



## **WEB Properties, Inc. Assistance Animal Policy**

### **Background**

The Federal Fair Housing Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Washington State Law Against Discrimination require that applicants and tenants with disabilities be provided with “reasonable accommodations” as needed, in order for them to have an opportunity for full use and enjoyment of their housing. Allowing tenants and their guests who have disabilities to be accompanied by their assistance animals is a reasonable accommodation to housing policy and practice.

### **Who Needs Assistance Animals?**

Some disabled people require the assistance of an animal because of the disabling conditions. Under most federal laws, a person is considered to be disabled if s/he has a sensory, mental or physical condition that substantially limits one or more major life activities (such as walking, seeing, working, etc.). Under Washington State law, a disability is a sensory, mental or physical condition that is medically cognizable or diagnosable (a broader definition that includes temporary disabilities and covers more individuals).

### **What is an Assistance Animal?**

The most common assistance animals are dogs, but sometimes other species are used (for example, a cat or a bird). Assistance animals may be any breed, size or weight. Some, but not all, assistance animals wear special collars and harnesses. Some, but not all, are licensed or “certified” and/or have identification papers. However, there is no legal requirement for assistance animals to be visibly identified or to have documentation.

The ADA defines an assistance animal as “any animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.” The Fair Housing Act considers “companion” animals to be a type of assistance animal; however, they are not always trained to perform tasks. In Washington State, some assistance animals-in-training are included under the definition of assistance animals.

## **What is the Difference Between an Assistance Animal and a Pet?**

Assistance animals are not considered to be pets. A person with a disability uses an assistance animal as an auxiliary aid – similar to the use of a cane, crutches or wheelchair. For this reason, Fair Housing laws require that housing providers make modifications to “No Pet” policies to permit the use of an assistance animal by an individual with a disability. Also, pet fees cannot be charged for assistance animals (see guidelines below).

## **What Do Assistance Animals Do?**

Assistance Animals perform many types of services for those with disabilities. Here are some examples:

A guide animal services as a travel tool by a person who is legally blind.

A hearing animal alerts a person with a significant hearing loss or who is deaf when a sound occurs, such as a ringing alarm or a knock on the door.

A service animal helps a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc. Service animals sometimes are called assistance animals.

A seizure response animal assists a person with a seizure disorder. The animal’s service depends on the person’s needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.

A companion animal or emotional support animal assists people with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress and difficulties regarding social interactions, allowing tenants to live independently and fully use and enjoy their living environment.

Because assistance animals provide different types of assistance, a person with a disability may require more than one assistance animal.

## **What About Other Tenants Who Are Afraid Of Or Allergic To Animals?**

While some people might have a fear of dogs or other animals, this fear does not amount to a disability, so a housing provider need not “accommodate” the fear. For most people with allergies, the presence of an animal will cause only minor discomfort, such as sneezing or sniffing. Because this reaction does not constitute a disability, no accommodation is necessary for the allergic person. Rarely, a tenant’s allergy is so severe that animal contact may cause respiratory distress; in these cases, the allergic tenant may also request an accommodation (for example, to keep the animal and the allergic tenant in separate areas of the building, as much as is possible).



## **WEB Properties, Inc. Assistance Animal Policy**

### **Guidelines for Tenants with Assistance Animals**

#### **Request for an Assistance Animal Accommodation:**

The tenant who needs an assistance animal should submit a request in writing to WEB Properties, Inc. requesting an accommodation for the tenant's disability. The tenant is not required to disclose the nature of his/her disability.

#### **Verification of Disability and Need for an Assistance Animal:**

The tenant must provide written verification that she/he has a disability and that the accommodation is necessary to give the tenant equal opportunity to use and enjoy the community. The tenant should obtain a signed letter on professional letterhead from his/her healthcare or mental health provider to WEB Properties, Inc. answering the following questions:

Is the person disabled as defined by the fair housing laws?

