It’s a Zoo Out There- Managing Animals on the Property

Presented by:
Angelita Fisher
Decide: Pet or ESA?
It is a Pet or Support Animal

- Assume it is a Pet
  Unless:
  - Obvious
  - Applicant / Resident tells you it is a support animal
Remember

- Fair Housing laws do not apply to pets
- You may have any policy/rule you like about pets
  - No Pets
  - No “Aggressive” Breeds
  - $1,000 Pet Deposit
  - $100 Pet Rent
  - Etc.
Remember

You only make an exception to your pet policy for residents/applicants who are disabled.
Emotional Support Animals

- Any Name
- Any Animal
- No Training Required
Decide What You Need to Know
What are you entitled to know?

- Landlords are entitled to know:
  - The applicant/resident is disabled as defined by fair housing laws; and
  - The animal is needed because of the disability. There must be a nexus.
Disability Defined

- Resident is substantially limited in one or more major life activities; or

- Resident has a record of a disability

Unless you are a doctor, do not get caught up in arguing about whether or not someone is disabled.
Documentation
Obvious vs. Unobvious Disability

- **Obvious Disability**: No documentation on the disability
  - Receives SSI Disability Benefits
  - Can see or know someone is disabled

- **Unobvious Disability**: Entitled to a letter or verification from a healthcare provider (or other professional who can treat the disability) that the applicant/resident is disabled.
Documentation

Nexus

- Is the connection between the disability and the need for the animal obvious?
  - Yes: No documentation on the nexus
  - No: Documentation needed for the nexus
Special Situation

- Housing for the Elderly and Disabled
- Must allow pets
- Must exempt service/support animals from pet policy
- Can require resident to certify:
  - The tenant or a member of his/her family is handicapped, and
  - The animal has been trained to assist persons with that specific handicap, and
  - The animal actually assists the handicapped individual.
Tell the Applicant / Resident What They Need to Provide.
How?

- Letter
- In Person
- Forms
Forms

- May different forms are available:
  - Request for Accommodation
  - Verification for Healthcare Provider
  - Acceptance / Rejection Letters

- Caution: One form does not fit all situations.
- Caution: THRC settled a case in the FY 2015 where the landlord required the request for an accommodation to be in writing.
Caution

- Do not ask for:
  - Diagnosis
  - Severity of the disability
  - Medical Records
Who may write the letter?

- A doctor or other medical professional,
- A peer support group,
- A non-medical service agency,
- Or a reliable third party who is in a position to know about the individual's disability.
Evaluate the Documentation
Inadequate Documentation

- Tell the resident/applicant you need additional information
- Be specific
- Give additional time
- Don’t call the doctor’s office for additional information unless the letter specifically says to call the doctor for additional information.
Fraudulent Documentation
Form Letters

- “I am intimately familiar with his/her history and with the functional limitations imposed by his/her emotional/mental health-related issue.”

- He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.
“Due to this emotional disability, _______has certain limitations coping with what would otherwise be considered normal, but significant day to day situations. To help alleviate these challenges and to enhance his/her day to day functionality, I have prescribed _______to obtain an emotional support animal. The presence of this animal is necessary for the emotional/mental health of _______because its presence will mitigate the symptoms he/she is currently experiencing.”
On-Line Certificates

- U.S. Dog Registry
- [http://usdogregistry.org/](http://usdogregistry.org/)
- $79.00

You are required to have a current (within the past year) letter from a doctor or mental health professional recommending that you have an emotional support dog for your condition.
On-Line Doctor’s Letters

- May be from out of town doctor
- May have extra language (airlines)
- Quotes the laws
- May expire in a year
Solutions

- Call the healthcare provider and ask if you can fax/email the letter to have it authenticated. Yes or No – did this letter come from your office?
- On-line certificate - accept and ask for additional information.
- On-line Doctor’s Letters – return as not being reliable and ask for a letter from their personal health care provider.
- Form letters – authenticate with healthcare provider and evict/deny if the letter was fraudulently created by resident/applicant.
Accept or Deny the Animal
Aggressive Breeds

- The animal – not the breed – must be aggressive
- Premise Liability Insurance will not cover breed
  (See HUD letter dated June 12, 2006)
HOW?

- In Writing
- Form
- Verbally
Remember

- No Deposit
- No Rent
- No Weight / Breed Restrictions
- May go into any common area
- Cannot tell other residents why one resident gets an animal and another does not.
Give the Resident a Policy

- Separate from Pet Policy
- Vaccinations
- License
- Damages or Disturbances
- Cleaning Up After the Animal
- Spay/Neuter
- On a Leash or In a Carrier
- Noise
Dealing with the Problems
Noise Problems

- Follow your lease and property rules/regulations.
- Enforce noise issues with companion/service animals the same as pets.
- Send notices of lease violations.
- Before an adverse action, be sure you have evicted others for noise from pets.
Aggression Problems

- Must be a known aggressive animal – not just a breed with aggressive tendencies.
- Must try to accommodate to eliminate or significantly reduce the danger.
  - Muzzle
  - Tied to the person
  - Only an adult can walk
  - Training
Undue Hardship

- Cannot eliminate/reduce aggression problems
- Noise Problems that cannot be eliminated
- Extensive Damage
- Failure to follow rules
Multiple Animals

- Healthcare provider needs to authorize multiple animals
- Each needs to alleviate a different symptom of disability or a different disability
Must pay for damages while they are living in unit or when they leave. Damages include:

- Urine stained carpet
- Scratched doors and floors
- Damage to drywall
- Damage to blinds / curtains
Questions & Answers