



## FHA and ADA Pet Compliance

Does that person *really* need a dog?

The Fair Housing Act (“FHA”) and the American with Disabilities Act (“ADA”) both have statutory exceptions to pet restrictions in housing facilities.

It is a widely known fact that Association pet restrictions do not apply when the pet is a certified service animal (i.e. a seeing-eye dog, or a seizure-detecting dog), however, it is less well known that there are also similar protections for **emotional-support animals**.

While the ADA does not provide any protections for emotional-support animals, the FHA (which applies to nearly all Associations) also considers **emotional-support animals** potentially a reasonable accommodation.

Under the FHA, it is **against the law** for an Association to ask **specifically why** a homeowner must have an emotional-support animal. However, the Association may request a general confirmation from a credible source, which may include the owner’s therapist, that an emotional-support animal is necessary.

Upon request by the owner of an emotional-support animal, an Association is required to make reasonable changes to any pet restrictions to accommodate the emotional-support animal.

If an owner requests an emotional-support animal that presents danger to other people and or could potentially damage property, it is acceptable for an Association to refuse (or later revoke) such an animal. An Association **cannot** restrict an emotional-support animal based on breed or size.

Penalties for denying a service animal or an emotional-support animal can be **SEVERE**. Err on the side of caution and permit the animal or contact your legal counsel.

**Do you have any FHA and ADA questions? Sign up for our free-of-charge DORA Certified Class on the topic on May 2 at**

**<https://tinyurl.com/WLGClass>**