

MEXICO HOUSING AUTHORITY ASSISTANCE ANIMAL POLICY

1. INTRODUCTION:

It is the intent of the Mexico Housing Authority to comply with the US Department of Housing and Urban Development (HUD) rules and regulations regarding Assistance Animals in Public Housing. 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 or “therapy animals” perform many disability-related functions. Therefore, the following rules have been established to govern the ownership and care of assistance animals in and on properties owned and operated by the Housing Authority of the City of Mexico, MO.

Residents of the Mexico Housing Authority (MHA) are permitted to own assistance animals provided the following rules are observed. The Mexico Housing Authority allows domesticated assistance animals such as a dog, cat, bird, rodent (including a rabbit), fish in aquariums, or a turtle in the units. Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus are not subject to Mexico Housing Authority pet policy. The resident must register the animal with MHA. Registration includes the certification from a licensed Veterinarian of required inoculations, information to identify the animal, and the name and address of the owner and the name and address of a responsible party to care for the animal if the owner is unable to. The resident shall furnish The MHA information at each reexamination as to the status of the animal, the continued need for the animal, and the information contained herein above residents are not allowed to keep pets.

First and foremost, the Assistance Animal Notice reaffirms HUD's long-held position that assistance animals are not pets. Therefore, usually, unlike with pets, a provider may not impose limitations on the size, breed or number of assistance animals. Moreover, a provider may not charge a deposit, fee, or any kind of surcharge with respect to an assistance animal, although the tenant may be held responsible for any damage caused by the tenant's assistance animal. In addition, while a provider may not impose the same type of rules on tenants with an assistance animal that it would on tenants who have a pet, the Notice is clear that an individual with disabilities who has an assistance animal is responsible for the feeding and maintenance of the assistance animal, including providing veterinary care for the animal, as well as controlling the animal.

In general, an assistance animal is an animal that does work, performs tasks, assists, and/or provides therapeutic emotional support for an individual with a disability. Previously, HUD did not distinguish between a service animal and a support animal. Under the Assistance Animal Notice, however, HUD now makes such a distinction. Accordingly, the Notice specifies that there are two types of assistance animals: (1) service animals and (2) support animals.

Consistent with the Americans with Disabilities Act (the “ADA”), a service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. In other words, only a dog may qualify as a service animal – as long as it also meets the other criteria, i.e., it is individually trained to do work or perform tasks for the benefit of an individual with a disability, other than provide emotional support.

A support animal, on the other hand, is any other animal that does work, performs tasks, provides assistance, and/or provides therapeutic emotional support for an individual with a disability. There is no requirement that a support animal be trained. It may be either trained or untrained. Therefore, even though a dog may not qualify as a service animal, it may still qualify as a support animal.

The first part of the Notice discusses assessing a request for an assistance animal and attempts to provide guidance on how a provider may make such an assessment. The second section discusses the process of documenting an individual’s need for an assistance animal.

Assessing a Request for an Assistance Animal

Whether an individual seeks to have a service animal or a support animal, there must be a request for the assistance animal. Although HUD only discusses the manner in which a request may be made in the context of a request for a support animal, HUD’s comments would seem applicable without regard to whether an individual seeks to have a service animal or a support animal. In short, according to HUD, a request may be made orally or in writing. A request may be made by the individual who wants the animal or by someone else on behalf of the individual seeking to have the animal. In addition, there is no requirement to use specific words or phrases (e.g., “reasonable accommodation,” “assistance animal,” etc.). The request may be made either before or after the individual has brought the animal into his or her unit.

Unfortunately, HUD’s guidance for assessing a request for an assistance animal is a bit confusing and, therefore, difficult to follow. Below, I try to summarize more clearly what the Notice says.

Assessing a Request for a Service Animal

As previously noted, only dogs may qualify as a service animal. Therefore, if the animal which an individual seeks to have treated as a service animal rather than as a pet is not a dog, the animal cannot qualify as a service dog no matter what individual training it may have. However, the animal may still possibly qualify as a support animal.

On the other hand, if the animal in question is a dog, the next question is whether the dog’s training is readily apparent. “Readily apparent” means that the dog is observed performing certain tasks (e.g., guiding an individual who is blind or has low vision; pulling a wheelchair; providing assistance with stability or balance to an individual with an observable mobility impairment). If the dog’s training is readily apparent, the inquiry ends.

If the dog's training is not readily apparent, the housing provider may make the following inquiries: (1) whether the dog is required because of a disability and, if the answer is yes, (2) whether the dog has been trained to do specific work or perform specific tasks for the benefit of the person's disability. If the answer to the first question is yes and the individual identifies one or more specific tasks for which the dog has been trained to perform, the request must be granted.

It is important to keep in mind, though, that the housing provider may not inquire into, or require specific information regarding, the nature or extent of an individual's particular disability. Nor may the provider ask for, or require, proof of training.

Assessing a Request for a Support Animal

Once a request for a support animal has been made, the first question is whether the individual requesting the assistance animal is, in fact, an individual with a disability. If the requestor has an observable disability, e.g., a disability which is clearly visible, or obvious, such as a seeing impairment, hearing impairment, physical or mobility impairment, or, perhaps, certain neurological or mental impairments, then no further information or documentation regarding the existence of the disability is necessary. However, the housing provider must still determine whether there is a nexus, or relationship, between the individual's disability and the individual's need for the requested support animal.

