

ASSISTANCE ANIMALS NOTICE

The U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity notice of best practices for complying with the FHA when assessing an accommodation request from a person with a disability involving animals in housing and guidelines on information that an individual seeking a reasonable accommodation for an assistance animal may need to provide about his/her disability-related need, including supporting information from a health care professional.



As a result of pandemic isolation, spending more time at home and a myriad of constraints and complaints homeowners are reporting recently, members have had many questions regarding "reasonable accommodations" that may be required to ensure compliance with Fair Housing laws. Concerns arise when requests conflict with association policies and rules. ACTHA continues to recommend that members contact an attorney who specializes in community association law in order to ensure the best advice based on the association CCSR's, Bylaws, Rules and particular situation details before initiating any response to homeowner requestors.

Revised guidelines for required reasonable accommodations from the U.S. Department of Housing and Urban Development (HUD) were issued in January of 2020. Nationally, requests for assistance

animals are significantly increasing and it is reported that almost 60% of all FHA complaints result from denial of requests for reasonable accommodations and disability access. Of course, we all recognize the differences in definitions of pets and service, assistance and support animals. Clarification has been provided to minimize abuses on both sides. Charges of discrimination against a housing provider (association Board) commonly result from denial to a person who has a physical or mental disability that cannot be readily observed or who has failed to provide acceptable documentation to the Board to assist in a fair decision. Many Associations have adopted rules for care and control of pets often prohibiting them altogether, limiting size and numbers, requiring monetary deposits, and restricting presence in common areas. Prior to allowing exceptions, association Boards need to be cautious in requesting supporting documentation from requestors. Further, HUD is now discouraging acceptance by HOA Boards of certificates sold on the internet and through other avenues that are issued in the absence of a personal medical relationship with the requestor. A requestor may be required to provide to the association information which includes supporting information from a health care professional.

Please note that the contents of the "Assistance Animal Notice" do not have the force and effect of law and are not meant to bind the public in any way. The contents are intended only to provide clarity regarding existing requirements under the law. In addition, the guidelines are meant to inform the process moving forward and not to provide opportunities to revisit previous decisions. It is intended to reduce the burden on individuals with disabilities, their healthcare providers, and housing providers (associations) by outlining guidance on the type of information that is relevant to assessing a reasonable accommodation request under the FHA and to speed the process for making reasonable accommodation decisions. It is unlawful for a housing provider (association) to refuse to make a reasonable accommodation that a person with a disability may need in order to have equal opportunity to enjoy and use a dwelling.