



August 4, 2022

NAA Emotional Support Animal & Accessibility Toolkits Virtual Kickoff

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Meet Our Panelists



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NAA TOOLKIT: Emotional Support Animals

A Practical Guide for Reasonable
Accommodation Requests

2022 Edition



NAA's Emotional Support Animal Toolkit - A Practical
Guide to Reasonable Accommodation Requests

Fair Housing Act

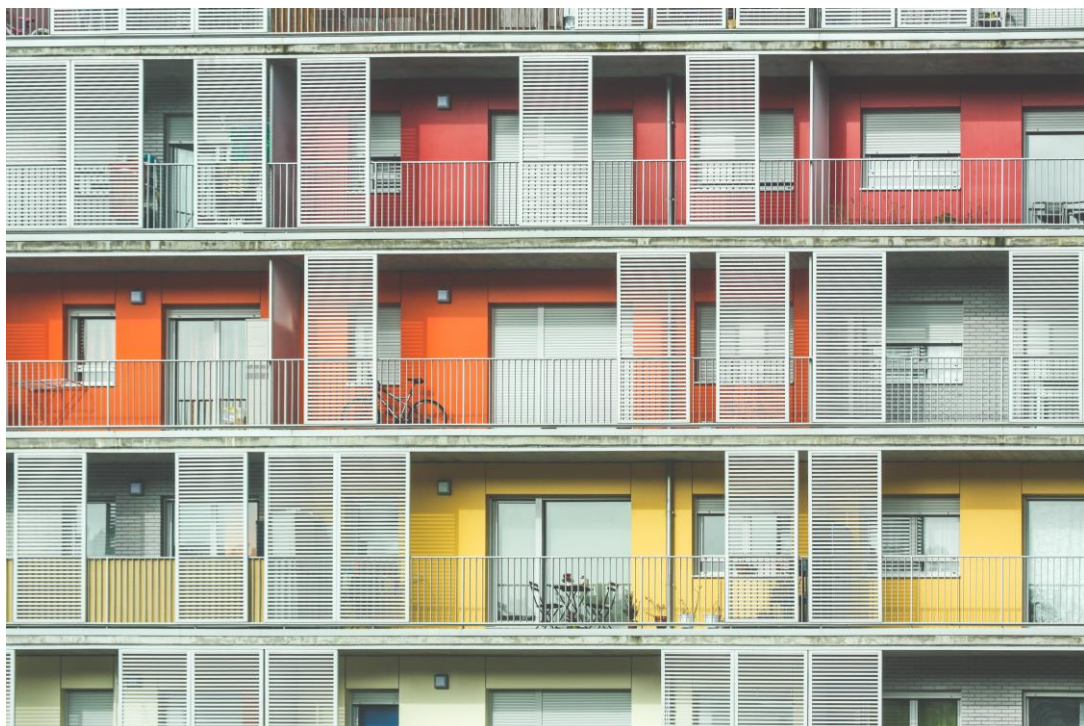
- Housing providers must make “reasonable accommodations” for persons with disabilities.
- A “reasonable accommodation” is a change in “rules, policies, practices, or services, when such accommodations may be necessary to afford [a person with a disability] equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B)
- A reasonable accommodation under the Fair Housing Act includes changes to customarily applicable rules regarding animals in multifamily housing.



Assistance Animals

- An “assistance animal” is any animal needed because of a disability.
- A “service animal” is a kind of “assistance animal,” and is individually trained to perform a task or do work that is disability-related for a person with a disability. Most of the time, a “service animal” is a dog.
- A “support animal” is any animal necessary because of a disability that is not a “service animal.” Support animals include emotional support animals (ESAs), therapy animals, comfort animals, and other non-service animals.
- The species limitation on support animals is that they should be commonly domesticated animals typically kept in the home for pleasure, rather than commercial purposes.





Both “service animals” and “support animals” can be reasonable accommodations under the Fair Housing Act that must be permitted in housing under the right circumstances.

