

NEW HUD GUIDELINES ON ASSISTANCE ANIMALS

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO) released Notice FHEO-2020-01, sometimes referred to as the “Assistance Animals Notice.” The following is from the “Fact Sheet On HUD’s Assistance Animal Guidelines”:

The Notice includes two attachments. The first, “Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act,” recommends a set of best practices for complying with the Fair Housing Act (FHA) when assessing a person with a disability’s accommodation requests involving animals in housing. This includes information regarding:

- *The difference between assistance animals and pets;*
- *The types of accommodations that a housing provider may need to grant, such as exceptions to no-animal policies, deposits, or fees that are ordinarily charged for animals;*
- *Assessing whether an animal is a service animal or an assistance animal other than a service animal (sometimes referred to as a support animal);*
- *Permissible inquiries regarding assistance animals, particularly if the individual’s disability or disability-related need for an animal is non-obvious or non-observable, or not otherwise known to the housing provider;*
- *The type of verification and documentation that a housing provider may request regarding an individual’s disability and disability-related need for an assistance animal;*
- *Descriptions of the typical types of assistance animals, an example of a unique type of animal that provides disability-related assistance and guidance on handling requests involving more than one animal; and*
- *Other best practices regarding reasonable accommodations for assistance animals.*

The second attachment is “Guidance on Documenting an Individual’s Need for Assistance Animals in Housing.” It provides guidance on information that an individual seeking a reasonable accommodation for an assistance animal may need to provide to a housing provider about his or her disability-related need for the requested accommodation, including supporting information from a health care professional.

The contents of the Assistance Animal Notice do not have the force and effect of law and are not meant to bind the public in any way. The documents are intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Click [here](#) to view the HUD Notice (with both attachments) and click [here](#) to view the HUD Fact Sheet.

One interesting part in the HUD Guidance is the following statements:

Documentation from the Internet.

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

Illinois associations should consider the HUD Notice and guidelines together with the recent Illinois Assistance Animal Integrity Act, which also provides, among other things:

Any documentation that a person has a disability and requires the use of an assistance animal as a reasonable accommodation in housing under the federal Fair Housing Act or the Illinois Human Rights Act shall:

- (1) be in writing;*
- (2) be made by a person with whom the individual requesting an accommodation has a therapeutic relationship; and*
- (3) describe the individual's disability-related need for the assistance animal.*

Please contact DKS&Z if we can assist your association in these or other matters.

www.dicklerlaw.com Phone: (847) 593-5595 E-mail: info@dicklerlaw.com