

Project Sentinel

Fair Housing Rights & Responsibilities
and Service Animals



Federal and state fair housing laws require that an accommodation be made to a "No Pet" policy to permit the use of a service animal by an individual with a disability, unless doing so would result in an unreasonable burden on the housing provider.



The Law

Federal and State fair housing laws prohibit discrimination against a renter or buyer on the basis of disability. Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a place of residence.

What is a service animal?

Service animals are animals, that assist people with disabilities in the activities of independent living. Service animals work or perform tasks for the benefit of an individual with a disability and assists with a specific disability.

Service animals are not considered to be pets. The animal does not have to be licensed or certified by any local or state government or any training program. A tenant may train his or her own service animal and is not required to provide any information about the animal's service training or any of the specific tasks that the service animal performs.

These animals which are reliable, have good dispositions and predictable behavior, are often used as therapy tools to assist persons with disabilities. The animal may be incorporated as an integral part of the treatment process. Service animals are usually dogs, but the tenant and their treatment provider may designate any animal.

Examples

Guide or seeing-eye animal: serves as a travel tool by a person who is legally blind.

Hearing Animal: alerts a person with a significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.

Mobility Animal: assist persons who have a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, emotional support, etc. Service animals sometimes are called assistance animals.



Seizure response animal: assists persons with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.

Companion animal or emotional support animal: assists persons with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress, and difficulties regarding social interaction, and by allowing tenants to live independently and fully use and enjoy their living environment.

The Federal Fair Act Definition

A person with a disability is:

An individual who has had, is regarded as having or currently does have a physical or mental impairment that substantially limits one or more major life activities.

Guidelines for Tenants with Service Animals

Request for a Service Animal Accommodation:

Tennants must submit a written request to have a service/companion/support animal, as an accommodation for their disability.

Verification of Disability and Need for a Service Animal:

If requested by the housing provider, the tenant must provide written verification that he or she has a disability and that the accommodation is necessary to give the person equal opportunity to use and enjoy the community. However, as defined by the current federal housing laws, the tenant need not disclose the nature of the disability. The tenant's healthcare or mental health provider must submit a signed letter on professional letterhead to the property management answering the following questions:

- Is the person disabled as defined by fair housing laws?
- In the health care provider's professional opinion, does the person need the requested accommodation to have the same opportunity as a non-disabled person to use and enjoy the place of residence?

Supervision:

The animal must be supervised and the tenant/handler must retain full control of the animal at all times.

Clean-up Rules:

Never allow the service animal to defecate on any public or private property, (except the tenant's own property) unless the tenant immediately removes the waste.

Always carry equipment to clean up waste from the service animal when you are in common areas or off tenant's property.

Properly dispose of waste and/or litter.

Contact housing provider if you need assistance with waste removal.

Guidelines for Housing Providers

Service Animal Accommodation:

Property management or property owner will review tenant's written request and the written verification from the tenant's healthcare or mental health provider regarding the service animal accommodation request. The only acceptable reason to deny such request is if granting the accommodation would cause an undue financial or administrative burden upon the community or change the nature of the property owner or manager's business.

Any special deposit or move-in cleaning fee related to the service animal may be deemed discriminatory, thus, illegal.

Fees?

Service animals are generally very well behaved and usually cause no damage to the property. However, if any damage is caused, the tenant will be responsible and the routine security deposit should be sufficient to cover the repair and cleaning cost. We suggest that any housing provider still wanting to require an animal deposit or related cleaning fee consult with their local fair housing agency.

Awareness Training

Property management and staff will be properly trained in the facility's service animal policies, including the following rules:

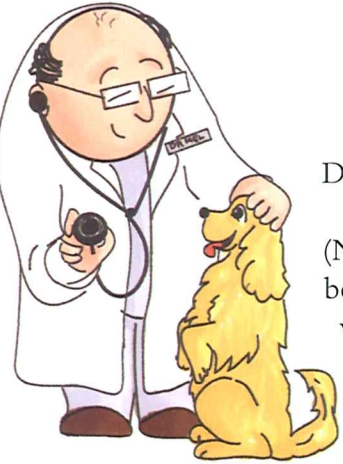


Service animals may accompany a tenant at all times and everywhere on the property except where animals are specifically prohibited.

