



MICHIGAN DEPARTMENT OF CIVIL RIGHTS
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For Immediate Release

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Commission Rules: Dog Reasonable Accommodation For Depression As Mental Disability

Lansing, MI – At its January 26, 2004, meeting, the Michigan Civil Rights Commission (MCRC) decided by a 4 to 3 vote that a claimant had been denied a reasonable accommodation for her mental disability when respondent, Royalwood Cooperative Apartments, Inc., refused to let her keep a companion/ service dog in her unit.

The claimant has been a resident of the cooperative since 1980. Personal circumstances and a worsening of her condition led her to take in a Shih Tzu terrier that had previously been with her deceased mother. On two separate occasions her requests for an exception to the “no pets” rule were denied and she was subsequently served with a notice of eviction.

In a case of first impression, the Commission held the Michigan Persons with Disabilities Civil Rights Act may require that a tenant be granted an exception to a “no pets” policy as an accommodation for emotional illness. This is so, even when the dog has received no specialized training or certification. Critical to the Commission’s decision was testimony from the claimant’s mental health professionals that the dog’s companionship was necessary to lessen the claimant’s chronic and severe depression and anxiety. According to the Commission, an exception to its “no pets” rule imposed no undue hardship on the cooperative association or its other tenants.

The Commission issued its ruling under the authority of the Michigan Persons with Disabilities Civil Rights Act, which forbids discrimination based on mental or physical disability in the areas of employment, public accommodations/public service, education and housing. Following notice of the Department Order regarding the Commission’s decision, the parties have thirty days in which to appeal the Commission’s decision to the Circuit Court.

The Michigan Civil Rights Commission was created under the Constitution of 1963. The bi-partisan body is charged with ensuring civil rights protections for all citizens of the state. Its eight members are appointed by the governor. The Commission carries out its mandate with the assistance of the Michigan Department of Civil Rights.