

Animals in Massachusetts State-Aided Public Housing - Updated 4/5/16

	Pets	ADA Service Animals (aka an Assistance Animal)	Companion Animals and Other Reasonable Accommodation Animals (aka an Assistance Animal)
Certification of animal's training required?	No	No	No
Types of animals permitted	Dog, cat, hamster, gerbil permitted. Snake, rat, monkey, ferret, iguana not permitted. Caged birds and fish in tanks are not pets requiring permission.	1. Dogs 2. Miniature Horses (where reasonable)	Generally dogs and cats, but other animals may be companion or reasonable accommodation animals with reliable third party verification of need
Permitted in c. 667 housing?	Must have policy permitting pets	Must permit	Must permit
Permitted in c. 705 housing?	May have policy permitting pets	Must permit	Must permit
Deduct animal's expenses?	No	Yes (see Public Housing Notice 2008-11)	DHCD Policy only requires deduction for service animals but legal opinions conflict; some cite 760 CMR 6.05(4)(e) and advise this is a medical deduction
Is this handled as a Reasonable Accommodation for a disability?	No	No. Two Qs permitted: 1. Is the animal required because of a disability? 2. What task(s) is the animal trained to do?	Yes
Require reliable third party verification of need?	No	No, medical documentation cannot be requested	Yes, unless disability (and need for the assistance animal) is readily apparent or already known to the LHA)
Size limitations?	Per pet policy	No limitations	No limitations
Breed limitations?	No limitations	No limitations	No limitations
Compliance with pet policy required?	Yes	No	No
Effective Control of the Animal required?	Yes, and Pet Policy can require leash	Yes	Yes
Inoculations required?	Yes	Law Unclear	Law unclear, but likely must follow state requirements
Can LHA require animal registration?	Yes, in accordance with Pet Policy	Registration may include: 1. Information to identify the animal; 2. May request contact information for a person who will care for animal if owner dies or is unable to provide care, but can't deny if info not produced	Registration may include: 1. Inoculation certification to the extent allowed by law, 2. Information to identify the animal; 3. Contact information for a person who will care for animal if owner dies or is unable to provide care.

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Can LHA require compliance with Town Bylaws (ie. spay/neuter, license)?	LHA may require paperwork showing compliance with town laws	No	Law unclear; let town enforce
Reasons LHA may deny animal?	Non-compliance with pet policy rules	1. Animal out of control; no action taken to control; 2. Animal not housebroken; 3. Animal poses direct threat to health or safety of others or causes substantial physical damage which can't be eliminated or reduced to acceptable level by RAs.	1. Tenant has no disability-related need for assistance animal. 2. Specific animal poses a direct threat to health or safety of others and threat can't be reduced or eliminated by another RA. 3. Specific animal would cause substantial physical damage to property of others and cannot be reduced or eliminated by RA.
More than one animal permitted?	No	Yes, for service purposes, however, the service animal is considered a pet when computing the number of pets kept.	With verification of a disability-related need for more than one animal.
Where may the animal go on LHA property?	Per LHA pet policy	Animal may accompany the disabled person to all areas where the public is permitted.	Requests to have animal in places other than where pet policy permits must be evaluated as a RA request.
Can visitors bring their animals on LHA property?	No	Yes	Yes
Competing disabilities?		Get documentation; Consult legal	Get documentation; Consult legal
Can tenant ask LHA staff to care for pet (ie. disposal of pet waste) as a reasonable accommodation?	No	Reasonable Accommodations can be requested, and must be considered on a case by case basis, but cannot change the nature of the housing program.	Reasonable Accommodations can be requested, and must be considered on a case by case basis, but cannot change the nature of the housing program.
Dangerous behavior or damage to property by animal permitted?	Not permitted; liability on LHA likely if dangerousness known and no action taken	Not permitted (but see reasons LHA may deny animal); liability on LHA likely if dangerousness known and no action taken	Not permitted (but see reasons LHA may deny animal); liability on LHA likely if dangerousness known and no action taken
Can tenant and pet violate lease?	No	No, but it might be a reasonable accommodation to allow tenant to demonstrate ability to comply going forward	No, but it might be a reasonable accommodation to allow tenant to demonstrate ability to comply going forward
Tenant liable for animal-caused cost of repairs?	Yes	Yes	Yes