Do not pet, feed, or startle a service animal. Petting a service animal can cause the animal to become distracted or disoriented, resulting in the tenant or handler being left without the trained assistance of their animal.

Avoid initiating conversation about the service animal, the tenant's disabilities, other service animals or a disabled individual one has previously known. If you are curious you may ask the tenant/handler if she/he would care to discuss it, but be aware that many persons with disabilities do not care to share personal details.

Sample Verification of Disability



Dear Housing Provider:

(Name of tenant) is my client/patient, and has been under my care since (date). I am familiar with his/her history and with the functional limitations related to his/her disability. He/she meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to fully use and enjoy the dwelling you provide, I am prescribing a service animal that will assist (name of tenant) with the functional limitations relating to his/her disability.

I would also be happy to answer any questions you may have concerning my recommendation that (name of tenant) have a service animal as long as there is no invasion of my patient's rights to privacy. Please route any questions to my patient and/or (fair housing organization) so they can forward the inquiry to my attention.

Sincerely,

Name of Professional

Sample Request for Reasonable Accommodation

This form can be used when requesting a reasonable accommodation. This specific form is an option and not required; however, a tenant most likely will need to request an accommodation in writing. Any written request for accommodation must be considered by management.

Name:

Phone:

Address:

I have a disability as defined by the fair housing laws. I use a service animal to assist me with the functional limitations related to my disability. My service animal also enhances my ability to live independently and to fully use and enjoy the dwelling you provide.

Type of service animal: (dog, cat etc.):

I am requesting that you:

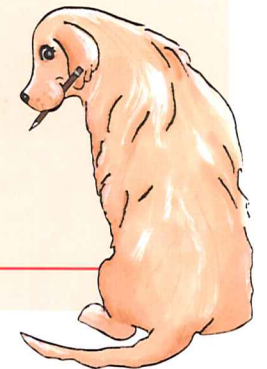
- waive your "no pet" policy
- waive your pet weight/height restrictions
- waive your pet deposit/pet related fees requirement
- other:

as an accommodation for my disabilities.

I have attached a letter from my treatment provider verifying that I have a disability and that I have a need for a service animal.

Signed:

Date:



Project Sentinel:

Project Sentinel is a non-profit agency, which provides a wide range of housing services: discrimination investigations, rental counseling, homeownership education, and conflict resolution.

Where to go for help:

The following jurisdictions fund Project Sentinel to provide **HOUSING DISCRIMINATION** services at these numbers:

San Francisco County	(415)HOUSING
San Mateo County	(888)FAIRHOusing
Santa Clara County	(888)FAIRHOusing
Stanislaus County	(209)236-1577
Fremont	(510)574-2270

Project Sentinel is funded to provide housing counseling services such as **MORTGAGE DEFAULT COUNSELING, HOMEOWNERSHIP EDUCATION** and **FIRST-TIME HOMEBUYER** workshops at these numbers:

San Mateo County	(888)331-3332
Santa Clara County	(888)331-3332

The following jurisdictions fund Project Sentinel to provide **LANDLORD/TENANT COUNSELING** and **CONFLICT RESOLUTION** services at these numbers:

Campbell	(408)243-8565
Cupertino	(408)720-9888
Fremont	(510)574-2270
Gilroy	(408)842-7740
Los Gatos	(408)402-0307
Milpitas	(408)946-6582
Morgan Hill	(408)842-7740
Mt. View	(650)960-0495
Palo Alto	(650)856-4062
San Martin	(408)842-7740
Santa Clara City	(408)720-9888
Sunnyvale	(408)720-9888



Project Sentinel's administrative office is located at
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(888)324-7468

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