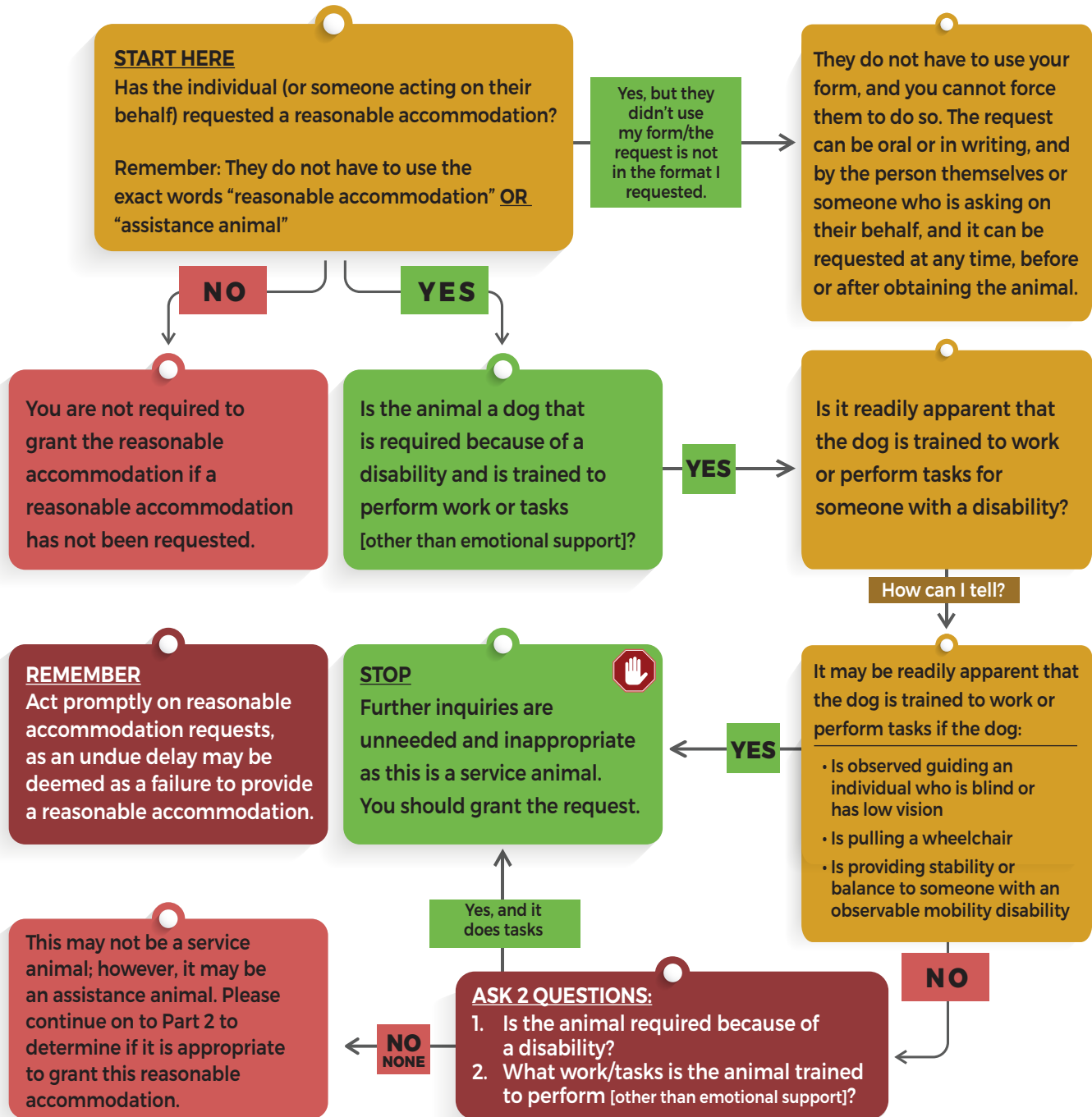


HOW TO KNOW WHETHER TO GRANT A REASONABLE ACCOMMODATION FOR A SERVICE OR ASSISTANCE ANIMAL

A Guide for Housing Providers | Part 1: Service Animals



HOW TO KNOW WHETHER TO GRANT A REASONABLE ACCOMMODATION FOR A SERVICE OR ASSISTANCE ANIMAL

A Guide for Housing Providers | Part 2: Assistance Animals

Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability? Property managers only have the right to request verification when a disability related need for an assistance animal is not obvious. (Note: you are not entitled to know an individual's diagnosis, only that they qualify as having a disability under the Fair Housing Act and that the animal can assist with it.)

