



Fair Housing & Service Animals

We're Letting the Cat out of the Bag and into the Courtroom





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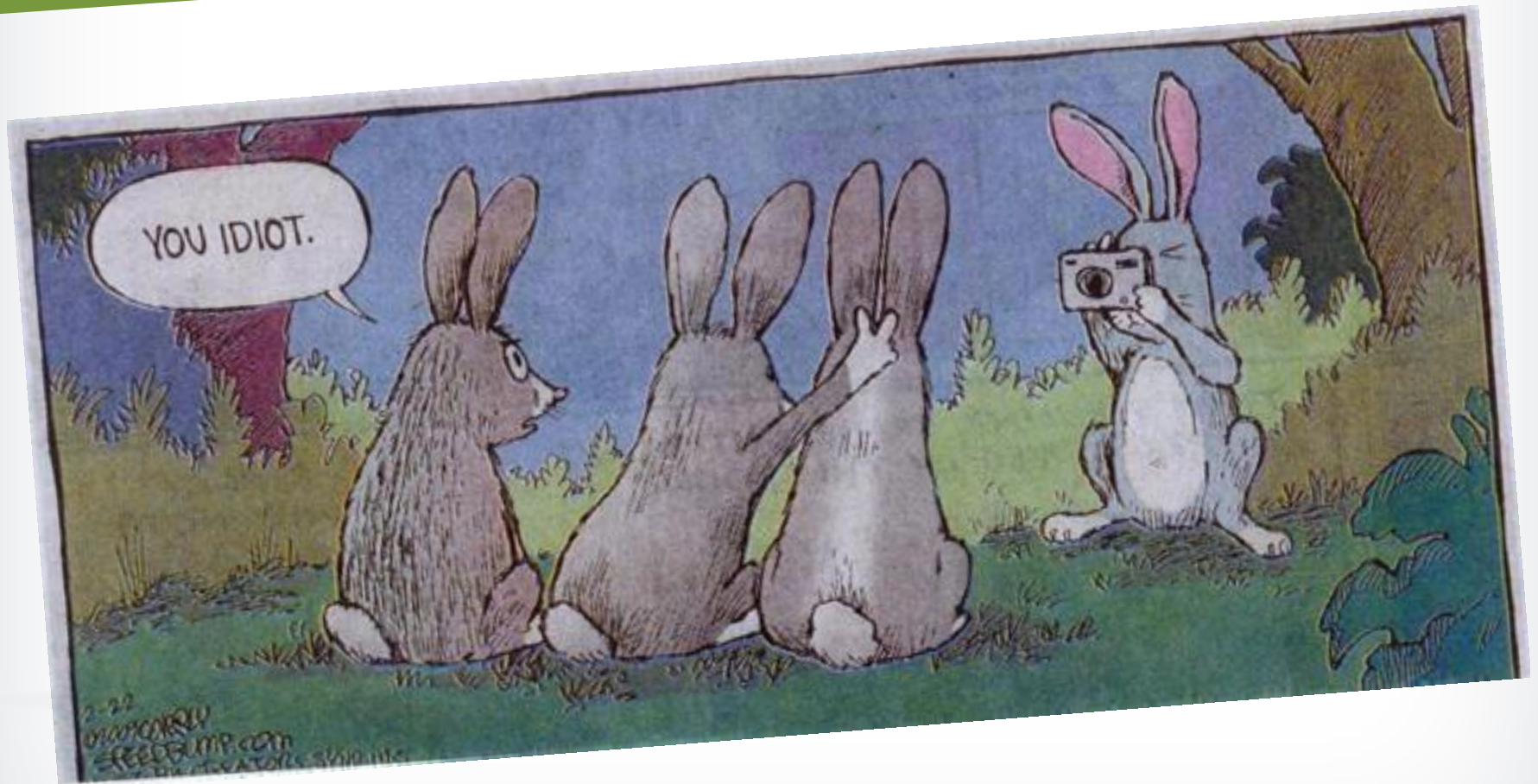


Doug Chasick

The Apartment Doctor



Don't be a dumb bunny!



