

## Assistance Animals and the Fair Housing Act Service Animals and the Americans with Disabilities Act

### Fair Housing Act

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support.

*Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs*, U.S. Department of Housing and Urban Development, FHEO Notice: FHEO-2013-01, April 25, 2013, at 2.

Two questions allowed:

1. Does the person seeking to use and live with the animal have a disability (a physical or mental impairment that substantially limits one or more major life activities)?
2. Does the person making the request have a disability-related need for an assistance animal? (afford a person with disabilities an equal opportunity to use or enjoy the dwelling).

A request for accommodation can be denied if the accommodation would impose an undue financial and administrative burden, if it would fundamentally alter the essential nature of the housing provider's services, or if the specific assistance animal poses a direct threat to the health or safety of others.

Guidelines:

- Breed, size, and weight limitations may not be applied to assistance animal.
- Animals other than dogs can be assistance animals.
- Housing providers may ask for documentation of the disability-related need for an assistance animal if disability is not apparent.
- Decision must be based on individualized assessment relying on objective evidence about the specific animal's actual conduct--not based on mere speculation that the animal may cause harm or on evidence of harm or damage caused by other animals.
- Landlords can request proof of current vaccination and/or license for the assistance animal.
- Landlords can expect the tenant to conform to the rules of the complex, i.e. picking up animal waste, maintaining the unit to the extent expected of every other tenant.
- A landlord cannot require the assistance animal to have any specific training or certification.
- A landlord cannot require the assistance animal to wear or carry any special collar, harness, vest, emblem or other means of identifying it as such.
- Pet deposits or pet fees are not allowed.

Contact XXX at XXX to request a copy of the Reasonable Accommodation policy and request forms