NO

YES

You are not required to grant the accommodation unless this information is provided, but you may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so. Please engage in an interactive process with the individual.

Documentation from the Internet: Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal. By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is 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.

Is the animal commonly kept in households?
Examples include dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle.

YES

You should grant them the reasonable accommodation. Remember, you can not charge a fee for a reasonable accommodation request, and a building's pet policy (such as breed or weight restrictions) does not apply to service or assistance animals. You can not charge a pet fee or deposit for service or assistance animals.

NO

You might not have to grant the reasonable accommodation. However, there are exceptions. Before denying the request, you should enter into a good faith interactive process with the tenant.

Exceptions: Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances, such as:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a healthcare professional confirms that allergies prevent the person from having a dog.
- Information from a healthcare professional confirms that without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced-in yard where the animal can be appropriately maintained.



For more information, contact Sioux Falls Human Relations.
605-367-8745 | siouxfalls.gov/relations

The mission of Sioux Falls Human Relations is to eliminate unlawful discrimination and harassment, and to promote greater understanding, inclusion, and justice in Sioux Falls. The substance and findings of this work are dedicated to the public. This infographic is adapted from HUD's FHEO-2020-01 "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act," released January 28, 2020. This information is not itself legal advice; for legal advice about a particular situation, contact an attorney.



HOW TO REQUEST A REASONABLE ACCOMMODATION FOR A SERVICE OR ASSISTANCE ANIMAL

A Guide for Tenants | Part 1: Service Animals



HOW TO REQUEST A REASONABLE ACCOMMODATION FOR A SERVICE OR ASSISTANCE ANIMAL

A Guide for Tenants | Part 2: Assistance Animals

Is your animal an animal that is commonly kept in households? Examples include a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish or turtle.

YES

Have you (or someone close to you familiar with your disability such as a spouse, live-in caretaker, parent, etc..) requested a reasonable accommodation? The request can be verbal or in writing (although it is recommended that it be in writing in case a record of the request is needed in the future). Your property manager cannot force you to apply for the reasonable accommodation in a specific manner, such as a particular form or internet only.

NO

A reasonable accommodation cannot be provided for you if you have not requested one. A request should be made promptly. It is fine if you already have the animal—the request is still valid and they cannot deny you just because you already obtained the animal before making the request. However, if you have not made the request and you have an unauthorized animal on the premises, the landlord could make you remove the animal, so make the request as soon as possible.

NO

If you are requesting to keep a unique type of animal that is not commonly kept in households (such as a monkey or miniature horse), then you have the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. You will need to submit suitable documentation from a health care professional confirming the need for this specific kind of animal. If your landlord has a policy prohibiting the kind of animal you wish to have, and you obtain the animal before submitting adequate documentation proving your need for the animal, your landlord can legally enforce that policy.

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances.
Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that: Allergies prevent the person from using a dog; or without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

YES

Did you submit a letter from your health care professional stating that you have a disability and a disability related need for your assistance animal?

NO

If a disability related need is not apparent as stated in Part I, your housing provider may require additional documentation (see below.)

YES

Has your property manager responded to your request and requested additional information about your disability as mentioned beforehand? A property manager cannot make you use their preferred format for the proof of your disability. The proof need only be from a legitimate source, as described below.

If you have made an effort to request a reasonable accommodation and provided a letter from your health care provider but your property manager denied your request or has not responded to the request in a reasonable amount of time, contact us— we may be able to help.

YES

Submit A Legitimate Form of Documentation to your Housing Provider and Wait for a Response.
 Be aware that there are numerous for profit sites on the internet that offer to draft letters for the purpose of requesting a reasonable accommodation. They usually, for a fee, interview you for a short period of time and then issue you a letter indicating the need for the assistance animal. Letters obtained from one of these types of websites are not legitimate. You do not need to pay for a letter, and the letters issued from these sites are commonly rejected by property managers. However, there are some forms of documentation obtained over the internet that are acceptable. For example, a letter from a legitimate primary care physician that you are a patient of that remotely provides you services through telehealth would suffice. Other good forms of documentation would be a note from your physician or other medical professional that works with you, a social worker or other professional at a non-medical care agency, peer support group, or a reliable third party who knows about your disability. After you submit your documentation to your property manager, they should respond ideally within a couple weeks. A lack of a response for a prolonged period of time could possibly be interpreted as a failure to grant the reasonable accommodation. Please contact us if your landlord has not responded in an inordinate amount of time.



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