

Fair Housing: Assistance Animals vs Service Animals
&
Reasonable Modifications vs Reasonable Accommodations

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The Laws

The Fair Housing Act



**Dr. Martin Luther King Jr
Assassinated on April 4,
1968**

Americans with Disability Act (ADA)



**Capital Crawl March 12,
1990. Protest demonstrated
the barriers that
inaccessible buildings
create for people with
disabilities.**

Section 504



**Prohibition of discrimination against
persons with disabilities in federally
financed/assisted programs or
activities.**

The Fair Housing Act (42 USC § 3604)

Passed on April 11, 1968, (found in the original Act prohibited discrimination in all residential real estate transactions when discrimination was based on a person's:

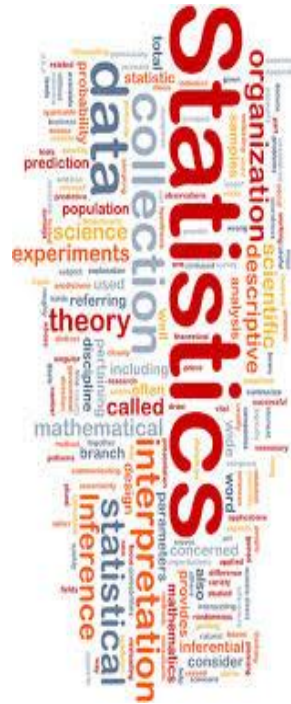
- Race
- Color
- Religion
- National Origin



Statistics

The 2022 Fair Housing Trends Report also notes that discrimination based on:

- Disability accounts for more than half of complaints filed (53.68 percent).
- 2nd most reported is Race (18.97%)
Complaints based on
- 3rd most reported is Sex, including sexual orientation or gender identity (7.4%)



- 4th most reported is Familial status (7.24%)
- 5th most reported is National origin (5.68%)
- 6th most reported is Color (2.35%)
- 7th most reported is Religion (1.22%) percent

Reasonable Accommodations & Modifications

Pop Quiz

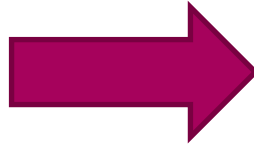


How many units
are supposed to
be de
access
ADA?

NONE

Accommodation vs. Modification

- Accommodation
- Change to policy or procedure



Assistance animals
Assigned parking
Completing paperwork

Modification
Change to physical
structure



Grab bars
Roll in showers
Ramps

Nexus between Request & Disability

Verification of Disability
is **not** required when disability is *known or obvious*



Accessible Units

Mobility
Accessible

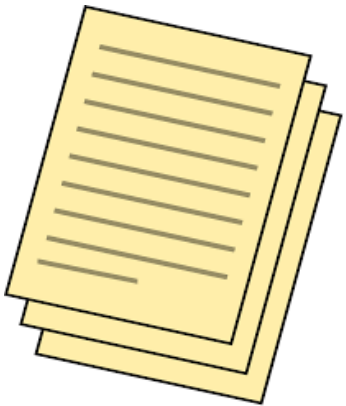
Sensory
Accessible

*ADA Units
are not a thing*

Applicants
requesting
accessible units
must be offered
non-accessible
units

Residents living
in accessible
units who do not
require features
must sign Lease
Addendum for
Adapted Units

Quick Scenario



A prospect submits a reasonable accommodation request to have a specific unit made accessible. She refuses to apply until the request is granted.

The site currently has one accessible unit occupied by a household who does not require the features of the unit.

How do you handle this?

Quick Scenario

A disabled resident submits a request to have maintenance take out her trash between 4:30-5:00pm daily.

Her doctor has confirmed she is disabled and confirmed she needs the accommodation



How do you handle this?

Quick Scenario

A resident who receives SSI submits a request to pay their rent on an alternative day that is past the due date stated in the lease.

How do you handle this?