In the health care provider's professional opinion, does the person need the requested accommodation (use of an assistance animal) to have the same opportunity as a non-disabled person to use and enjoy the housing community?

(Sample letters are attached)

#### **Animal Care and Supervision:**

The tenant/handler is responsible for the care of his/her assistance animal. The animal must be supervised and the tenant/handler must retain full control of the animal at all times. This generally means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in the direct control of the animal owner/handler. When in the presence of others, the animal is expected to be well behaved (not jumping on or nipping at people, not snarling or barking, etc.)

The tenant is responsible for the proper disposal of animal waste-

Never allow the assistance animal to defecate on any property, public or private (except the tenant's own property), unless the tenant immediately removes the waste.

Always carry equipment sufficient to clean up the animal's feces whenever the assistance animal is in the common areas or off the tenant's property.

Properly dispose of waste and/or litter.

If you need any assistance with cleanup, make arrangements for such help through family, friends or advocates.

**Problems:**

If you believe staff is not handling your request for an assistance animal properly, contact WEB Properties, Inc., PO Box 21469, Spokane, WA, 99201 (509)533-0995 or a fair housing agency in your area.

**Resources/Questions:**

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area.

**Americans with Disabilities Act (ADA) Information Line:**

U.S Department of Justice  
800-514-0301, TTY 800-514-0383  
<http://www.usdoj.gov/crt/ada/animal.htm>

**Delta Society National Service Dog Center:**

Provides advocacy education, referral, research assistance, and a variety of other information services regarding service dogs.

Delta Society  
289 Perimeter Road East  
Renton, WA 98055-1329  
Voice: 800-869-6898 TTY: 800-809-2714  
<http://delta.society.org>



**Sample Letter**

**Request for Reasonable Accommodation**

This is a sample letter for tenants or prospective tenants to use when requesting an assistance animal as a reasonable accommodation. This form is not required; however, a tenant should request an accommodation in writing.

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I have a disability as defined by the fair housing laws. I use an assistance animal to assist me with the functional limitations related to my disability. My assistance animal also enhances my ability to live independently and to use and enjoy my dwelling fully.

Type of assistance animal (dog, cat, etc.): \_\_\_\_\_

As an accommodation for my disability/disabilities, I request that you:

- waive your "no pet" policy
- waive your pet weight/height restrictions
- waive your pet deposit/pet-related fees
- other: \_\_\_\_\_

I have attached a letter from my treatment provider verifying that I have a disability and that I have a need for an assistance animal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**Sample Letter**

**Reasonable Accommodation Letter**

**From Service Provider (On Letterhead)**

Dear WEB Properties, Inc.:

(Name of tenant) is my client/patient, and has been under my care since (Date). I am familiar with his/her history and disability-related functional limitations. She/he meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to use and enjoy his/her dwelling, I am prescribing an assistance animal that will assist (name of tenant) with the functional limitations relating to his/her disability.

I am available to answer any questions you may have concerning my recommendation that (name of tenant) have an assistance animal.

Sincerely,

Name of Professional

Title



Sample Letter

Response to Request for Reasonable Accommodation

This is a sample letter that WEB Properties, Inc. uses when responding to a tenant's request for an assistance animal as a reasonable accommodation.

Dear (tenant):

We have received your request for a reasonable accommodation, specifically, your use of an assistance animal at \_\_\_\_\_. We also received the letter from (service provider) confirming your disability status and need for the assistance animal.

We agree to your request to have your assistance animal in your unit. In addition, we agree to:

- waive our "no pet" policy
- waive our pet weight/height restrictions
- waive our pet deposit/pet-related fees
- other: \_\_\_\_\_

Our rules require tenants with animals to follow noise regulations, to dispose of animal waste appropriately, and to ensure that animals do not cause property damage. We are providing you with a copy the WEB Properties, Inc. Guidelines for Tenants with Assistance Animals for you to understand your responsibilities with your assistance animal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_