Don't be a dumb bunny!

Understanding Disability, Service Animals and the FHA



Poll Question #1

According to the Census Bureau, in the 2010 census, the percentage of people in the United States who meet the FHA definition of “disabled” is:

- 12%
- 19%
- 24%
- 31%

Under the FHA

the following are considered disabilities of EQUAL LEGAL STANDING:

- **Physical disabilities you can see**
- **Physical disabilities that you cannot see**
- **Emotional or mental disabilities**



**EQUAL HOUSING
OPPORTUNITY**

Don't Bark Up the Wrong Tree!

ANY animal that assists a person
with ANY disability (PWD)
is a “service animal” of EQUAL
LEGAL STANDING!

Don't Bark Up the Wrong Tree!

- Working animal,
- Emotional support animal,
- Comfort animal,
- Companion animal,
- Assistive animal...





While you can't make a silk
purse out of a sow's ear...



...you can make a service animal out of any critter!

AND A
SERVICE
ANIMAL IS
NOT A
PET!



Animals 101

Animals

```
graph TD; A[Animals] --- B[ ]; A --- C[ ]
```

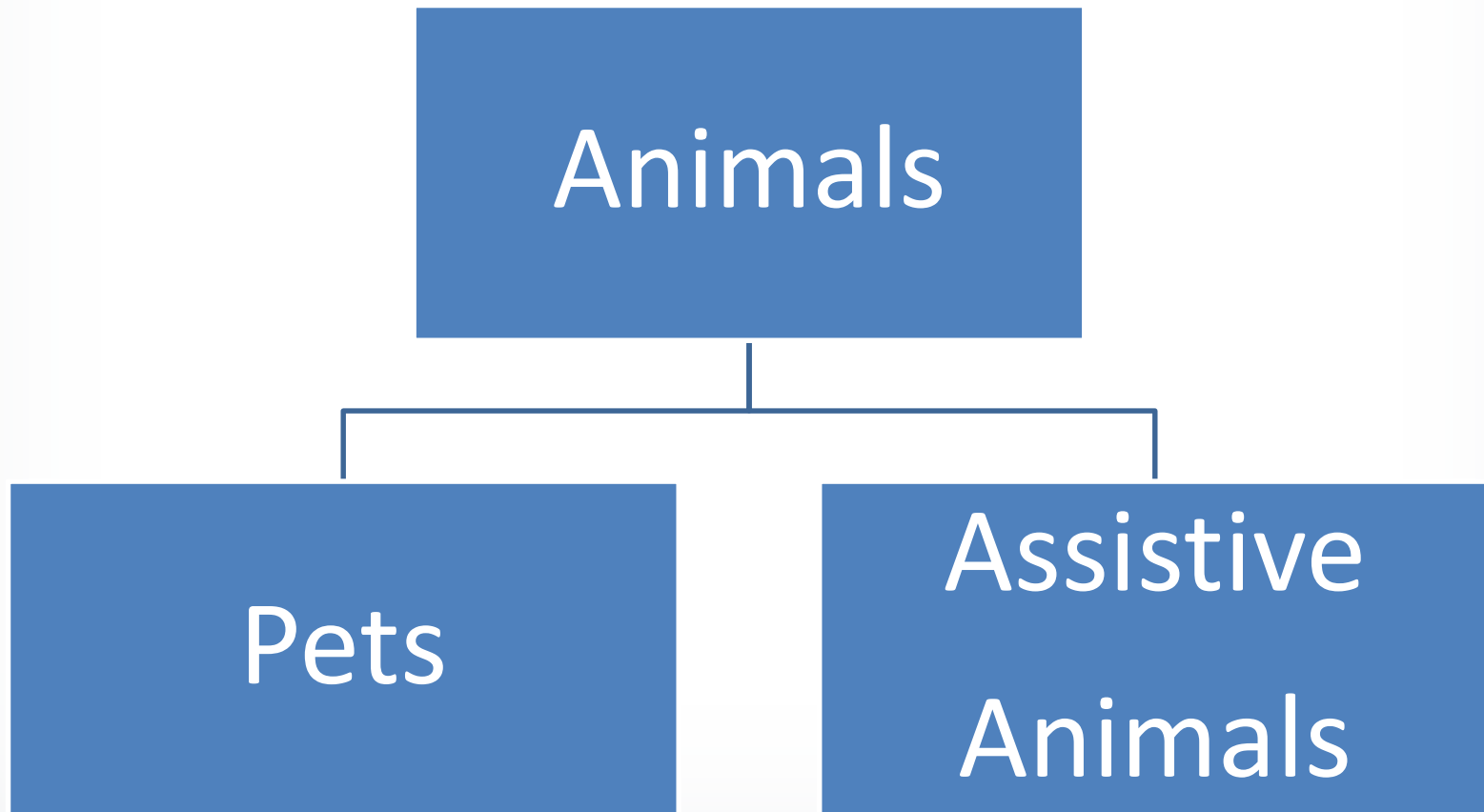
Animals 101

Animals

```
graph TD; A[Animals] --- B[Pets]; A --- C[ ];
```

Pets

Animals 101



Animals 101

Assistive Animals

```
graph TD; A[Assistive Animals] --- B[ ]; B --- C[ ]; B --- D[ ]
```

Animals 101

Assistive Animals

Service
Working

Animals 101

Assistive Animals

Service
Working

Therapy
Companion
Emotional Support

Poll Question #2

We must verify every request for a service or companion animal:

- True for service animals only
- True for companion animals only
- True for all animals
- False

“I CAN see the disability...

“I GET why this is a service animal.”

Then don't badger the PWD!



“I CAN see the disability...

“But I DON'T GET why this is a service animal.”



“I CAN see the disability . . .”

Curiosity killed the cat ...
so don't be too nosy.

**Simply confirm that there is a
disability and that the animal is
needed.**