Requests for Actual Service Animals Are Easy:

- Generally clear what the animal is trained to do (such as a guide dog for a person with a vision impairment).
- Service animals do not have to be professionally trained or certified, but generally ARE very well trained (and therefore well-behaved).
- Species limitation (you won't have a service snake).



Support Animals Are A Little More Complicated:

- Can be any of a number of kinds of animals
- Are not required to be trained to do anything, or trained at all
- Function as “pets” but are not called “pets”
- The disability-related need for the ESA will, in most cases, not be readily observable, requiring third-party verification
- Unfortunate opportunity for fraud or improper avoidance of customarily applicable pet fees, rent, or deposits



How does the NAA Toolkit help?

- Comprehensive FAQ section, covering the mostly commonly encountered issues with assistance animal requests:
 - Determining whether a request for an animal is actually a request for a reasonable accommodation
 - Process for evaluation of request for service animal
 - Process for evaluation of request for ESA



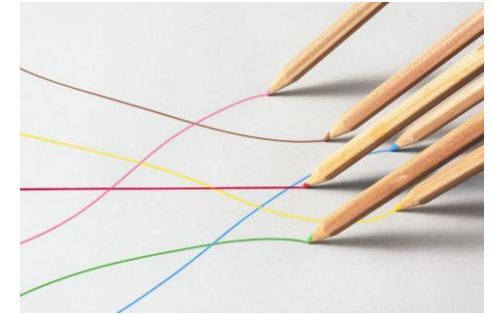
For ESA Requests:

- What kind of animal is allowed?
- Can weight, size, or breed restrictions be applied?
- Can typical pet fees / rent / deposits be charged?
- Can a person have multiple ESAs?



Process for Evaluation of Request for ESA:

- Can the housing provider seek third-party verification of the need for the ESA?
- If so, what can be asked?
- Who is an appropriate verifier?
- What about verification or certification obtained from the internet or an online “ESA prescription” service?
- What follow-up or additional information beyond initial documentation can be requested?



Other Frequently Asked Questions:

- Timing of request – does an unauthorized or “hidden” animal have to be approved as an ESA?
- Can a pet be converted to an ESA?
- Can a housing provider require a resident with an approved ESA obtain insurance specifically to cover the ESA?
- Is there such a thing as a “visiting” ESA?



When the ESA is approved:



- Can a housing provider apply “pet” rules to an ESA, or create rules for an ESA when there are no “pet” rules?
 - Restraint (leash or cage)
 - Hygiene
 - Conduct
 - Presence in common areas
- What to do if the ESA is a nuisance, or is aggressive / vicious to other animals or people
- What requirements can be imposed with regard to licensure, vaccinations, and spaying and neutering of ESAs?

The NAA Toolkit for ESAs also:

- Explains the effects of state and local laws regarding criminal misrepresentation of animals as assistance animals or professional restrictions on documenting need for assistance animals
- Provides suggested responses to inquiries about the presence of animals in a “no pet” community
- Provides “scripts” for use with some of the most common situations involving ESAs



What's Inside:

Sample forms in the Toolkit include:

- Resident's Reasonable Accommodation Request
- Verification form
- Follow-up forms for reliability of verification and requests for multiple ESAs
- Determination form