Reasonable Accommodation and Modification best practices



Maintain a Reasonable Accommodation/Modification Log

Engage in interactive dialogue

Stay consistent and follow company policy

Discuss Approvals with your supervisor

All denials should be discussed w/the Section 504 Coordinator, Supervisor and/or local fair housing attorney

Assistance Animals



Service Dinosaur

https://www.google.com/search?q=blue+the+dinosaur+at+the+airport&source=lmns&tbm=vid&bih=919&biw=1920&rlz=1C1GCEU_enUS1090US1090&hl=en&sa=X&ved=2ahUKEwj9_OHT3PKDAxV-OUQIHRqzDosQ0pQJKAJ6BAgBEAY#fpstate=ive&vld=cid:5d1746de,vid:N7HFXgyTya0,st:0

Definitions

Assistance animals do work, perform tasks, provide assistance, or provide emotional support for a person with a physical or mental impairment that substantially limits at least one major life activity or bodily function.

Service Animals

- Defined by ADA as *dogs* only
- Individually trained to do **specific** work or tasks

Support Animals

- All other animals
- Trained or **untrained** to do work, perform tasks, provide assistance, and/or therapeutic emotional support

Service Animals

The ADA explains that, businesses and non-profits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go. This is true even if they have a “no pets” policy.

Service animals are:

- Dogs
- Any breed and any size of dog
- Trained to perform a task directly related to a person’s disability

Service animals are not:

- Required to be certified or go through a professional training program
- Required to wear a vest or other ID that indicates they’re a service dog
- Emotional support or comfort dogs, because providing emotional support or comfort is not a task related to a person’s disability

If the dog's mere presence provides comfort, it is not a service animal under the ADA. But if the dog is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example, if the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the dog is a service animal.

From: ADA.gov

Examples of Service Animal Tasks

A person who uses a wheelchair may have a dog that is **trained to retrieve objects for them.**

A person who has epilepsy may have a dog that is **trained to detect the onset of a seizure and then help the person remain safe during the seizure.**

A person with PTSD may have a dog that is **trained to lick their hand to alert them to an oncoming panic attack.**

Service Animals



If it is unclear to you whether someone's dog is a service dog, **you may ask for certain information using two questions.**

You may ask:

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

A dog that is wearing a vest is not necessarily a service animal

DO NOT:

ask for any documentation that the dog is registered, licensed, or certified as a service animal
require that the dog demonstrate its ability to perform the work or task, or inquire about the nature of the person's disability

Support Animals



Must be common animal

Must comply with local registration and vaccination requirements

Must be under control of the owner

Are not subject to pet deposits or additional rent charges

Resident responsible for behaviors, upkeep, damages, etc

Support Animal

- Support Animals are *not* pets
- Support Animals are *not* subject to size, weight, or breed restrictions imposed by the property
- Support Animals are *exempt* from breed restrictions on insurance policies



What, a duck?



Quick Scenario

Luke Skywalker requested a reasonable accommodation for 2 snakes, 3 lizards, & Mastiff.

Per Luke's caseworker and medical provider, Luke needs the animals due to anxiety from saving the galaxy.



How do you handle this?

Quick Scenario



Princess Leia was granted a reasonable accommodation for a teacup Pomeranian. Per Leia's caseworker and medical provider, Leia needs the dog due to anxiety caused by her hoarding.

One day, Leia's dog attacked another resident.

Leia removed the dog and submitted a subsequent reasonable accommodation request for another dog.

How do you handle this?

Quick Scenario

On May 4, 2022, Anakin Skywalker submitted a Reasonable Accommodation for four assistance animals:

- ✓ One pit bull to pick him up when he falls
- ✓ Two chihuahuas due to his anxiety
- ✓ One chihuahua/Doberman mix due to his arthritis

Anakin provided four notes from four different doctors

- ✓ One from October 2019 stating he needs a companion animal
- ✓ One from August 2019 stating he needs a pet companion due to health problems
- ✓ One from May 2019 stating he needs a companion therapy dog for his anxiety
- ✓ One from May 2016 stating he needs a first-floor unit due to his arthritis



How do you handle this?

QUESTIONS

