

Documentation Required from Tenants Requesting an Assistance Animal Accommodation

Under the Fair Housing Act, a landlord may request reliable documentation when an tenant/applicant requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known.

The landlord may take reasonable steps to enforce a no pet policy if the tenant obtains the animal before submitting reliable documentation from a health care provider that reasonably supports the tenant's disability-related need for the animal.

For non-observable disabilities and animals that provide therapeutic emotional support, a landlord may ask for information that is consistent with that identified in the Guidance on Documenting a Person's Need for Assistance Animals in Housing. You are encouraged to read the full document at: <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

This documentation often consists of information from a licensed health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse – general to the condition but specific as to the tenant/applicant with a disability and the assistance or therapeutic emotional support provided by the animal.

In general the information should be in writing and contain:

- The contact information of the licensed health care professional. It is recommended that the health care professional sign and date any documentation provided and provide any professional licensing information. For determining the accuracy of the verification, it is helpful to include the number of sessions or the length time of the provider/patient relationship.

Note that 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.

- A relationship or connection between the disability and the need for the assistance animal must be provided. This is particularly the case where the disability is non-observable, and/or the animal provides therapeutic emotional support.
- Type of animal prescribed. If the tenant/applicant is requesting to keep a unique type of animal that is not commonly kept in households, then the tenant/applicant has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The tenant/applicant is encouraged to submit documentation from a health care professional confirming the need for this animal.

Disability Determination

Under DOJ's regulations implementing the ADA Amendments Act of 2008, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Major life activities are: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, and working. Other impairments – based on specific facts in individual cases -- may also substantially limit at least one major life activity or bodily function.

Causes for Denial of Accommodation Request

Failure to provide reliable documentation that the tenant/applicant requesting a reasonable accommodation has a disability and disability-related need for the accommodation or providing false or incomplete information may be grounds for denial.

If the specific animal poses a direct threat to the health or safety of others or would result in substantial physical damage to the property of others that cannot be eliminated or reduced to an acceptable level through actions the tenant/applicant takes to maintain or control the animal the request may be denied.

If your request is denied you may provide additional documentation for reconsideration.