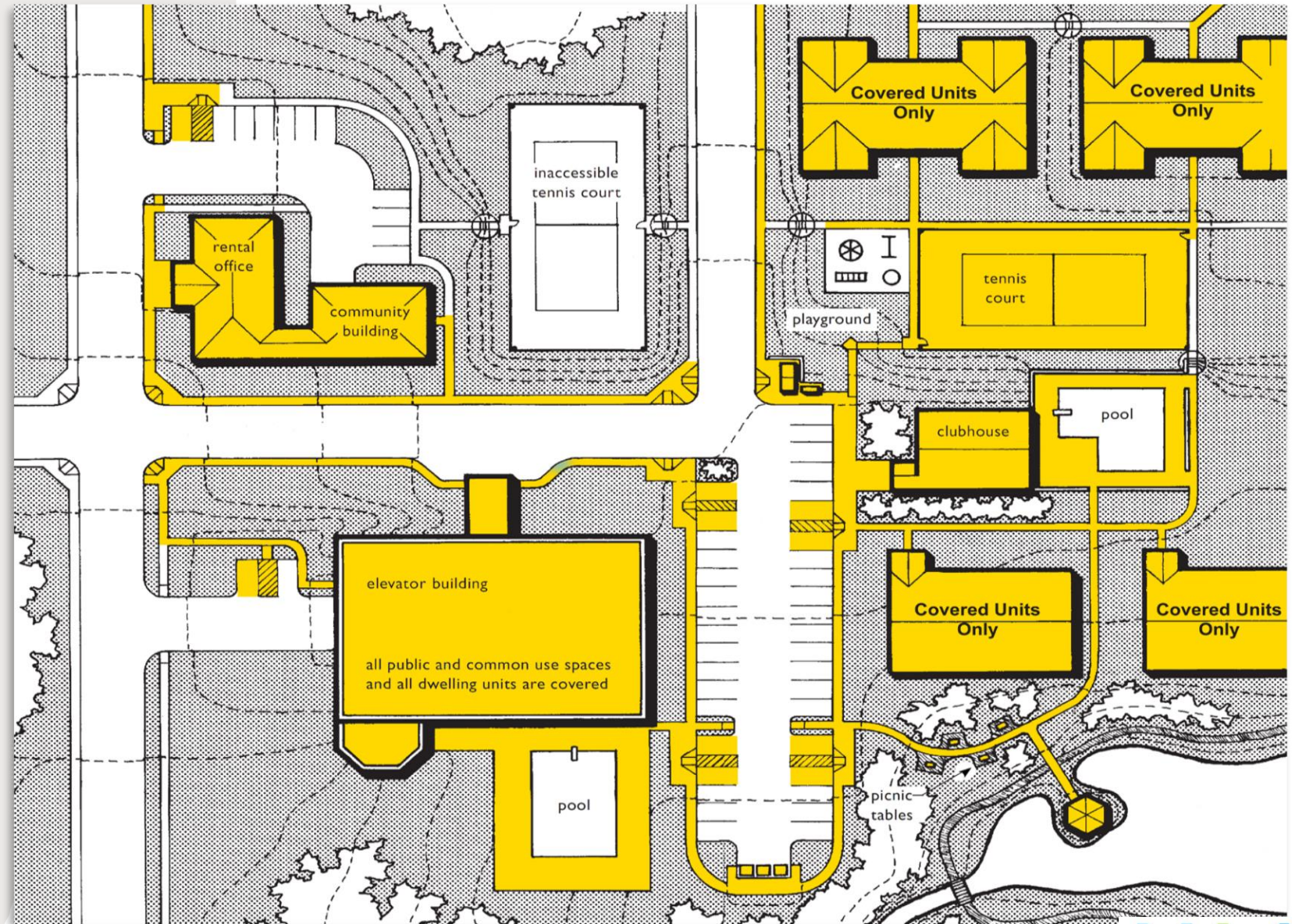
The Fair Housing Act Accessibility Toolkit – A Practical Guide to Addressing Accessibility in Multifamily Housing

Each of the laws relating to accessibility has its own set of standards to uphold that particular regulation.