If the requestor's disability is not observable, or obvious, the housing provider may request information that verifies that the person seeking the accommodation has a disability. If no such information is obtained or provided, the request may be denied. If sufficient verification of the existence of a disability is obtained or provided, the provider, again, must determine whether there is a nexus between the individual's disability and the need for the requested animal.

Documenting the Need for an Assistance Animal

Documentation, or verification, regarding the need for an assistance animal should be provided by a licensed health-care professional, e.g., a physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse. The health-care professional should have a personal relationship with the individual requesting the assistance animal and have personal knowledge of that individual. According to HUD, personal knowledge refers to "knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient/client."

HUD states explicitly that, generally, documentation obtained from the internet is not sufficient to meet the requirements for verifying the existence of a disability and/or a disability-related need for an assistance animal. Again, the goal is to obtain legitimate, reliable information from a licensed health-care professional who has a personal relationship with the individual making the request and who, therefore, has the requisite personal knowledge to make the necessary type of assessment.

In terms of the type of information a housing provider may seek or expect to receive, the Notice lists the following:

- The requestor's/patient's name;
- Whether the health-care professional has a professional/personal relationship with the requestor;
- Whether the requestor has a physical or mental impairment that substantially limits one or more major life activities; and
- Whether the requestor needs the animal(s) because the animal (i) does work, provides assistance, or performs at least one task that benefits the requestor because of the requestor's disability or (ii) provides therapeutic emotional support to alleviate a symptom or effect of the requestor's disability.

In the event the animal that the requestor seeks to have as an assistance animal is not a common household pet or animal, i.e., a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal traditionally kept in the home for pleasure, the requestor will have a substantial burden to demonstrate a disability-related therapeutic need for the specific animal or specific type of animal being requested. Such animals are referred to as unique, uncommon animals in the Notice.

Unique animals include reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals. The type of information that should be provided by the health-care professional who is verifying that the requestor is disabled and has a disability-related need for the requested unique animal may include:

- The date of the last consultation with the requestor/patient;
- Disclosure of any unique circumstances justifying the need for a particular type of unique animal (e.g., the animal is trained to do work or perform tasks that cannot be performed by a dog; allergies prevent the disabled person from using a dog; and/or without the particular animal, the symptoms or effects of the individual's disability will be significantly increased); and
- Whether the health-care professional has reliable information about the specific animal and/or whether the health-care professional recommended the particular animal or type of animal.

In the Notice, HUD states that a housing provider may not require a health-care professional to use a particular form. Nor, according to HUD, may the housing provider require a health-care professional to provide notarized statements or to make statements under penalty of perjury. However, other than some references to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (the "Joint Statement"), which was issued in

2004, HUD cites no specific authority or basis for these proscriptions. In addition, HUD explicitly declares that neither the Notice nor the Joint Statement have the force or effect of law and are not intended to bind the public in any way. Therefore, a failure to adhere to such guidance does not necessarily constitute a violation of the FHA or its corresponding regulations.

2. APPROVAL:

All assistance animals must be registered with the Housing Authority. Residents must have the prior approval of the Housing Authority by signing a copy of this policy before moving an assistance animal into their unit.

3. PET DEPOSIT:

An assistance animal does not require any deposit.

4. INOCULATIONS:

All animals must be spayed and or neutered with certification of the procedure provided to MHA from a licensed veterinarian. All assistance animals are to be licensed yearly with the City of Mexico (Clerk's Office) and residents must provide MHA with yearly proof of veterinary shots required for proper licensing.

5. GENERAL CONDITIONS:

A. All assistance animals shall remain inside the apartment unless on a leash and directly controlled by the owner or his representative. No will chain will be allowed on property, if maintenance or management comes across any chain or tie out it will be removed immediately.

B. Residents shall take adequate precautions to maintain the unit in a sanitary condition at all times and eliminate any animal odors within or around the unit.. Residents are responsible for proper disposing of all pet waste. Proper disposal means placing waste in garbage bags or other sealable containers and having the materials removed with the weekly trash pickup. The animal owner shall provide and properly maintain litter boxes for cat waste. Cat litter shall not be flushed down the sewer system.

C. Residents shall not permit any disturbances by their assistant animal which would interfere with the peaceful enjoyment of other residents; whether by loud or continuous barking, howling, biting, scratching, chirping, or other activities of disturbance.

D. Residents who violate these rules are subject to:

1. The removal of the assistance animal from the unit within 14 days of notice,

and/or

2. Eviction

E. Residents shall notify the Housing Authority of the address and telephone number of the custodian for animals during extended absences from the unit.

The privilege of assistance animal ownership may be revoked at any time subject to the Housing Authority's Grievance Procedure if the animal becomes destructive, a nuisance, or safety hazard to other residents, or if the animal owner fails to comply with all of the requirements of this policy/agreement.

Please list Assistance Animal.:

1. **Breed** _____ **Male** Neutered Yes No **Female** Spayed Yes No

2. **Breed** _____ **Male** Neutered Yes No **Female** Spayed Yes No

I have read and fully understand the above policy/regulations regarding assistance animals and agree to comply with the terms and conditions contained therein.

_____ date _____
Head of Household