersonville, Indiana. Respondent asked if Complainant was a pet owner and evidence shows that the tenant responded, “yes, a dog,” at which point Respondent stated that “I don’t take dogs because they mark their territory by wetting on the carpets.” The next day Respondent called Complainant and inquired about the dog’s breed. Once Complainant informed Respondent that she had a pit bull as an emotional support animal, Respondent told her that she was “afraid of pit bulls” and that “it would not be safe for the neighbors, the children at the day care facility, or any other kids that might wonder into the yard.” Respondent also told the ICRC that she has not “accepted ‘any’ dogs since 2012” because her best friend’s son was attacked by a pit bull. Ultimately, Respondent denied Complainant’s request for a reasonable accommodation, depriving Complainant of an opportunity to rent the premises.

Respondent admits that Complainant informed her that she utilized the pit bull as an emotional support animal. Also, Complainant has provided medical documentation showing that the emotional support dog “provides significant emotional support” and “ameliorates the severity of symptoms that affect her daily ability to fulfill her responsibilities and goals.” While Respondent states that she is afraid of pit bulls, Respondent’s general fear of pit bulls does not absolve her of the obligation to provide a reasonable accommodation necessary to allow Complainant to enjoy full access and enjoyment of the home. Simply stated, no evidence has been provided or uncovered to show that permitting Complainant to have a service animal was unreasonable or would create an undue administrative and financial burden upon the Respondent. Therefore, reasonable cause exists to believe that a discriminatory practice occurred as alleged.

In order to prevail, Complainant must show that: 1) she has a disability as defined under the law; 2) Respondent was or should have been aware of Complainant’s disability; 3) Complainant requested a reasonable accommodation necessary to afford her an opportunity to use and enjoy the premises; and 4) Respondent unreasonably denied the requested accommodation.



A public hearing is necessary to determine whether a violation of the Indiana Fair Housing Act and/or the Indiana Civil Rights Law occurred as alleged.

The Indiana Civil Rights Commission enforces the Indiana civil rights laws and provides education and services to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana.

###