

## **BEST PRACTICES FOR DOCUMENTING AN INDIVIDUAL'S NEED FOR ASSISTANCE ANIMALS IN HOUSING**

### **LET'S START WITH WHAT YOU CANNOT ASK FOR OR REQUIRE.**

- May not require that a health care professional use a specific form including the HUD recommended documents.
- May not require notarized statements
- May not ask a healthcare professional to make statements under penalty of perjury
- May not ask a healthcare professional to provide an individual's diagnosis
- May not ask a healthcare professional to provide detailed information about a person's physical or mental impairment

### **GENERAL REQUIREMENT FOR ALL INFORMATION PROVIDED**

- Have the healthcare professional sign and date any documentation provided and ask that they provide contact information and any professional licensing information

### **GENERAL QUESTIONS YOU MAY ASK:**

- The patient's name.
- Whether the healthcare professional has a professional relationship with the patient/applicant/tenant involving the provision of health care or disability-related services.
- The type of animal for which the reasonable accommodation is sought (dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal or other specified unique animal).

### **DISABILITY-RELATED QUESTIONS (for fair housing laws, a person has a disability when they have a physical or mental impairment that substantially limits one or more major life activities, excluding addiction caused by current, illegal use of a controlled substance).**

- Whether the patient has a physical or mental impairment;
- Whether the patient's impairment substantially limits at least one major life activity or major bodily function; and
- Whether the patient needs the animal (because it does work, provides assistance, or performs at least one task that benefits the patient because of his or her disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability of the patient/client, and not merely as a pet).

**IF THE REQUESTED ANIMAL IS NOT A DOMESTICATED ANIMAL THAT IS TRADITIONALLY KEPT IN THE HOME FOR PLEASURE RATHER THAN COMMERCIAL PURPOSES, ASK THAT THE HEALTHCARE PROFESSIONAL PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:**

- The date of last consultation with the patient.
- Any unique circumstance justifying the patient's need for the particular animal (if already owned or identified by the tenant/applicant) or particular type of animal, and
- Whether the health care professional has reliable information about this specific animal or whether they specifically recommended this type of animal.

**Remember, the need for a unique animal may occur where:**

- **Allergies prevent a person from using a dog;**
- **Without the animal, the symptoms or effects of a person's disability will be significantly increased;**
- **The animal can do something a dog cannot (example of monkey with fingers)**

**ASSESSING A PERSON'S REQUEST TO HAVE AN ANIMAL AS A  
REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT  
SERVICE DOG ANALYSIS**

**1. IS THE ANIMAL A DOG?**

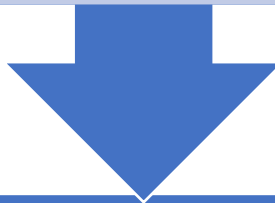
**IF YES- PROCEED TO QUESTION 2  
IF NO- THE ANIMAL IS NOT A SERVICE ANIMAL BUT MAY BE ANOTHER TYPE  
OF ASSISTANCE ANIMAL**



**2. IS IT READILY APPARENT THAT THE DOG IS TRAINED TO DO WORK OR  
PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL WITH A DISABILITY?**

**IF YES- THE ANIMAL IS A SERVICE ANIMAL AND NO FURTHER  
INQUIRY**

**IF NO- PROCEED TO NEXT QUESTION**



**3. IS THE ANIMAL REQUIRED BECAUSE OF A DISABILITY AND  
WHAT WORK OR TASK HAS THE ANIMAL BEEN TRAINED TO PERFORM?**

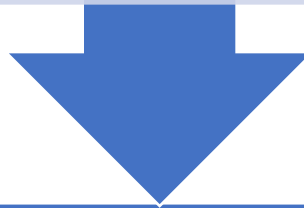
**IF YES AND WORK OR TASK IS IDENTIFIED THEN GRANT THE  
ACCOMMODATION**

**IF EITHER ANSWER IS NO- THE ANIMAL DOES NOT QUALIFY AS A SERVICE  
ANIMAL BUT MAY BE A SUPPORT ANIMAL PROCEED TO PART II.**

**4. HAS THE INDIVIDUAL REQUESTED A REASONABLE ACCOMODATION- ASKED FOR AN ANIMAL IN CONNECTION WITH A PHYSICAL OR MENTAL IMPAIRMENT?**

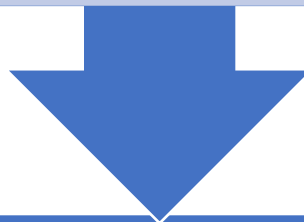
**IF YES- PROCEED TO PART III, Q.5**

**IF NO- THE HOUSING PROVIDER IS NOT REQUIRED TO GRANT A REASONABLE ACCOMODATION THAT HAS NOT BEEN REQUESTED.**



**5. PART III- DOES THE PERSON HAVE AN OBSERVABLE DISABILITY OR DOES THE HOUSING PROVIDER (OR AGENT) 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- PROCEED TO NEXT QUESTION**



