

## **Service Animal Accommodation: Guidelines for Staff** **by Robert L. Cain**

Property management must review all requests a disabled tenant makes for reasonable accommodations, including requests for service animal accommodation. If your building has a “no pets” policy, you can require the tenant to provide written verification from the tenant’s healthcare or mental health provider that the tenant has a disability and needs the service animal (the provider need not be an M.D.). You can require proof that the tenant is disabled, but cannot require the tenant to provide information about the specific disability.

### **Pet Rules and “No Pets” Rules**

If you allow tenants to have common household pets and you place limitations on the size, weight, and type of pets allowed, these rules do not apply to service animals. Service animals may be any type of animal and any breed, size or weight, and an accommodation may involve more than one service animal.

... the disabled tenant who uses a service animal is not required to make a pet deposit or pay a pet-related move-in cleaning fee.

If your housing complex has a “no pets” rule, such rules do not apply to service animals. If property management has documentation that the tenant has a disability and needs the service animal as a result, then the tenant can live with the animal despite the no pets rule.

### **Deposits and Fees**

A service animal is not a pet. Regardless of whether your property allows pets, the disabled tenant who uses a service animal is not required to make a pet deposit or pay a pet-related move-in cleaning fee. You may charge a general cleaning or damage deposit charged to all tenants. The tenant is liable for any damage the animal actually causes.

### **Awareness Training**

Property management will ensure that staff is properly trained in the facility’s service animal policies, including the following rules:

- Allow a service animal to accompany the tenant at all times and everywhere on the property except where animals are specifically prohibited (such as in the pool).

- Do not pet or touch a service animal. The animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Do not deliberately startle a service animal. Avoid making noises at the animal (barking, whistling, etc.).
- Do not separate or attempt to separate a tenant/handler from her or his service animal.
- Avoid initiating conversation about the service animal, the tenant's disabilities or other service animals one has known. If you are curious, you may ask if the tenant/handler would like to discuss it, but be aware that many people with disabilities do not care to share personal details.

Remember, not all disabilities are visible. The nature of the person's disability is a private matter, and you are not entitled to inquire for details.

If other tenants complain about the fact that they are not allowed to have a pet and want to know why you have made an exception, simply state that your company complies with the Fair Housing laws. You can also refer your tenants to the Fair Housing laws or your local Fair Housing Agency for further details.

Service animals do not need to wear any special identifying gear such as tags, harnesses or capes. Service animal owners/handlers are not required to carry any paperwork documenting the animal as a service animal.

A tenant may train his or her own service animal and is not required to provide any information about training or the specific tasks the animal performs.

### Animal Care and Supervision

The tenant/handler has the responsibility to care for and supervise the animal. The tenant must retain full control of the animal at all times. This generally means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in the direct control of the animal owner/handler. When in the presence of others, the animal is expected to be well behaved (not jumping on or nipping at people, not snarling or barking, etc.).

### Removal of a Service Animal

If a service animal is unruly or disruptive (aggressively jumping on people, nipping, or other harmful behavior), the property manager may ask the tenant/handler to remove the animal from the immediate area. If the animal's improper behavior happens repeatedly, the manager may tell the tenant not to bring the animal into any common area, until significant steps have been taken to mitigate the behavior. Mitigation can include refresher training for both the animal and the tenant.

### Areas Off-Limits to Service Animals

Management may designate certain areas off limits to service animals, such as swimming in the pool or inside the sauna room. Such designations should not infringe upon the right of the person with the disabilities to full enjoyment of the amenities of the community.

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