

Handout – Assistance Animals

TWO TYPES OF ASSISTANCE ANIMALS

HUD/DOJ Joint Statement 5/17/04

Notice FHEO 2020-01

- There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in the FHEO guidance as *support animals*).
- Assistance animals are not pets. An animal that does not qualify as a service animal or support animal is a pet for purposes of the FHA.
 - A PHA may charge a fee or deposit for pets in its policy and subject to local law, but not for service animals or other assistance animals (support animals).

SERVICE ANIMALS

- PHAs should initially follow the Department of Justice (DOJ) analysis to assess whether an animal is a service animal under the Americans with Disabilities Act (ADA).
- Under the ADA, “*service animal*” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability.
- As a best practice, PHAs may use the following questions to help them determine if an animal is a service animal under the ADA:
 1. Is the animal a dog or miniature horse?
 - If “yes,” proceed to the next question.
 - If “no,” the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed (support animal).

2. Is it readily apparent that the animal is trained to do work or perform tasks for the benefit of an individual with a disability?

- If “yes,” further inquiries are unnecessary and inappropriate because the animal is a service animal.
- If “no,” proceed to the next question.

It is *readily apparent* when the animal is observed:

- Guiding an individual who is blind or has low vision
- Pulling a wheelchair
- Providing assistance with stability or balance to an individual with an observable mobility disability

3. It is advisable for the PHA to limit its inquiries to the following two questions: (1) “Is the animal required because of a disability?” and (2) “What work or task has the animal been trained to perform?”

- Do not ask about the nature or extent of the person’s disability, and do not ask for documentation.

SUPPORT ANIMALS (ASSISTANCE ANIMALS OTHER THAN SERVICE ANIMALS)

- PHAs and other housing providers may use the following questions to help them make a decision when the animal does not meet the definition of service animal.
4. Has the individual requested a reasonable accommodation—that is, asked to get or keep an animal in connection with a physical or mental impairment or disability as defined by the Fair Housing Act (FHA)?
 - If “yes,” continue to assess as a reasonable accommodation.
 - If “no,” the PHA is not required to grant a reasonable accommodation that has not been requested.

Criteria for Assessing Whether to Grant the Requested Accommodation

5. Does the person have an observable disability or does the housing provider (or agent making the determination for the housing provider) already have information giving them reason to believe that the person has a disability?
 - If “yes,” skip to question #7 to determine if there is a connection between the person’s disability and the animal.
 - If “no,” continue to the next question.

24 CFR 100.201

6. Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?
 - If “yes,” proceed to question #7 in the next section.
 - If “no,” the PHA or other housing provider is not required to grant the accommodation if there is no nexus.
- Information confirming disability is a health care professional, such as physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, or nurse
 - Notice FHEO 2020-01 states that health care professionals should use personal knowledge of their patient or client—i.e., the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient or client.
7. Has the person requesting the accommodation provided information that reasonably supports that the animal is a support animal (reasonable accommodation)?
 - If “yes,” proceed to the next section, “Type of Animal”.
 - If “no,” the PHA or other housing provider is not required to grant the accommodation on the grounds that the requestor has not provided this information after being provided a reasonable opportunity to do so. The PHA should assess whether the animal qualifies as a pet under its pet rules.

Verification

- FHEO 2020-01 guidance is that verification confirming disability and/or nexus is from a health care professional, such as physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse
 - Notice FHEO 2020-01 states that health care professionals should use personal knowledge of their patient or client—i.e., the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient or client.

Type of Animal

- If the individual is requesting to keep a unique animal 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.