

Emotional Support Animals Another Look

Recently at MHI's Congress & Expo in Las Vegas, a panel of industry lawyers tackled the issue of reasonable accommodations for emotional support animals. Judging from the attendance and robust discussion, these animals continue to be an issue all community owners regularly deal with.

So, its time to take another look at some best practices to deal with emotional support animals. In doing so, it is important to remember that comfort/support animals are not pets. Legally they are necessary tools for a person with a disability to have an equal opportunity to use and enjoy a dwelling or common use spaces. Think of them as wheel chairs with fur.

- ◆ Having a written policy on reasonable accommodations is essential. Along with an accommodation request form, keep the policy readily



accessible. Have a set of LARGE PRINT forms on file.

- ◆ Make sure your policy outlines an interactive process, stating the information you'll need in order to make an informed decision on a tenants request.

- ◆ Apply your policy and process equally to all requesting a reasonable accommodation. Train your staff on these procedures

- ◆ Document, document, document. The key to winning any challenge is good documentation.

- ◆ To show your commitment to fair housing practices general, display the Fair Housing logo in the front office and in all advertising and leases.

- ◆ Treat everyone like they are a tester from HUD!

Know Your Rights - Residents Know Theirs

Delivered with this newsletter are several documents you should familiarize yourself with before moving forward on animal policies.

First, HUD has a Guidance on the topic and the Department of Justice has issues answers to a set of Frequently Asked Questions. Read both

Next, those same two departments have issued a joint Guidance on how to deal

With reasonable accommodations under the Fair Housing Act. This covers all accommodations, not just pets.

Finally, attached to the cover email is MHI's sample Fair Housing policies, as well as some forms to consider using when a resident requests an accommodation to a no pet policy.

HUD CHARGES NEW HAMPSHIRE LANDLORDS WITH DISCRIMINATING AGAINST FAMILIES WITH CHILDREN

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today that it is charging a group of New Hampshire landlords with housing discrimination for denying families with children the opportunity to rent certain apartments. HUD alleges that MSM Brothers, Inc., the owner of a 192-unit apartment complex in Dover, New Hampshire, and its on-site manager engaged in housing discrimination by limiting rental options for applicants with young children.

The Fair Housing Act prohibits housing providers from denying or limiting housing to families with children under age 18.

“Families shouldn’t be restricted to particular units of a housing development or subjected to different rental terms just because they have children,” said Bryan Greene, HUD’s General Deputy Assistant Secretary for Fair Housing and Equal Opportunity. “HUD is committed to protecting the housing rights of families with children and will continue to take appropriate enforcement action whenever those rights are violated.”

The case came to HUD’s attention when a mother filed a complaint alleging that she had been denied the opportunity to rent a two-bedroom unit at White Cliffs at Dover. After an investigation, HUD filed a charge on behalf of the woman, alleging that after White Cliffs’ manager learned that she had an infant son, he told her that she could only rent one of the first-floor units, none of which was available. The charge further asserts that New Hampshire Legal Assistance Fair Housing Project conducted testing which revealed similar treatment of testers posing as prospective renters with children.

Each year, approximately 12 percent of the complaints that are filed with HUD allege familial status discrimination.

HUD’s charge will be heard by a United States Administrative Law Judge unless either party elects for the case to be heard in federal court. If the administrative law judge finds after a hearing that discrimination has occurred, the judge may award damages to the complainant for her loss as a result of the discrimination. The judge may also order injunctive and other equitable relief, as well as payment of attorney fees. In addition, the judge may impose civil penalties to vindicate the public interest.



For more information, questions, or to get copies of past Updates, contact MHI’s General Counsel, Rick Robinson. at rrobinson@mfgghome.org.