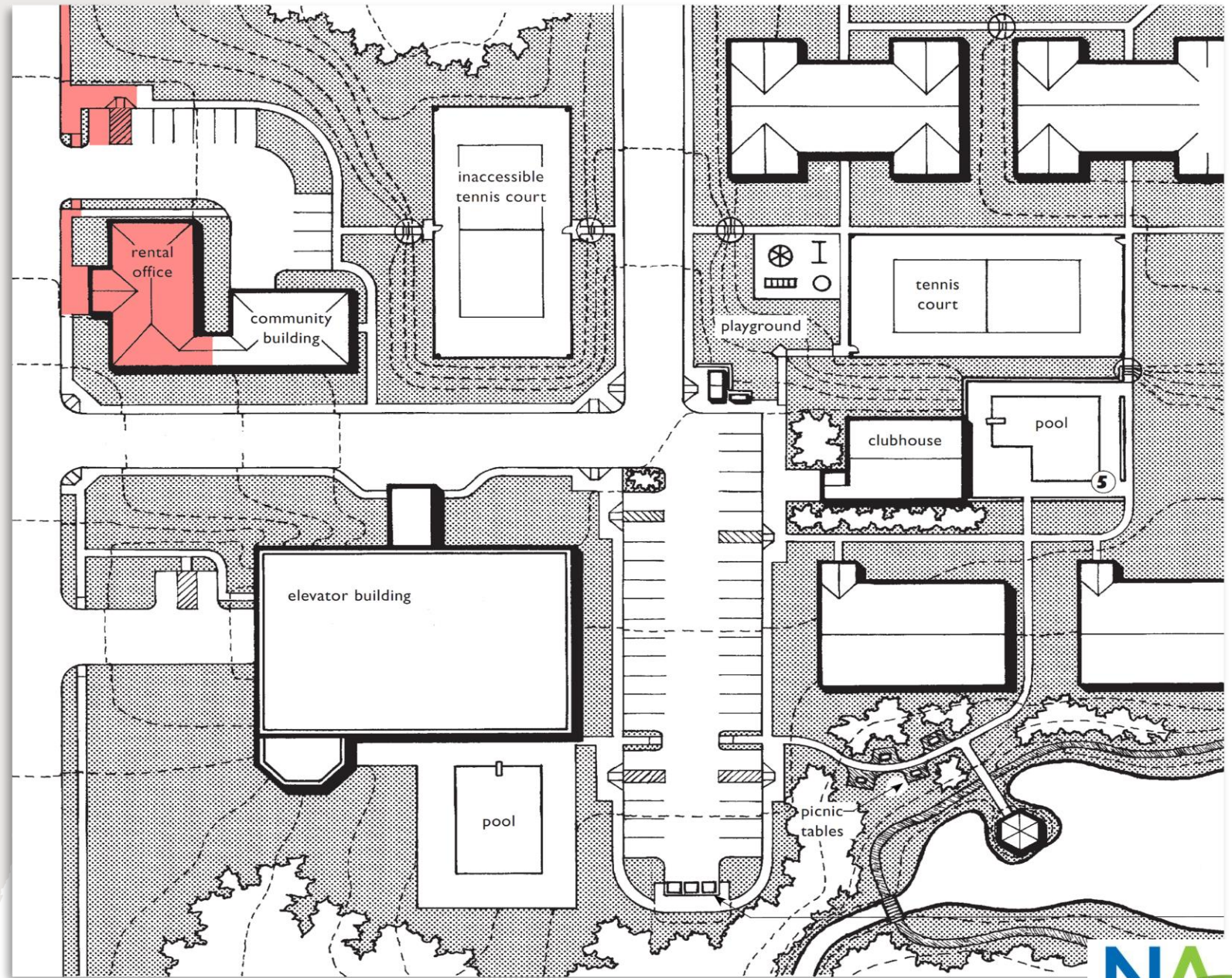


	FHA	ADA
Applies to:	MFH buildings with 4+ units	Areas of public accommodation
Implementation date:	March 13, 1991	July 26, 1992 ADAAG: March 15, 2012
Standard:	Fair Housing Design Guidelines	ADAAG (Americans with Disabilities Act Accessibility Guidelines)
Covers:	Accessibility Requirements for Public, Common Use, & Adaptable "Covered Units"	Accessibility Requirements for Public Areas
Financing:	Any (private or public funds)	Any (private or public funds)

FHA



ADA 1991



Ignoring accessibility compliance is like ignoring your car's engine.



It will only go so long before it will affect your bottom line.



