

POLICY ON ASSISTANCE ANIMALS

Definition

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or animals that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as “service animals,” “assistive animals,” “support animals,” or “therapy animals” – perform many disability-related functions, including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support.

Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed as a reasonable accommodation by the person with the disability. (HUD Lexicon)

I. Pet Policy Exclusion for Assistance Animals

For an animal to be excluded from the Pet Policy / Agreement and be considered an assistance animal, there must be a person with a disability(ies) in the household, and the family must request and the Housing Authority approve a reasonable accommodation in accordance with either the Administrative Plan if the tenant is in the Section 8 Program or, if not in a Section 8 Program, the Managed Housing Policy. The Housing Authority's Pet Policy / Agreement does not apply to animals that meet the above definition that are necessary as a reasonable accommodation. Assistance animals are not considered pets.

II. Approval of Assistance Animals

A person with a disability is entitled to a reasonable accommodation of an assistance animal only if there is a relationship between the person's disability and his/her need for the animal.

The Housing Authority will not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability.

Approval is contingent upon registration of the animal with the Housing Authority (Exhibit A), the existence of an alternate caregiver, and approval for the Housing Authority to board the animal at the tenant's expense if the disabled tenant or alternate caregiver are unable to care for the assistance animal.

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III. Refusal to Allow an Assistance Animal

The Housing Authority will refuse to permit persons with a disability to use and live with an assistance animal that is needed to assist them only if there is reliable, objective evidence that the animal:

- A. Poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation. The Housing Authority will exclude an assistance animal from a housing complex when that animal's behavior poses a direct threat and its owner takes no effective action to control the animal's behavior so that the threat is mitigated or eliminated. The determination of whether an assistance animal poses a direct threat will rely on an individual assessment that is based on objective evidence about the specific animal in question, such as the animal's current conduct or a recent history of overt acts.

The assessment will consider the nature, duration, and severity of the risk of injury; the probability that the potential injury will actually occur; and whether reasonable modifications of rules, policies, practices, procedures, or services will reduce the risk. In evaluating a recent history of overt acts, the Housing Authority will take into account whether the assistance animal's owner has taken any action that has reduced or eliminated the risk. Examples include obtaining specific training, medication, or equipment for the animal. The direct threat provision of the Fair Housing Act requires the existence of a significant risk – not a remote or speculative risk. Accordingly, the determination cannot be the result of fear or speculation about the types of harm or damage an animal may cause, or evidence about harm or damage caused by other animals.

- B. Causes substantial physical damage to the property of others.
- C. Poses or would pose an undue financial and administrative burden. An example would be the Housing Authority's insurance provider stating it will cancel, substantially increase the cost of the insurance, or adversely change the policy terms because of the presence of a certain breed of dog or a certain animal. The Housing Authority also would consider it an undue financial and administrative burden if the tenant is unable to designate an alternate caregiver.
- D. Fundamentally alters the nature of operations.

IV. Care and Handling of Assistance Animals

Tenants must care for assistance animals in a manner that complies with State and local laws. The Housing Authority hereby establishes the following rules, which will be incorporated into the lease agreement:

- A. An alternate caregiver must be designated and this alternate must sign an agreement committing to the care of the animal when necessary. In addition,

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the tenant must authorize the Housing Authority to board the animal at the tenant's expense in the event the resident and alternate caregiver are unable to do so.

- B. Owners will provide adequate care, nutrition, exercise and medical attention for their assistance animals. An assistance animal's health is jeopardized if left unattended for 24 hours or more (or 12 hours for a dog) and will be considered neglect, mistreatment, or an inability to care for the animal. Such treatment will be reported to the alternate caregiver or SPCA, if the alternate caregiver is unavailable.
- C. Owners are responsible for cleaning up and disposing of their assistance animals waste. Cat litter boxes must be plastic or some other solid material that prevents leaks. Litter must be disposed of frequently enough to keep the unit odor free. Litter must be sealed in a plastic trash bag and properly disposed of in the trash bin. Litter must not be put down the drain.

Tenants must ensure that assistance animals do not pose a threat to the health or safety of others or cause substantial physical damage to the dwelling unit, common areas, grounds, or property of others. As such, the Housing Authority has established a reasonable requirement. The owner of the assistance animal must submit to the Housing Authority a certificate signed by a licensed veterinarian or a State or local authority empowered to inoculate animals (or designated agent of such an authority) stating that:

- A. The animal has received all inoculations required by applicable State and local law; and
 - B. That the animal has no communicable disease; and
 - C. Is pest free.
- V. Violation of this Policy

When a resident's care or handling of an assistance animal violates these policies, the Housing Authority will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the Housing Authority determines that no such accommodation can be made, the Housing Authority may withdraw the approval of a particular assistance animal.

Adopted by the Housing Commission on: January 19, 2011