

SERVICE ANIMALS AND PETS

What does the Fair Housing Act say about Support and Service Animals?

From ADA National Network:

The Fair Housing Act (FHA) protects a person with a disability from discrimination in obtaining housing. Under this law, a landlord or homeowner's association must provide reasonable accommodation to people with disabilities so that they have an equal opportunity to enjoy and use a dwelling. Emotional support animals that do not qualify as service animals under the ADA may nevertheless qualify as reasonable accommodations under the FHA. In cases when a person with a disability uses a service animal or an emotional support animal, a reasonable accommodation may include waiving a no-pet rule or a pet deposit. This animal is not considered a pet.

A landlord or homeowner's association may not ask a housing applicant about the existence, nature, and extent of his or her disability. However, an individual with a disability who requests a reasonable accommodation may be asked to provide documentation so that the landlord or homeowner's association can properly review the accommodation request. They can ask a person to certify, in writing, (1) that the tenant or a member of his or her family is a person with a disability; (2) the need for the animal to assist the person with that specific disability; and (3) that the animal actually assists the person with a disability. It is important to keep in mind that the ADA may apply in the housing context as well, for example with student housing. Where the ADA applies, requiring documentation or certification would not be permitted with regard to an animal that qualifies as a "service animal."

What Qualifies as a Service Animal?

A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

What Qualifies as an Emotional Support Animal AKA Assistance Animal?

From Humane Society: An assistance animal can be a cat, dog or other type of companion animal, and does not need to be trained to perform a service. The emotional and/or physical benefits from the animal living in the home are what qualify the animal as an assistance animal.

Some examples of assistance animals:

- A cat who can detect and alerts their companion of oncoming seizures.
- A dog who alleviates a person's depression or anxiety.
- A cat who reduces a person's stress-induced pain.
- A bird who alerts their hard-of-hearing companion when someone's at the door.

Demonstrating your Pet is an Assistance Animal:

You should provide your landlord with a letter from your doctor/therapist stating you have a disability and explaining how your pet is needed to help you cope with this disability and/or improves its symptoms. Attach a brief personal statement explaining to the landlord that you are asking for "a reasonable accommodation to keep your pet who functions as an assistance support animal."

From Pettable.com:

- As of January, 2022, Licensed Mental Health Professionals must hold a legitimate and active license. In the Emotional Support Animal (ESA) letter, they must include their license number, the effective date, their jurisdiction, and the type of professional license.
- They must be licensed to provide professional services within the scope of the license in the jurisdiction in which the documentation is provided.
- They must establish a professional relationship with the client *at least 30 days before providing the ESA letter.*
- They must conduct a clinical evaluation of the client to assess their need for an emotional support pet.
- They must provide a verbal or written notice to the individual similar to the sales notices explained above – stating that an emotional support animal does not qualify as a service animal, and that misrepresenting the support animal as a service animal is against the law.

Pets

It is within a landlord's right to not allow pets in their rental property. However, it never hurts to call and ask if they have any exceptions, for example if you have a small or well-behaved pet. Sometimes it is helpful to create a pet "resume" showcasing that they have been trained, are up-to-date on vaccinations, and so forth.

If landlords do allow pets, they may charge a pet deposit to ensure that if there are any damages to the property caused by the pet, they will be covered by the deposit.