THE FAIR HOUSING ACT ACCESSIBILITY TOOLKIT

Tool Highlights

- A comprehensive overview of the Fair Housing Act design and construction requirements

- A detailed design and construction checklist with diagrams and photos

- Examples of common design and construction issue

- Best practices to follow during the design and construction process

- Best practices for property managers to follow to identify and remedy ongoing accessibility issues

- A list of common accessibility misconceptions that can lead to noncompliance

- How accessibility complaints arise, who can be sued, and how to respond

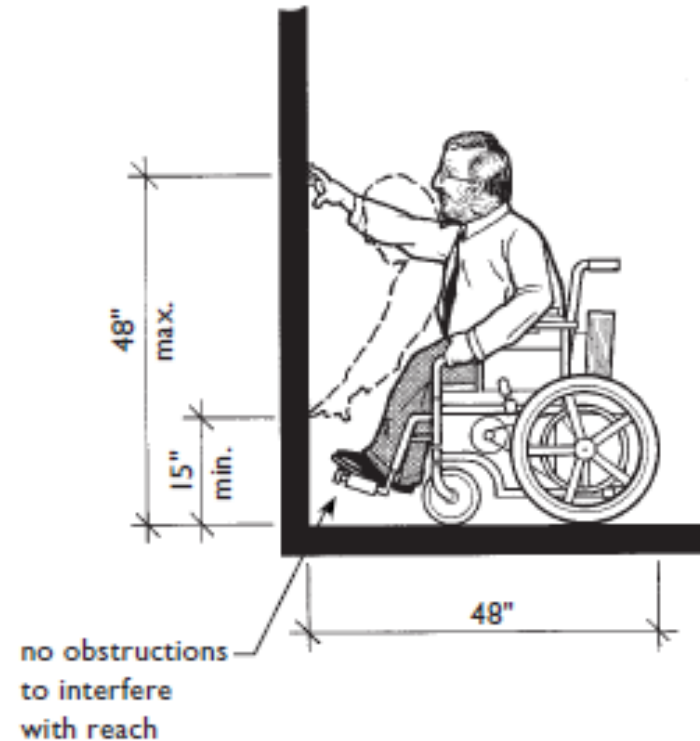
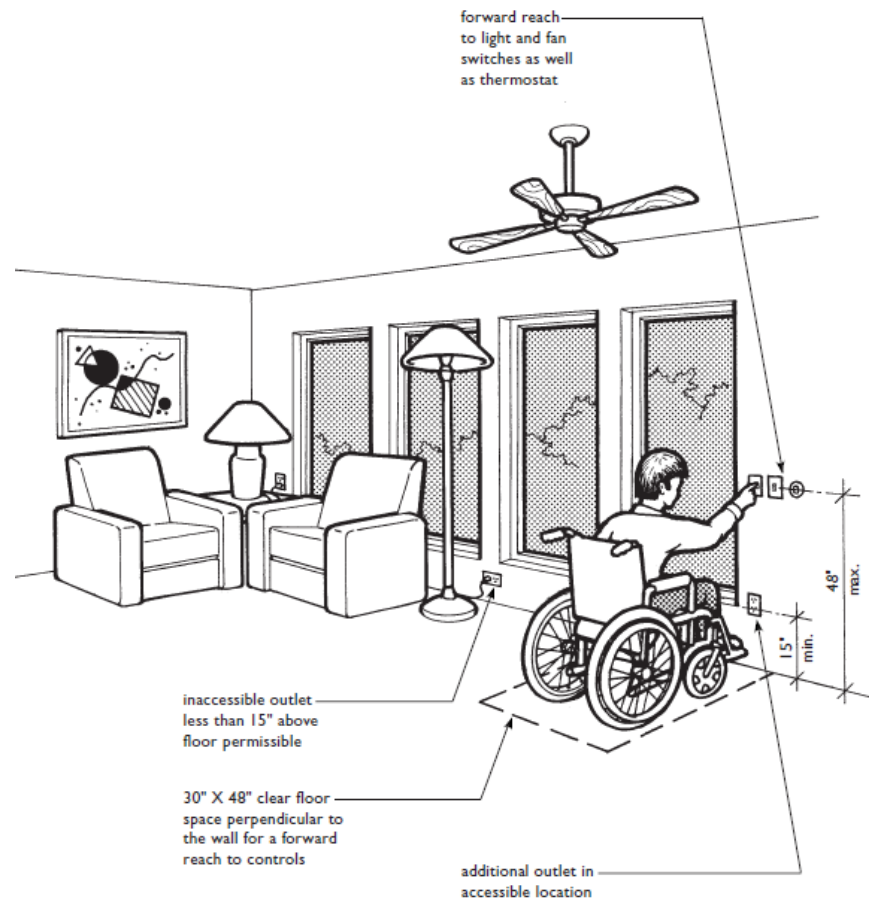
1.6

The accessible pedestrian route running slope does not exceed 1:20 (5%).