“I CAN'T see the disability...

“AND I
DON'T
GET why
this is a
service
animal.”



“I CAN'T see the disability . . .”

Don't lock horns with this person.

Simply confirm that there is a disability and that the animal is needed.



Trust But Verify . . .



Disability Verification Process

Document every request; verify when appropriate

- Request form
- Readily observable disability and accom/mod obvious
- Readily observable disability and accom/mod not obvious
- Disability not readily observable

RESIDENT'S REASONABLE ACCOMMODATION REQUEST FORM

[Name of property] is committed to the letter and spirit of the Fair Housing Act, which, among other things, prohibits discrimination against persons with disabilities. In accordance with our statutory responsibilities and management policies, we will make reasonable accommodations in our rules, policies, practices, or services, when such accommodations may be **necessary** to afford persons with disabilities an equal opportunity to use and enjoy their housing communities. If you are requesting such an accommodation, please fill out this form and return it to the manager.

Resident's Name: _____

Address: _____

Date of Request: _____

Please describe the accommodation (exception to our usual rule or policy) that you are requesting:

1. Do you consider yourself to be disabled?

*The Fair Housing Act defines disability as a physical or mental impairment that **substantially** limits one or more major life activities. The Supreme Court has determined that to meet this definition a person must have an **impairment that prevents or severely restricts the person from doing activities that are of central importance in most peoples' daily lives.***

YES NO

2. Please describe how the requested accommodation is necessary for your use and enjoyment of your apartment community? (If needed, you may write on the back of this form or attach additional sheets of paper.)

