



# LEGAL HOTLINE Q&A

FROM GET THE FACTS, May 7, 2024

## Question:

Can a service dog be denied entry at a private showing? I would say no unless the dog is a danger to the homeowner (allergies). Many brokers are disagreeing with me. If I am right, please let me know where I may reference the ADA to show others.

## Answer:

The answer to this question is controlled by the state and federal Fair Housing laws. Buyer cannot be denied access because the disabled buyer requires the services of an assistance animal while viewing seller's home unless the dog's presence in seller's home results in an undue administrative or financial burden on seller. The Fair Housing laws mandate that a seller provide a reasonable accommodation to a disabled buyer to allow that buyer to view seller's home. If a disabled buyer requires the assistance of a service animal, then that animal is an assistive device to the disabled buyer in the same way that a wheelchair, or a cane, or a pair of eyeglasses are assistive devices. Would any broker believe that seller could refuse access to a buyer because the buyer requires use of a wheelchair or a cane or a pair of eyeglasses? Hopefully, the answer to that question is "no". In all of those instances, seller must accommodate buyer's need for the assistive device unless doing so would create an undue administrative or financial burden on seller.

For example, if buyer requires a wheelchair and the seller's property is inaccessible to a wheelchair because of stairs or narrow doorways, it would likely be an undue financial burden for seller to install an elevator or widen doorways. The same conclusion is unlikely true when a service dog walks through a seller's home, even if the seller has dog allergies. It is unlikely true that it would cause an undue administrative or financial burden on seller for the dog to walk through seller's home when seller isn't home. If seller believes that it is an undue financial or administrative burden and denies buyer access and buyer subsequently files a Fair Housing complaint, it would be up to seller to prove the undue administrative or financial burden. The standard is very high and would not likely be met if seller's solution involves merely vacuuming or cleaning. All of that said, if the dog damages seller's home, buyer is responsible for those damages.

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