5.1

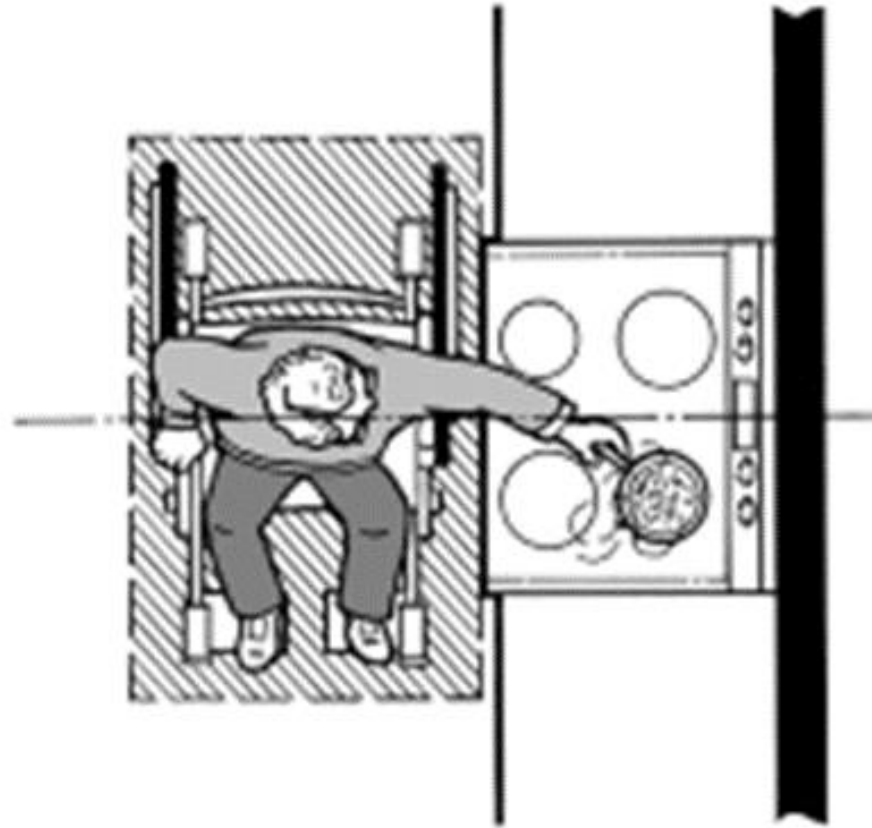
Thermostats within covered units are mounted no higher than 48" measured from the middle of the highest operable control to the finished floor.



All Covered Switches, Outlets, and Controls
Operated on a Frequent Basis Must be in Accessible Locations

7.2

There is 30" x 48" of clear floor space parallel to and centered on the range or cooktop measured from the center of the entire fixture.





X. ACCESSIBILITY AND PROPERTY MANAGEMENT

Property managers are generally not involved in the rental process until after the development is constructed. However, there are circumstances under which a property manager will begin showing and leasing units before construction is complete. Regardless, property management should take an active role in accessibility.

I. Leasing before construction is complete

A property management company will likely begin providing marketing information, showing units, and even pre-leasing before construction is complete in a

Pricing

- **Emotional Support Animal and Accessibility Toolkit Bundle**
 - Retail Price: \$250.00
 - Member Price: \$150.00
- **NAA's Accessible Design and Construction Toolkit eBook**
 - Retail Price: \$175.00
 - Member Price: \$90.00
- **NAA's Emotional Support Animal Toolkit: 2022 Edition eBook**
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