Please return this request to the office with the signed Verification Form that we will send to the professional third party verifier identified below:

Name: _____

Position: _____

Address: _____

Telephone: _____

Poll Question #3

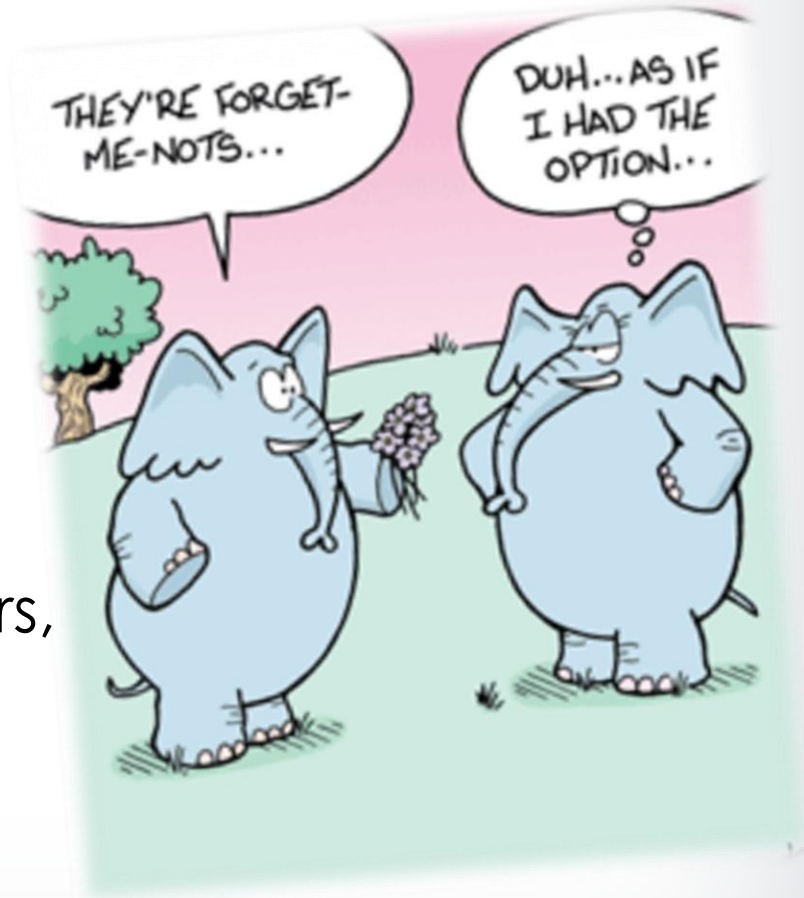
If the resident or prospect refuses to complete an accommodation request form, we may refuse to consider their accommodation request:

- True
- False

Be like an elephant & don't forget

A SERVICE ANIMAL IS NOT A PET!

- “No pet” communities must accept service animals.
- “Cat only” communities must accept dogs (and other critters, too).
- No weight restrictions.
- No pet fees, pet rent, pet deposit.





No Pet Deposit . . . ?



No Pet Deposit?

...what about the bull in
the china shop?

**Destruction and disruption
issues.**



As wild as a tiger...the restricted breed issue.



As Wild as a Tiger . . .

HUD 2013:

“A determination that a service animal poses a direct threat must be based on an individualized assessment of the specific service animal's actual conduct—not on fears, stereotypes, or generalizations.”



**A wolf in sheep's clothing?
It ain't necessarily a sheep.**





"Wait a minute! Isn't anyone here a real sheep?"

A dog in a vest?



It ain't necessarily a service animal.

Poll Question #4

What is the most number of service animals you have been asked to accept?

- 1-2
- 3-4
- 5
- More than 5



A litter of critters!





A litter of critters!

How many service animals are reasonable in a household?





You can't teach an old dog
new tricks.





You can't teach an old dog new tricks

But what about service-animals-in-training?





A horse of a different color.





A horse of a different color.

Service animals under the ADA and the FHA are not the same!



Use your Horse Sense!

