



Emotional Support Animals: New Federal Guidance

Are you confused about the rules for service and support animals? Are you tired of rental applicants who try to pass off a pet as a service animal using fake credentials from the Internet? People who pretend to be disabled in order to avoid a “no pets” policy hurt others who are actually are disabled and genuinely need a service animal.

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) released new guidance to help landlords, tenants, and condominium associations understand the rules. Here is a link to the 19 page bulletin: <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf> The highlights are summarized below.



●(p. 6) **Service Animal:** Defines what a service animal as a dog that is individually trained to do work or perform tasks that are directed related to a person’s mental or physical disability.



●(pp. 11 – 13) Lists types of acceptable documentation to prove that a person has a disability

●(p. 12) Internet documentation is not enough to prove that a person is disabled unless the health care provider has “personal knowledge” of the individual.

●(pp. 16 and 17) **Documentation Checklist:**

Property owners and rental agents may require “a note from a person’s health care professional that confirms a person’s disability and/or need for an animal when the provider has personal knowledge of the individual.” The note or letter must include the following:

The patient’s name,

Whether the health care professional has a professional relationship with that patient/client involving the provision of health care or disability-related services, and

The type of animal(s) for which the reasonable accommodation is sought (i.e., dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal, or other specified unique animal).

Whether the patient has a physical or mental impairment,

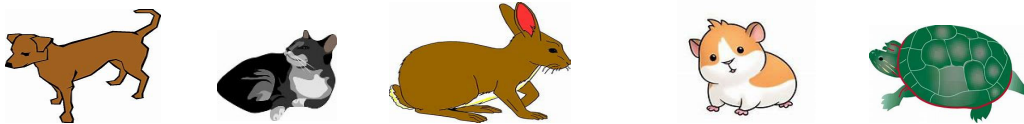
□ Whether the patient’s impairment(s) substantially limit at least one major life activity or major bodily function, and

□ Whether the patient needs the animal(s) (because it does work, provides assistance, or performs at least one task that benefits the patient because of his or her disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability of the patient/client, and not merely as a pet).

□ It is also recommended that the health care professional sign and date any documentation provided and provide contact information and any professional licensing information.

(p. 17) **Support Animal:** an animal that “does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual’s disability.” Only service animals require special training.

“Common household animals” **can** be support animals.



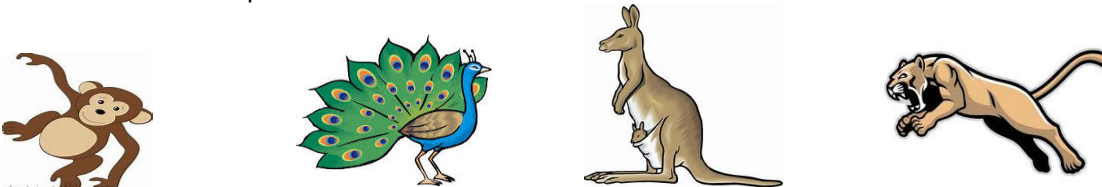
“Non-domesticated animals” **cannot** be support animals **unless** the tenant or buyer can show that it is a “*unique animal*” that is specially trained to perform tasks that a dog cannot perform. For example, a person could document that a trained capuchin monkey is a unique animal because it can turn lights on and off or can open a bottle of water and carry it to a person who is paralyzed.

NO reptiles (except for turtles) unless “unique

NO barnyard animals unless “unique



NO wild animals unless “unique”



(pp 13 – 15) **Landlord/housing provide must make reasonable accommodation for a service or support animal.** Defines “reasonable accommodation.” Must accommodate a qualified applicant unless the service or support animal would impose a “fundamental alteration to the nature of the provider’s operation” or would impose an “undue financial and administrative burden.”

Questions? Contact the RIAR Legal Department at 401-432-6945 or email monica@rirealtors.org.