



SERVICE/EMOTIONAL SUPPORT ANIMALS
PARTNER. TRACEY MERRELL

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Topics for today

- Distinction between pets and assistance animals
- Disability Reminders
- Handling requests for assistance animals
- Permitted and prohibited restrictions and requirements for assistance animals
- Handling problems that arise with assistance animals


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IMPORTANT DISTINCTION

- Assistance Animals are not pets
- No pet properties
- ADA versus FHA
- Pet friendly properties
 - Pet restrictions
 - Pet rules
 - 2023 pets in affordable properties



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DISABILITY REMINDERS


- There must be a request
- Oral or written requests are permitted
- Do not require them to fill out your form
- Confidentiality
- Types of verification

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TWO CATEGORIES OF ASSISTANCE ANIMALS



Service Animals

- Guide dogs/animals
- Signal dogs/animals
- Service dogs/animals
- Miniature horses
- Service animals in training



Support Animals


- Animals that provide emotional, cognitive or other similar support

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SERVICE ANIMALS



Two questions only -

- Are you an individual with a disability?
- What is the disability-related task the animal has been trained to perform?


*cannot ask the animal to perform the task

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EXAMPLES OF SERVICE ANIMALS




Alerts to seizures




Serves paraplegics & quadriplegics



Service dog for autism



Med-alert dog



Alerts to sounds

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SUPPORT ANIMALS

Companion/therapy/emotional support animals

Can be many types of animals besides dogs



May request verification of disability/need if not apparent.

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PURCHASED REGISTRATIONS



Verifies that animal has been "registered"

- Generally, no verification of disability/need is required
- If it does not include an individualized assessment from medical professional, it does not count as a reliable third-party verification.
- Individualized assessment – 1) person has a disability 2) describes the needed accommodation 3) describes the relationship between the disability and how the requested accommodation is necessary.
- If someone provides a certificate without individualized assessment, provide them an opportunity to obtain additional information.

Note that it is possible that someone may meet the above requirements as technology is available to have an assessment over internet connections

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AB 468 EMOTIONAL SUPPORT ANIMALS (ESA)

Places restrictions on those selling ESAs or providing ESA tags, vests, harness or leash

Requires notice to buyer that ESA does not have the same rights as a service, guide or signal dog



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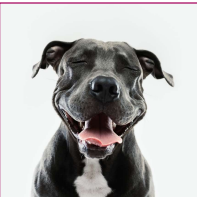
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AB 468 EMOTIONAL SUPPORT ANIMALS (ESA) CONTINUED

Prohibits health care provider from providing verification of disability-related need for ESA, unless:

- Practitioner is licensed
- Client-provider relationship established for at least 30 days
- Evaluation done of individual re need for ESA

Does not change regs related to verification requirements for landlords



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CAN YOU RESTRICT?

Yes or No

- Breeds
- Types
- Pet Rent
- Pet Deposit
- Extra Deposit
- Size/Pounds
- Number
- Pet Rules v. Rules of Conduct
- Restrict where they go?
- Trainers
- Police dogs

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WHEN ASKED BY OTHER RESIDENTS

Resident:
So, what's the deal anyway? How come the people next door get to have a dog when nobody else here gets to have one?

Manager:
I appreciate your concern, but you need to know that, in this situation, we are following all state and federal laws.

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WHEN CAN YOU DENY AN ASSISTANCE ANIMAL?

Section 12179 – Denial of Accommodation

- There is no disability
- There is no nexus with a disability related need
- It would cause a fundamental alteration of the services or operation of the business
- It would be undue financial and administrative burden
- The requested accommodation would constitute a direct threat to the health or safety of others (i.e. a significant risk of bodily harm) or would cause substantial physical damage to the property of others, and such risks cannot be sufficiently mitigated or eliminated by another reasonable accommodation

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HANDLING PROBLEMS: WITH THE ANIMAL

Repeated and/or incessant barking

- Consider animals who must bark to alert the tenant
- If the tenant is not home, or the barking is at all hours of the night is not reasonable

Biting, snapping, or attacking persons or other animals

- Is it a direct threat?
- Consider the circumstances
- Get facts of incident friendly? Aggressor or responding?



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DIRECT THREAT DENIAL

DFEH REGULATIONS SECTION 12185(D)(9)

Must be based on individualized assessment based on objective evidence about the specific animal's conduct

Recent evidence to make it credible/reliable, not on mere speculation or fear about the types of harm or damage an animal may cause or previous animals have caused:

- Nature, duration, and severity of the risk
- Likelihood that the threat will actually occur
- Additional or alternative accommodations

Engaging in dangerous conduct or has a recent history of overt dangerous act.

Presumption against dogs that are finally determined by a court of law to be "potentially dangerous dog" or "vicious dog"

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HANDLING PROBLEMS: WITH THE HANDLER

Reasonable conditions may be imposed

- Leash requirements
- Exception may be necessary but the animal needs control via voice command
- Waste Disposal
- Restrictions cannot be more restrictive than those placed on other animals on the property




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GUESTS WITH ANIMALS



I know the dog is here all the time but it's my girlfriend's companion animal.

Can apply to guests of tenants bringing their animals to the property.

- Service – Two Questions
- Support – you are able to seek verification, if not apparent.

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WRAP-UP

If there's a disability-related need for an assistance animal:

- Do respond to requests for accommodation as quickly as possible.
- Do allow an exception to your pet rules regarding various types, sizes, numbers, etc. of animals allowed at your property.
- Do enforce reasonable rules of conduct for assistance animals.
- Don't violate privacy rights of disabled residents.
- Don't evict owners of assistance animals without legal advice.

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THANK YOU

This seminar was presented by

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