**6. HAS THE PERSON SEEKING THE ACCOMMODATION PROVIDED INFORMATION THAT REASONABLY SUPPORTS THAT THE PERSON SEEKING THE ACCOMODATION 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 EITHER ANSWER IS NO- THE HOUSING PROVIDER MAY DENY THE REQUEST UNLESS THIS INFORMATION IS PROVIDED. MUST ENSURE THAT YOU PROVIDE THE TENANT WITH AN OPPORTUNITY TO DO SO BEFORE DENIAL.**

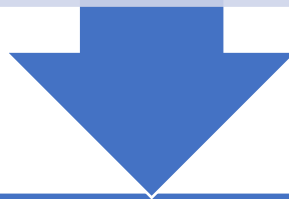
- The request for a reasonable accommodation with respect to an assistance animal may be oral or written.

## **ANALYSIS OF REASONABLE ACCOMMODATION REQUESTS FOR ASSISTANCE ANIMALS OTHER THAN SERVICE ANIMALS**

**7. HAS THE PERSON REQUESTING THE ACCOMMODATION PROVIDED INFORMATION WHICH REASONABLY SUPPORTS THE ANIMAL DOES WORK, PERFORMS TASKS, PROVIDES ASSISTANCE AND/OR PROVIDES THERAPEUTIC EMOTIONAL SUPPORT WITH RESPECT TO THE INDIVIDUAL'S DISABILITY ?**

**IF YES- PROCEED TO PART IV**

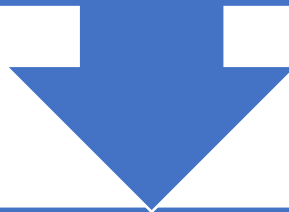
**IF NO- THE HOUSING PROVIDER IS NOT REQUIRED TO GRANT A REASONABLE ACCOMMODATION THAT HAS NOT BEEN REQUESTED.**



**Part IV - Type of Animals**

**IF YES- THE REASONABLE ACCOMMODATION SHOULD BE PROVIDED UNDER THE FHA UNLESS THE GENERAL EXCEPTIONS DESCRIBED BELOW EXIST**

**IF NO- A REASONABLE ACCOMMODATION NEED NOT BE PROVIDED, BUT NOTE THE VERY RARE CIRCUMSTANCES DESCRIBED BELOW.**



**UNIQUE ANIMAL BURDEN- NOT COMMONLY KEPT IN HOUSEHOLDS (DOG, CAT, SMALL BIRD, RABBIT, HAMSTER, GERBIL, OTHER RODENT, FISH, TURTLE, OR OTHER SMALL DOMESTICATED ANIMAL THAT IS TRADITIONALLY KEPT IN HOMES)**

**TENANT HAS SUBSTANTIAL BURDEN OF DEMONSTRATING A DISABILITY-RELATED THERAPEUTIC NEED FOR THE SPECIFIC ANIMAL OR THE SPECIFIC TYPE OF ANIMAL (ALLERGY, ANIMAL DOES SOMETHING A DOG CANNOT)**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-2000

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OFFICE OF FAIR HOUSING  
AND EQUAL OPPORTUNITY

MEMORANDUM FOR: FHEO Regional Directors  
*R. A.*  
FROM: Bryan Greene, Deputy Assistant Secretary for Enforcement and Programs, ED  
SUBJECT: Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation

This memorandum responds to requests for guidance on how HUD investigators should examine Fair Housing Act "reasonable accommodation" cases where a housing provider cites an insurance policy restriction in denying a request from a person with a disability to reside in a dwelling with an assistance animal that is of a breed of dog that the landlord's insurance carrier considers dangerous. In the referenced cases, the housing providers stated that their insurance carriers will either refuse to cover their properties, substantially increase the cost of coverage, or adversely change the terms of their policies if these animals are allowed to occupy dwellings.

As with any request for a reasonable accommodation, the request should be evaluated on a case-by-case basis. HUD provides the following guidance to assist in that evaluation.

According to the *Joint Statement on Reasonable Accommodations*, an accommodation is unreasonable if it imposes an undue financial and administrative burden on a housing provider's operations. If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of dog or a certain animal, HUD will find that this imposes an undue financial and administrative burden on the housing provider. However, the investigator must substantiate the housing provider's claim regarding the potential loss of or adverse change to the insurance coverage, by verifying such a claim with the insurance company directly and considering whether comparable insurance, without the restriction, is available in the market. If the investigator finds evidence that an insurance provider has a policy of refusing to insure any housing that has animals, without exception for assistance animals, it may refer that information to the Department of Justice for investigation to determine whether the insurance provider has violated federal civil rights laws prohibiting discrimination based upon disability.