Hopefully you will now use your horse sense, not make mountains out of molehills,

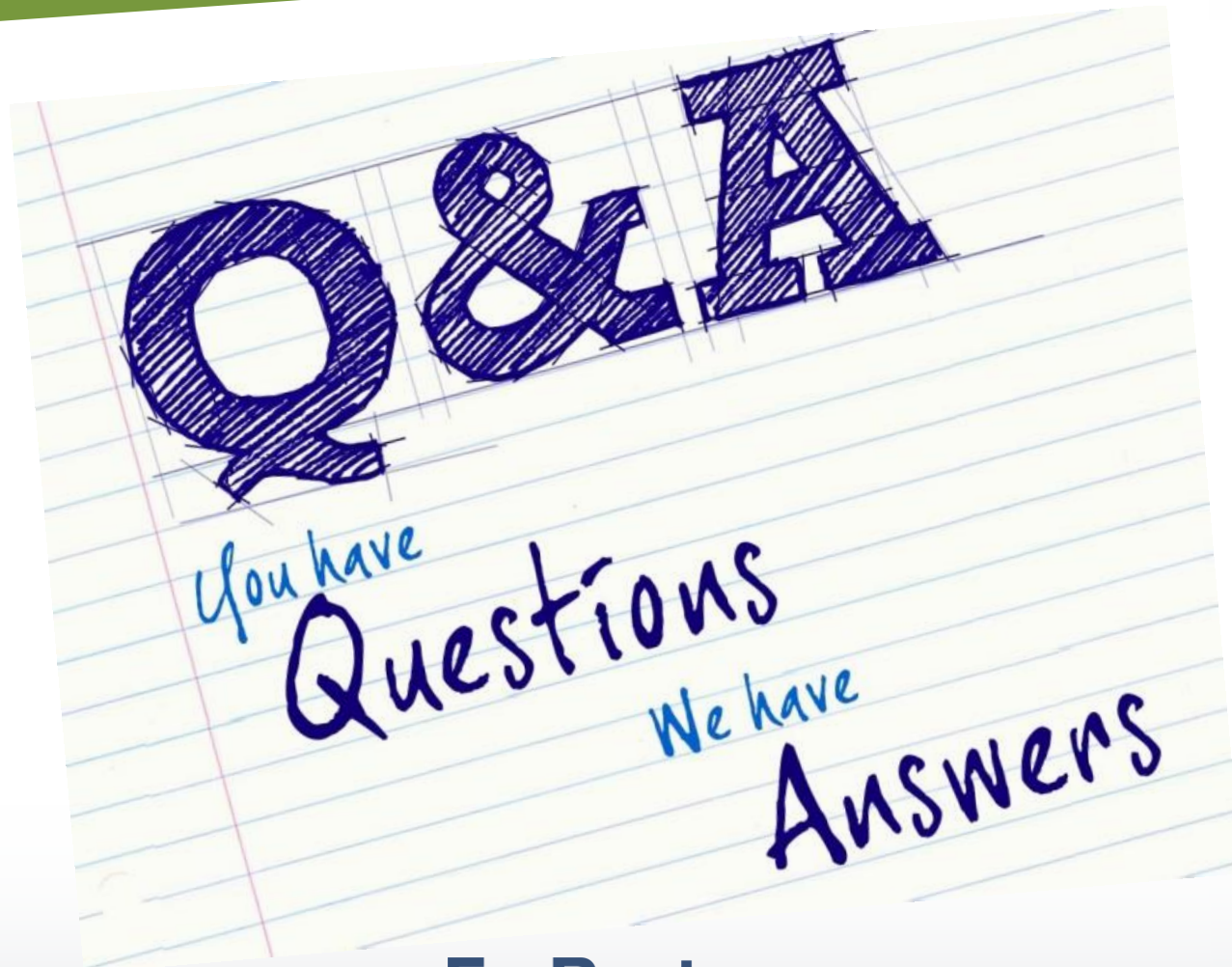
not beat dead horses nor be as stubborn as a mule.

Don't bark up the wrong tree when it comes to reasonable accommodation and service animals and

You will be ahead of the pack!



Your turn!





Thank you for attending today's webinar!

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