

# The curious case of comfort animals

## IN APARTMENTS

Why pay a pet deposit when you can pass an animal off as a comfort animal? Or maybe a resident wants to circumvent a no-pet policy. The lack of law and even good law has made the issue of comfort animals a sensitive one. Do apartment managers just roll over? Maybe not.



## The great apartment comfort animal challenge

### RESTRICTED BREEDS

Residents request accommodation for restricted breeds.



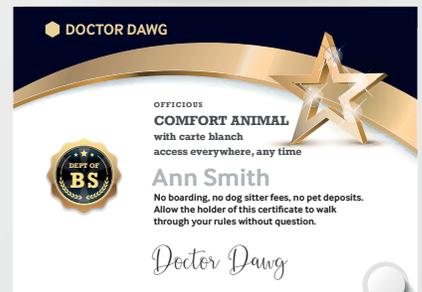
### DON'T TOUCH THAT

Residents wrongly insist that landlords can **not** ask for or check documentation



### FAKE CERTIFICATES

Prescription letters from letter mills off the internet



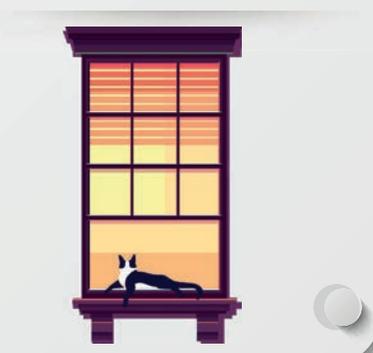
### UNLIMITED PETS

Requests for multiple assistance animals.



### JUST DO IT

Residents move in or acquire a pet without notifying management



### BEHAVING BADLY

Dogs in the pool, off-leash or behaving aggressively





### Housing providers are required

to modify rules, policies, practices and procedures if the change is necessary for a person with a disability to fully use and enjoy the housing.

42 U.S.C. §3604(f)(3)(B)



The law around comfort animals is mostly inadequate, unclear and unenforceable. Unsure? Consult an attorney who specializes in disability law.

Using a third-party pet screener does not insulate an owner from liability for a claim that the landlord failed to provide an accommodation.



You may verify the individual's need for one or a specific number of comfort animals, or a specific type of animal, by a third-party, reliable source. This includes:

A third party in a position to be familiar with the disability and its effects

Does not have to be an M.D.

Verifier must have a therapeutic relationship with the person requesting the accommodation and not just have contacted the third-party specifically for the acquisition of the verification, letter or vest

The accommodation must be related to the disability



If there is an objective reason to question the legitimacy of the verification, you may follow up:

Ask whether the verifier has a therapeutic relationship for purposes other than providing the verification.

Ask whether the verifier is aware of certain facts.

Is verifier licensed in the jurisdiction?

If the request is for multiple animals, ask what multiple animals do that one animal can't?

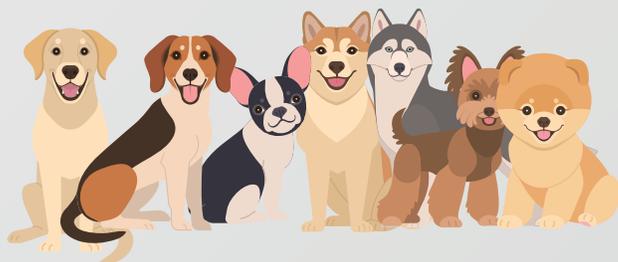
Do not ask what the disability is or anything about the nature, severity, or symptoms of the disability.



### COMFORT PET RULES

Same as pet rules without the deposit. Animals must be:

- under control of a responsible person when outside the apartment—leashed or caged
- Owners must pick up their animals' waste
- Animal may **not** be a nuisance
- Animals may **not** be in the pool or on the tables



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### REQUEST RELIABLE DISABILITY-RELATED INFORMATION IN ORDER TO

# 1

verify the stated disability meets the FHA definition of disability

# 2

Describe the needed accommodation

# 3

show the relationship between the disability and the need for accommodation