

Talking Points for Associations Regarding Requests for Assistance and Service Animals

Upon receiving a request for a reasonable accommodation to possess an assistance or service animal in a dwelling or common area, consider the following:

1. Does the person seeking to use and live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?

2. Does the person making the request have a disability-related need for an assistance or service animal? (In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?)

If the answer to either question is "no," then the Fair Housing Act and related regulations don't require a modification to the association's pet policies, rules, or covenants.

If the answer to both questions is "yes," **the association will need to modify or provide an exception to its rule, covenant, or policy to permit a person with a disability to live with and use an assistance/service animal in all areas of the premises (i.e., dwelling unit, lot, and common areas) where residents are normally allowed to go**, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the association's services.

If you're uncertain whether the person seeking the accommodation has a disability and the disability isn't readily apparent:

- You may ask the person (or his or her representative) to submit reliable documentation of a disability *and* their disability-related need for an assistance or service animal.

If the disability is readily apparent or known but the disability-related need for an assistance or service animal isn't:

- You may ask the individual to provide documentation of the disability-related need for an assistance animal.
- You may ask the individual to provide evidence that a service animal has been adequately trained (and you may require proof of proper training in the form of a written assertion by the animal's owner that the animal has been trained to perform tasks).

- If it's not obvious what task(s) the service animal performs, you may ask:
 1. Whether the animal is a service animal required because of a disability and
 2. What work or task the animal has been trained to perform

You should *not*:

- Inquire about the individual's disability
- Request medical records
- Request a special identification card or training documentation for the animal
- Request a demonstration of the service animal's abilities

You should *not* ask an individual to provide documentation showing their disability or disability-related need for an assistance animal if the disability or disability-related need is readily apparent or already known to the association.

You should *not* ask an individual to provide access to medical records or medical providers or provide detailed or extensive information or documentation of a person's physical or mental impairments.

A request for a reasonable accommodation may *not* be:

- Unreasonably denied
- Conditioned on payment of a fee or deposit or other terms and conditions applied to residents with pets
- Unreasonably delayed

Courtesy of Elizabeth White, a shareholder and head of the community associations practice at the law firm of Sands Anderson in Richmond, Va.

Disclaimer: This is not legal advice; after reviewing this document, consult with a lawyer in your state on how your association should proceed in any particular situation.

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