



Paws-itive Management: What You Need To Know About Assistance Animals

A property manager's guide to understanding assistance animal basics, what protections exist, and how to navigate compliance.

According to The National Fair Housing Alliance's (NFHA) 2022 Fair Housing Trends Report, nearly 54% of all reported housing discrimination complaints in 2021 involved discrimination against people with disabilities. The number of complaints processed by private Fair Housing organizations (FHO) increased by more than 1,500 between 2020 and 2021, despite having seven fewer reports from FHOs in 2021. This staggering statistic is a reminder of how important it is to handle accommodation requests properly.





An accommodation is a change in any rule, policy, procedure, or service if the changes are needed for a person with a disability to have equal opportunity to occupy and enjoy full use of their housing. To ensure full compliance with the Fair Housing Amendments Act (FHA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), housing providers must make reasonable accommodations to meet the needs of people with disabilities in securing and using housing.

Three criteria must be met for a person to be protected by the FHA and Section 504 regarding assistance animals:

1. The person must have a disability.
2. The animal must serve a function directly related to the person's disability.
3. The request to have the animal must be reasonable.

This ebook outlines the basic principles of reasonable accommodations for assistance animals under the FHA and Section 504 to help you comply with the law while ensuring everyone feels welcome in your community.

Service, Assistance, and Emotional Support Animals

You probably have heard the terms service animal, assistance animal, and emotional support animal, but do you really know what these terms mean? If not, you are not alone!

Service animals are trained animals (typically dogs) that perform specific tasks or work for individuals with disabilities. They are protected under the Americans with Disabilities Act (ADA). Service animals are not considered pets and are granted access to public places, including multifamily housing, regardless of pet policies or restrictions. Housing providers must make reasonable accommodations to allow individuals with disabilities to have their service animals with them.

Assistance animals are animals that provide assistance, support, or companionship to individuals with disabilities. Unlike service animals, assistance animals do not require specific training or perform task-based work. They are protected under the FHA, which applies to multifamily housing. Housing providers are required to make reasonable accommodations for individuals with disabilities to have assistance animals, even if the property has a "no pets" policy. Documentation, such as a letter from a healthcare professional, may be required to verify the need for an assistance animal.

Emotional Support Animals (ESAs) are assistance animals that provide emotional support, comfort, or therapeutic benefits to individuals with mental health or emotional disabilities. ESAs do not require specific training. Under the FHA, individuals with disabilities may request reasonable accommodations to keep their ESAs in multifamily housing, even if the property has pet restrictions. Proper documentation, such as a letter from a licensed mental health professional, is typically required to establish the need for an ESA.

It's important to note that while service animals have broad access rights, assistance animals (including ESAs) are specifically protected in housing situations. Multifamily housing providers must adhere to the legal requirements for accommodating individuals with disabilities who have assistance animals, ensuring equal access and fair treatment.



Reasonable Accommodations for No-Pet Policies

To remove barriers that people with disabilities often face when searching for and living in rental homes, it may be necessary to change community rules, policies, procedures, or services. These kinds of changes are called reasonable accommodations. If the requests are reasonable and would not cause undue hardship to your community's business operations, Fair Housing laws require you to make accommodations for people with disabilities.

One of the most common accommodation requests people with disabilities make is to have an animal that a community's rules would otherwise restrict. Unless a no-pet policy specifies an exception for assistance animals, it may be considered discriminatory to residents with disabilities who might require an animal for assistance.

Take Action

- Ensure that any prohibition against pets, whether verbal or in writing, makes a specific exception for assistance animals as reasonable accommodations for residents with disabilities.
- Remember that assistance animals are not pets. Instead, they provide an important service to people with disabilities, and you must handle these accommodation requests in compliance with the law.
- Stay up to date on the guidelines for reviewing assistance animal accommodation requests.





Assistance Animal Verifications

You may have noticed documentation from websites that offer assistance animal “certifications” for a fee, but they appear to provide this documentation without firsthand knowledge of a person’s disability or what assistance or support the animal provides. Some housing providers don’t raise questions about suspicious documentation because they fear being accused of discrimination.

