

EMOTIONAL SUPPORT ANIMALS: HUD'S GUIDANCE BREAKDOWN

The U.S. Department of Housing and Urban Development (HUD)'s guidance provides a set of best practices for complying with the Fair Housing Act (FHA) when assessing requests for reasonable accommodations to keep animals in housing. This document provides an easy-to-digest summary of that guidance. Before making any policy changes, seek legal guidance and consult the full, HUD document.

ASSISTANCE ANIMAL TYPES

There are 2 types of assistance animals:

1. Service animals
2. Other trained or untrained animals that do work, perform tasks, provide assistance, and/or therapeutic emotional support for individuals with disabilities

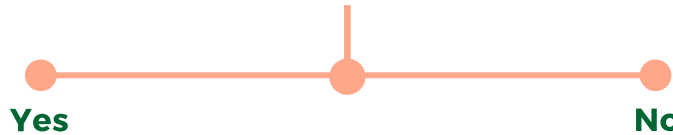


Under the Fair Housing Act (FHA), persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals. An animal that does not qualify as either types of assistance animal is a pet for the purposes of the FHA, the lease, and the housing provider's rules and policies.

IS IT A SERVICE ANIMAL?



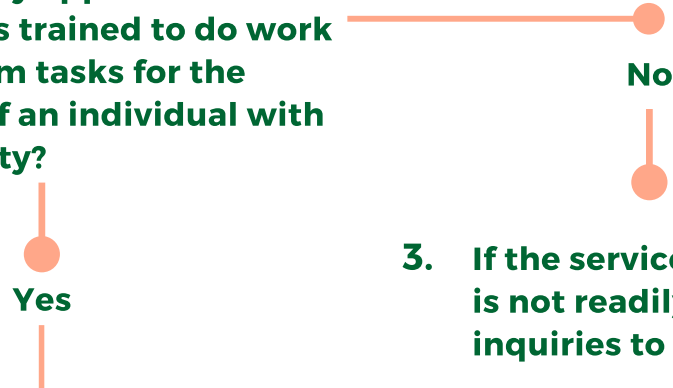
1. Is the animal a dog?



The animal is **NOT** a service animal, but may be another type of assistance animal



2. Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?



The animal is a service animal!

3. If the service animal status is not readily apparent, limit inquiries to 2 questions:

- "Is the animal required because of a disability?"
- "What work or task has the animal been trained to perform?"

If Both Questions are Yes

If Either Question is No

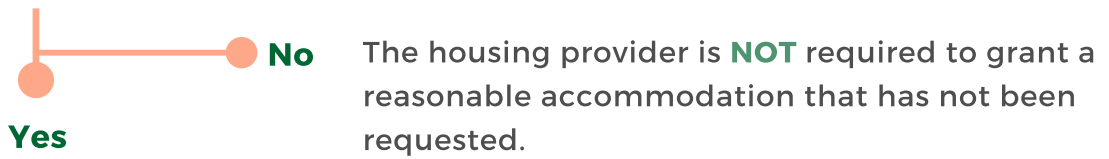
The animal does **NOT** qualify as a service animal under federal law, but may be a support animal or other assistance animal that needs to be accommodated.

REASONABLE ACCOMMODATION REQUESTS



A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces.

1. Has the individual requested a reasonable accommodation – that is, asked to get or keep an animal in connection with a physical or mental impairment or disability?



2. Does the person have an observable disability or does the housing provider already have information giving them reason to believe the person has a disability?

