



When It is NOT a Pet

Ordinarily, property owners have the right to refuse animals while renting their property. However, there a specific circumstance exists when a dog, cat, or possibly another animal it is not considered a "pet." When a disabled person with an assistance animal applies to rent a property, a landlord cannot refuse to rent to the prospective tenant on the grounds of having an animal or "pet." This is under Title II of the American Disabilities Act of 1990.

Definition of a service animal - a service animal is one individually trained to do work or perform tasks for the benefit of a person with a disability. A service animal, such as a dog, can be any breed or size. It might wear specialized equipment such as a backpack, harness, special collar, or leash, but this is not a legal requirement.

Determining a true service animal - housing providers may ask an applicant or tenant to provide documentation from a qualified professional that the individual has a disability and requires a service animal as an accommodation.

What you cannot ask - housing providers may NOT ask an applicant or tenant to provide:

- Any details about the applicant's/tenant's disability
- Medical records
- Proof of training (such as a training certificate)
- Under Federal, State, and local Fair Housing laws, individuals with disabilities may ask their housing provider to make reasonable accommodations in the "no pets" policy to allow for their use of a companion/assistive animal.

Service Animal Training – generally, they train most service animals to assist the disabled person with individual needs relative to that person's disability. While some animals receive certification papers, others do not. It is legitimate for a person with a disability to train his/her own service animal. There is currently no national standard with which to evaluate the training or performance of any type of service animal, including guide dogs. You may not require the disabled tenant to provide proof of the service animal's training.

No additional Deposits - a service animal is not a pet and you cannot lawfully require any additional deposits. You also cannot retaliate by creating a higher deposit than what you would require for other prospective applicants for the property.

Service Animal Damages – you can hold responsible for the actions of his/her animal for any damage to your property. Additionally, the tenant must comply with any of your established policies such as cleanliness and maintenance of the unit as well as leash requirements and noise guidelines. In most cases, assistance animals are usually well behaved.

Proper tenant screening - you cannot refuse to rent to disabled tenant and their service animal, but as your property manager, but you can require them to process through the same screening practices as other tenants.

Obviously, a service animal is a sensitive issue and as your property management company, we know the importance of following the law to avoid any legal issues. However, we will require them to meet our screening standards.