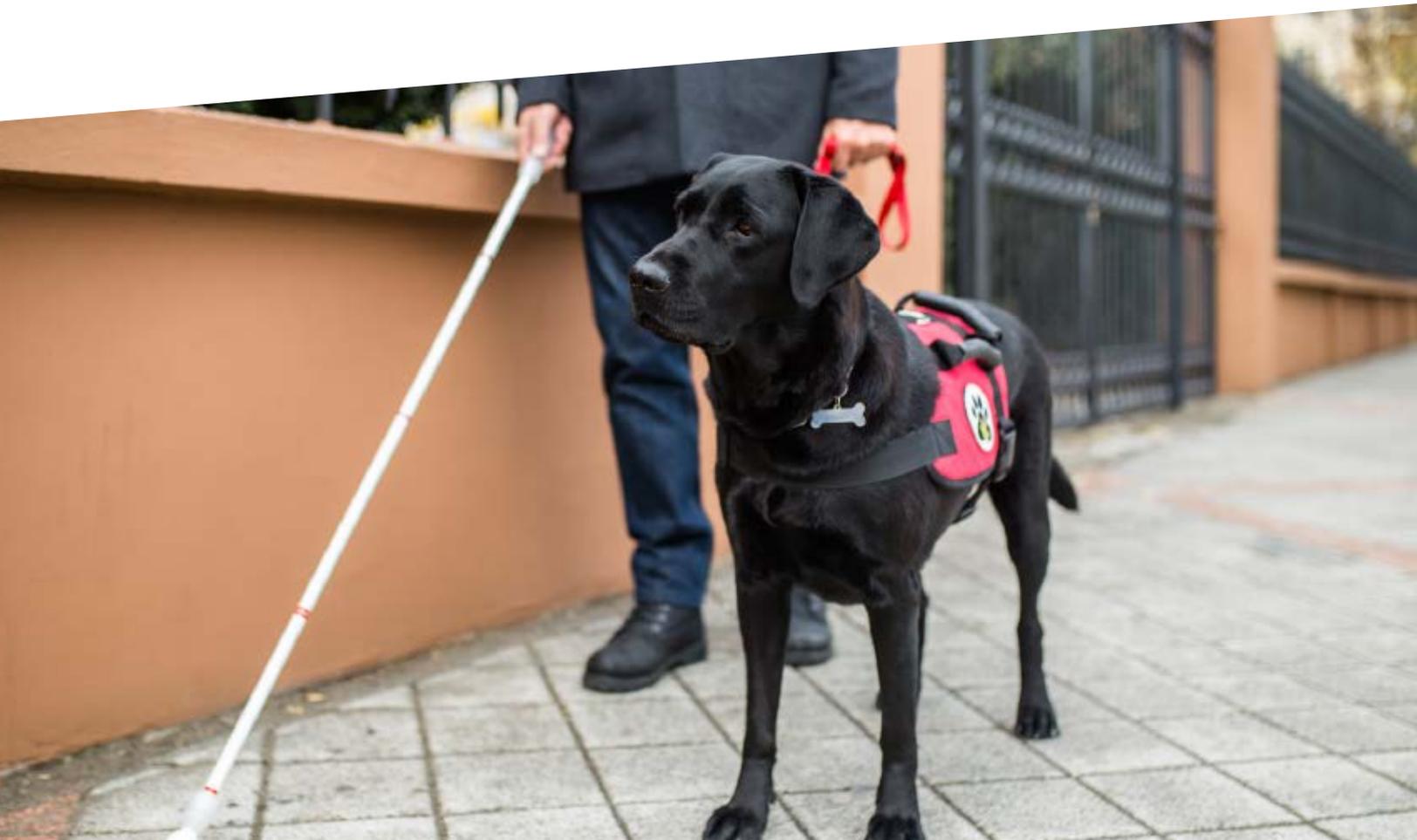
Important: Questioning suspicious documentation and asking for more information is okay. However, you must be very careful about the questions you ask, the statements you make, and the additional documentation you request. Because your words could be used as evidence of disability discrimination, involve legal counsel when following up on suspicious documentation.