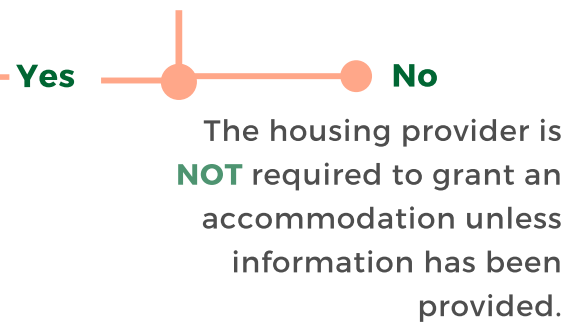
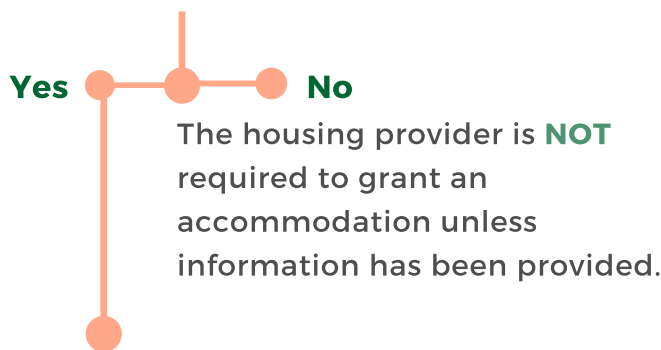


4. Has the person requesting the accommodation provided information that reasonably supports that the animal does work, performs tasks, provides assistance, and/or therapeutic emotional support with respect to the individual's disability?

3. Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?

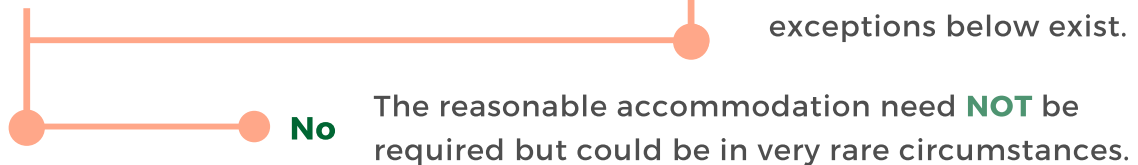
4. supports that the animal does work, performs tasks, provides assistance, and/or therapeutic emotional support with respect to the individual's disability?

3. supports that the person seeking the accommodation has a disability?



5. Is the animal commonly kept in households?

Yes
The reasonable accommodation should be provided under the FHA unless the general exceptions below exist.



DISABILITY INFORMATION

When someone makes a reasonable accommodations request, they may provide information that reasonably supports that the person seeking the accommodation has a disability.

Information about the disability may include:



A disability determination from a federal, state or local government agency



Receipt of disability benefits or services (like Social Security Disability Income, Medicare or Supplemental Security Income, or more)



Eligibility for housing assistance or housing voucher received because of disability



Information confirming disability from a healthcare provider (like a physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse).

- Reasonably supporting information often consists of information from a licensed healthcare professional, general to the condition but specific as to the individual with a disability and the assistance or therapeutic emotional support provided by the animal.
- A relationship/connection between the disability and the need for the assistance animal must be provided. Particularly where the disability is non-observable and/or the animal provides emotional support.
- For non-observable disabilities and animals that provide emotional support, housing providers may ask for information consistent to the guidance (see questions 3 & 4 on page 3) to conduct an individualized assessment. The lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation.

GENERAL CONSIDERATIONS

REFUSING ACCOMMODATION

A housing provider may refuse a reasonable accommodation for an assistance animal, if the specific animal poses a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others which cannot be eliminated or reduced in an acceptable level (like keeping them in a secure enclosure).

Before denying a reasonable accommodation request due to lack of information, the housing provider is encouraged to engage in "good-faith" dialogue.

DEPOSIT & FEES

Housing providers may **NOT** charge a fee for processing a reasonable accommodation request. They also may **NOT** charge for a deposit, fee, or surcharge for an assistance animal. Housing providers may only charge for any damage an assistance animal causes.

PET RULES

Pet rules do **NOT** apply to service and support animals. This includes breed or size restrictions.

DISABILITY INFORMATION

The housing provider may **NOT** insist on specific types of evidence if the information which is provided meets the requirements of HUD's guidance. Disclosure of details about the diagnosis, the severity of the disability, or their medical records **CANNOT** be required.

RESIDENT RESPONSIBILITIES

The person with the disability is responsible for feeding, maintaining, providing veterinary care, and controlling their assistance animal.

ADDITIONAL RULES & LAWS

A reasonable accommodation may include a reasonable accommodation to a land use and zoning law, Homeowners Association (HOA) rule, or co-op rule.



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