

SERVICE ANIMAL POLICY For Residents and Landlords

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BACKGROUND

The Federal Fair Housing Act requires that applicants and tenants with disabilities be provided with "reasonable accommodations" as needed, in order for them to have an opportunity for full use and enjoyment of their housing. Allowing tenants and their guests who have disabilities to be accompanied by their service animals is a reasonable accommodation to housing policy and practice.

WHAT IS A SERVICE ANIMAL?

The most common service animals are dogs, but sometimes other species are used (for example, a cat or a bird). Service animals may be any breed, size or weight. Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or "certified" and/or have identification papers. However, **there is no legal requirement for service animals to be visibly identified or to have documentation.**

WHAT'S THE DIFFERENCE BETWEEN A SERVICE ANIMAL AND A PET?

Service animals are not considered to be pets. A person with a disability uses a service animal as an auxiliary aid -- similar to the use of a cane, crutches or wheelchair. Service animals are a medical device necessary for the full enjoyment of a home. For this reason, fair housing laws require that housing providers make modifications to "No Pet" policies to permit the use of a service animal by an individual with a disability. Service animals sometimes are called assistance animals, or emotional support animals and, as stated previously, companion animals.

WHAT DO SERVICE ANIMALS DO?

- A guide animal serves as a travel tool by a person who is legally blind.
- A hearing animal alerts a person with significant hearing loss or who is deaf when a sound occurs, such as a ringing alarm or a knock on the door.
- A service animal helps a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc.
- A seizure response animal assists a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.
- A companion animal or emotional support animal assists people with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress and difficulties regarding social interactions, allowing tenants to live independently and fully use and enjoy their living environment.

PRACTICAL GUIDELINES FOR HOUSING PROVIDERS AND PROPERTY MANAGERS TO FOLLOW

SERVICE ANIMAL ACCOMMODATION:

Property management must review all requests a disabled tenant makes for reasonable accommodations, including requests for a service animal accommodation. A property manager might require the tenant to provide written verification from the tenant's healthcare or mental health provider (when the disability is not obvious) that the tenant has a disability and needs the service animal (*the provider need not be an M.D. – in fact, in the U.S. Dept. of Justice and Dept. of Housing & Urban Development have said that a medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.*) When property management requires proof that the tenant is disabled and that the accommodation assists the person with that disability, they still cannot require the tenant to provide information about the nature or severity of the disability.

PET RULES AND "NO PETS" RULES:

If you allow tenants to have common household pets and you place limitations on the size, weight, and type of pets allowed, these rules do not apply to service animals. Service animals may be any type of animal and any breed, size or weight, and an accommodation may involve more than one service animal. If your insurance provider says you have to restrict breeds, you should contact HUD, a fair housing center, or an attorney about this possible infraction of the law.

If a housing complex has a "no pets" rule, such rules do not apply to service animals. If property management has documentation that the tenant has a disability and needs the service animal as a result, then **the tenant can live with the animal despite the no pets rule.**

DEPOSITS AND FEES:

A SERVICE ANIMAL IS NOT A PET. Regardless of whether your property allows pets, the disabled tenant who uses a service animal is not required to make a pet deposit or pay a pet-related move-in cleaning fee. You may charge a general cleaning or damage deposit charged to all tenants. The tenant is liable for any damage the animal actually causes.

ANIMAL CARE AND SUPERVISION:

The tenant/handler has the responsibility to care for and supervise the animal. The tenant must retain full control of the animal at all times. This generally means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in the direct control of the animal owner/handler. When in the presence of others, the animal is expected to be well behaved.