If documentation seems suspicious, a quick web search on the organization or individual that issued it might be helpful.

Assistance Animal Certification Red Flags

Below are some red flags to help you navigate the legitimacy of assistance animal certifications and requests.

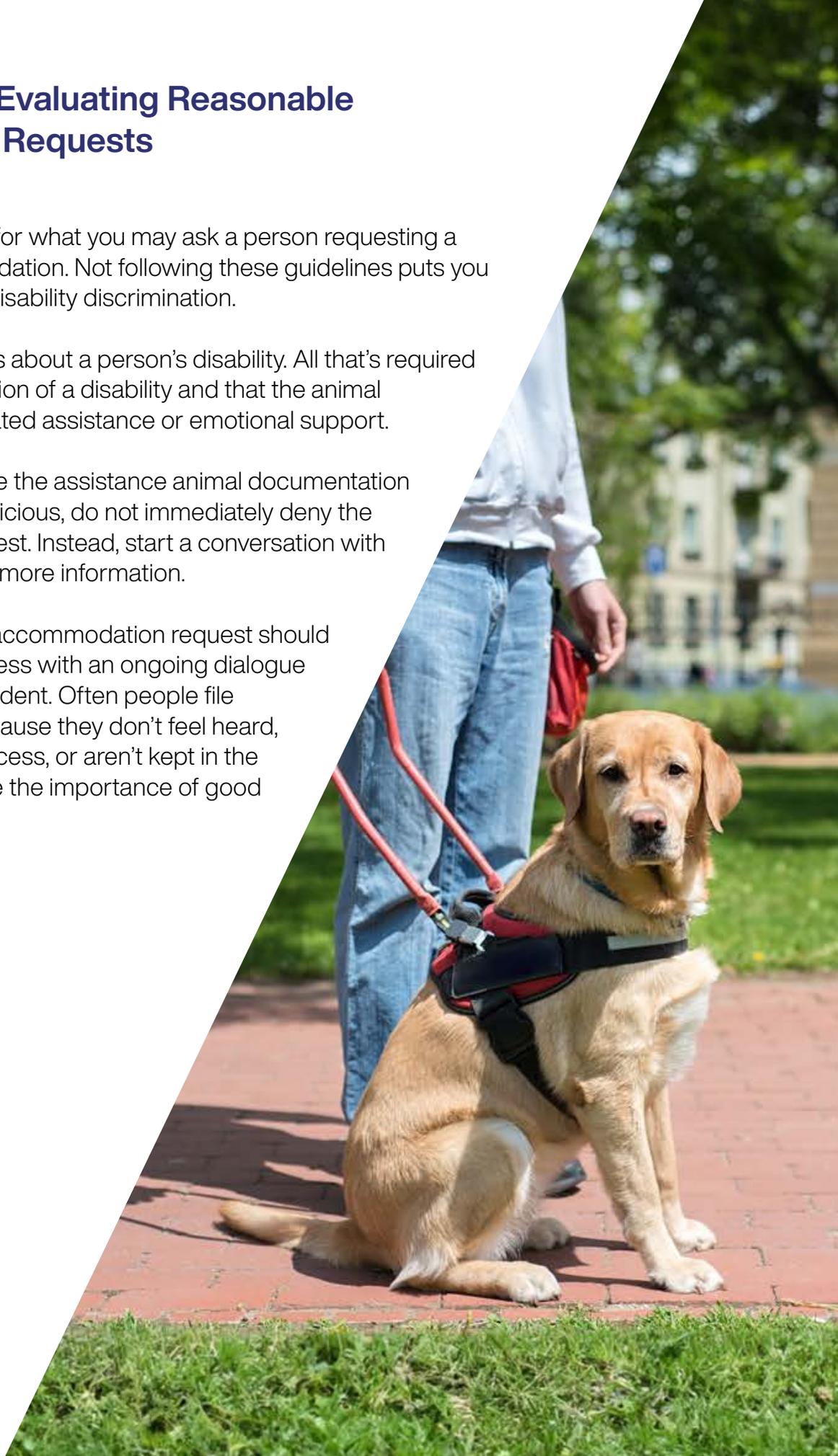
- **The site offers “official” certifications, registrations, or IDs for service or assistance animals.** There are no legally recognized organizations for registering service or assistance animals. Sites that claim to be certifying bodies or that offer official registrations are misleading because there is no such thing.
- **The site offers a training certificate as proof the animal is an assistance animal.** Under the FHA, there is no requirement that assistance animals be trained. Documentation must only establish that the person has a disability and that the animal provides disability-related assistance or emotional support. An animal's training is not relevant when evaluating a reasonable accommodation request.
- **The site issues documentation without interacting with the person making the request.** HUD states that you are entitled to documentation from a reliable third party that is in a position to know about the individual's disability. If the organization or person who issued the documentation has never talked to or met with the person requesting the accommodation, it is reasonable to ask for supplemental information.



