



What property managers need to know about HUD's guidance on assistance animals

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) released guidance on assistance animals to help housing providers distinguish a person with a non-obvious disability with a legitimate need for an assistance animal, from a person without a disability who simply wants to have a pet or avoid the costs and limitations imposed by housing providers' pet policies, such as pet fees or deposits. HUD's guidance may also help persons with a disability seek a reasonable accommodation for an assistance animal in housing.

Below are FAQ's on HUD's guidelines addressing assistance animals. In addition, we strongly encourage property managers to review HUD's document, "[Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act](#)," in its entirety.

1. What is an assistance animal?

Assistance animals include (1) service animals, and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to as "support animals"). Persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals, under the Fair Housing Act (FHA).

2. Is a support animal the same as a service animal?

No. A service animal is a dog or miniature horse trained to do work or perform tasks for a person with a disability. These tasks can include guiding a visually impaired person, alerting a person having a seizure, or even calming a person who suffers from Post-Traumatic Stress Disorder. The work service animals perform are directly related to the person's disability.

A support animal provides emotional support, comfort, well-being, and companionship, and is not limited to a dog or miniature horse. This animal can be a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or another small, domesticated animal that is traditionally kept in the home for pleasure, rather than for commercial purposes.

3. Can any animal be considered a support animal?

Maybe. Reasonable accommodation can be granted for animals commonly kept in households for pleasure, such as dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, or other small, domesticated animals, if the requestor has provided information confirming there is a disability-related need for the animal.

Reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

If the individual is requesting to keep a unique type of animal that is not commonly kept in households, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal. Lack of such documentation may be reasonable grounds for denying a requested accommodation.

4. 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
 - 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

5. What if the requestor has a non-observable disability?

Under the FHA, a disability is a physical or mental impairment that substantially limits one or more major life activities. While some impairments may seem invisible, others can be readily observed. Observable impairments include blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions. Observable impairments generally tend to be obvious and would not be reasonably attributable to non-medical causes by a lay person.

Certain impairments, however, especially impairments that may form the basis for a request for a support animal, may not be observable. In those instances, a housing provider may request information regarding both the disability and the disability-related need for the animal. Housing providers are not entitled to know an individual's diagnosis.

6. What if the requestor provides documentation from the internet for their assistance animal?

Many housing providers have encountered requestors who provided documentation for an assistance animal from a website that provides certification to anyone who answers certain questions and pays a fee.

The new HUD guidance states that such documentation from the internet is not, by itself, enough to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

There are many legitimate, licensed health care professionals who deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional ((e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse) which confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

7. What documentation should accompany requests for assistance animals?

Supporting information often consists of information from a licensed health care professional (e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse) general to the condition, but specific to the individual with a disability, and the assistance or therapeutic emotional support provided by the animal.

A relationship between the disability and the need for the assistance animal must be provided. This is particularly the case if the disability is non-observable, and/or the animal provides therapeutic emotional support. For non-observable disabilities and animals that provide therapeutic emotional support, you may ask for information that is consistent with that identified in the [Guidance on Documenting an Individual's Need for Assistance Animals in Housing](#).

8. Who can use the Assistance Animals Notice?

The Assistance Animals Notice provides guidance for housing providers who receive a request for a reasonable accommodation from an individual with a disability to keep an assistance animal in housing. Individuals with disabilities that affect major life activity may also use the guidance to assist them in requesting a reasonable accommodation, and to clarify what type of information they may need to give their housing provider to support their request under the FHA.

9. Why is the Department releasing guidance on Assistance Animals?

Fair Housing Act complaints concerning reasonable accommodation and disability comprise almost 60% of all FHA complaints, and those involving requests for reasonable accommodation for assistance animals are almost half of those. In fact, these complaints are the most common type of fair housing complaint that HUD receives.

In recent years, the practice of the sale and use of so-called "certificates" for assistance animals has also proliferated. In HUD's view, such certificates, issued in the absence of a personal medical relationship, are not meaningful and a waste of money.

10. If the housing provider has already provided reasonable accommodation for an assistance animal, how does the Assistance Animals Notice affect the requestor's housing?

The guidance does not change HUD's interpretation of the FHA and does not affect any reasonable accommodations already granted. Housing providers should not re-assess any accommodations they have already granted to individuals with disabilities. The guidance provides clarity for analyzing future requests for reasonable accommodations.

A Few Other Considerations

- A housing provider may refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level.
- A housing provider may not charge a fee for processing a reasonable accommodation request.
- Housing providers may not limit the breed or size of a dog used as a service animal or support animal but can, as noted, maintain limits based on specific issues with the animal's conduct if it poses a threat.
- A housing provider may not charge a deposit, fee, or surcharge for an assistance animal, but may charge a tenant for damage an assistance animal causes if it's the provider's usual practice to charge for damage caused by tenants (or deduct it from the standard security deposits imposed on all tenants).
- Before denying a reasonable accommodation request due to lack of information confirming an individual's disability or disability-related need for an animal, the housing provider is encouraged to engage in a good-faith dialogue with the requestor called the "interactive process."