

Provide Fact Sheet to Medical Professionals Verifying Resident's Need for Assistance Animal

Here is some useful information you can provide to verifiers to help educate them on the Fair Housing Act's standards for disability. This fact sheet covers some commonly asked questions about terms and issues needed to help an individual with a disability and their health care provider understand what information may be needed to support an accommodation request when the disability or disability-related need for an accommodation is not readily observable or known by the housing provider.

MODEL NOTICE

REASONABLE ACCOMMODATION VERIFICATIONS: A FACT SHEET FOR MEDICAL PROFESSIONALS

What is a reasonable accommodation in housing?

Federal laws require housing providers to make reasonable accommodations for persons with disabilities. A reasonable accommodation is a change or exception to any rule, policy, or practice that to enables a resident with a disability equal opportunity to use and enjoy a dwelling. A person with a disability must notify the housing provider if they need a reasonable accommodation, and the housing provider must grant the request if it is reasonable. There must be a connection between the disability and the need for the accommodation.

A common reasonable accommodation request is for an assistance animal when a housing provider has a "no pets" policy. In the case of assistance animals (which are NOT considered pets), any pet fees or pet security deposits must also be waived. Another common example is a person with a mobility or respiratory issue that prevents them from walking long distances requesting a reserved parking space near their unit.

How is disability defined by the Fair Housing Act?

Disability is defined broadly by the Fair Housing Act as a "physical or mental impairment that substantially limits one or more major life activities." This includes, but is not limited to, wheelchair users, those who are visually impaired, those limited by emotional problems, mental illness, major depression, difficulties associated with aging, or those suffering from HIV/AIDS. Individuals who are currently in or have successfully completed an addiction recovery program are covered by the definition of disability under the Fair Housing Act; however, current users of illegal drugs are not.

What is an assistance animal?

An assistance animal is NOT a pet. An assistance animal is any animal that provides a service to a person with a disability. 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.

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Assistance animals do not need to be specially trained, certified, or licensed and can be any type of therapeutically necessary animal. Guide dogs, seizure alert dogs, and PTSD dogs are commonly recognized, but many types of animals provide emotional support for individuals with mental and emotional health disorders.

Note: The Fair Housing Act requirements concerning assistance animals differ from the standards required under the Americans with Disabilities Act (ADA), which covers public accommodations. Under the Fair Housing Act, it doesn't matter whether an animal is a service animal, a therapy animal, or an emotional support animal. The important factor is that the assistance animal serves a disability-related need and allows a person with a disability equal opportunity to use and enjoy a dwelling.

What are physical or mental impairments?

Physical or mental impairments include:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or
- Diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

What are major life activities or major bodily functions?

They are: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, and working.

Other impairments—based on specific facts in individual cases—may also substantially limit at least one major life activity or bodily function.

What are some examples of work, tasks, assistance, and emotional support?

Some examples of work and tasks that are commonly performed by service dogs include:

- Assisting individuals who are blind or have low vision with navigation and other tasks;
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- Providing non-violent protection or rescue work;
- Pulling a wheelchair;
- Alerting a person with epilepsy to an upcoming seizure and assisting the individual during the seizure;
- Alerting individuals to the presence of allergens;
- Retrieving the telephone or summoning emergency assistance; or
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

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Some other examples of work, tasks, or other types of assistance provided by animals include:

- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors;
- Reminding a person with mental illness to take prescribed medication;
- Alerting a person with diabetes when blood sugar is high or low;
- Taking an action to calm a person with post-traumatic stress disorder (PTSD) during an anxiety attack;
- Assisting the person in dealing with disability-related stress or pain;
- Assisting a person with mental illness to leave the isolation of home or to interact with others;
- Enabling a person to deal with the symptoms or effects of major depression by providing a reason to live; or
- Providing emotional support that alleviates at least one identified symptom or effect of a physical or mental impairment.

What are examples of a patient's need for a unique animal or unique circumstances?

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
 - Allergies prevent the person from using a dog; or
 - Without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks a reasonable accommodation to a land use and zoning law, homeowners association (HOA) rule, or condominium or co-op rule.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.