What Not To Do: Evaluating Reasonable Accommodation Requests

- Strict guidelines exist for what you may ask a person requesting a reasonable accommodation. Not following these guidelines puts you at risk of committing disability discrimination.
- Never ask for specifics about a person's disability. All that's required is reliable documentation of a disability and that the animal provides disability-related assistance or emotional support.
- No matter what source the assistance animal documentation is from, if you are suspicious, do not immediately deny the accommodation request. Instead, start a conversation with the resident to gather more information.

Evaluating a reasonable accommodation request should be an individualized process with an ongoing dialogue between you and the resident. Often people file discrimination claims because they don't feel heard, don't understand the process, or aren't kept in the loop. Don't underestimate the importance of good communication.





Multiple Assistance Animals

Where it can become particularly confusing is in situations where multiple assistance animals are involved. For example, can residents have more than one assistance animal? Can residents have pets and assistance animals? Let's take a closer look at these important questions.

Consider these scenarios:

- A person with a visual disability and a seizure disorder may use a guide dog to get around and another animal to be alerted to oncoming seizures.
- A person might need two assistance animals for the same task, such as two dogs for stability when walking.

If a resident requests multiple animals, you may request documentation to show that each animal provides disability-related assistance or emotional support.

Remember: You can only request documentation for animals where the disability-related need is not apparent or known to you.

Take Action

- If a person with a disability has a pet and makes a reasonable accommodation request to have an assistance animal, do not deny the request just because of your one-pet policy.
- If the number of animals requested becomes unreasonable or you think it presents an undue hardship to your community, consult your legal counsel to see if you can legally deny the request.

When Assistance Animals Break the Rules

Just because you must handle reasonable accommodation requests in compliance with the law doesn't mean assistance animals can run amok in your community. You can have rules for assistance animals as long as the same rules apply to all animals in your community.

Acceptable Rules and Policies for Assistance Animals:

- Residents must pay for damages beyond reasonable wear and tear caused by their animal.
- All animals must be vaccinated per state and local laws.
- Residents must dispose of all waste and observe all leash rules.

Take Action

- Give the resident opportunities to remedy the situation before taking steps to remove the animal. Send written warnings recognizing that the animal is an assistance animal, but remind the resident they must follow reasonable rules of conduct.
- If the situation continues, let the resident know that if the problem persists, the animal may have to be removed, and alternative accommodations will be explored.
- Document disturbances or damage in writing and with photographs if possible. Written documentation will be more helpful than phone or in-person conversations if you find yourself in legal proceedings.

Where action is needed, proceed carefully and consult your legal counsel.





For residents with disabilities, assistance animals often profoundly impact their quality of life, giving them security and freedom that might otherwise be absent. And most residents that require assistance animals will strive to operate within acceptable guidelines.

But because handling assistance animal requests can be complicated, having clarity around the various laws and protections is vital.

Keeping current on changing laws and regulations is key to your property's success in effectively managing assistance animals.

Are your employees prepared for challenges that may arise? Grace Hill can help train your team, create and maintain policies, and monitor regulations to ensure you stay compliant.

Talk to a Grace Hill expert today to learn more about how we can assist with compliance and enhance your property's performance.