

NEVADA CONFERENCE  
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Fair Housing: Assistance Animals vs Service Animals  
&  
Reasonable Modifications vs Reasonable Accommodations  
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Nevada AHMA-PSW Conference  
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# The History of Fair Housing

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## The Laws

**The Fair Housing Act**

Dr. Martin Luther King Jr. Assassinated on April 4, 1968

**Americans with Disability Act (ADA)**

Capital Crawl March 12, 1990. Protest demonstrated the barriers that inaccessible buildings create for people with disabilities.

**Section 504**

Prohibition of discrimination against persons with disabilities in federally financed/assisted programs or activities.

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## The Fair Housing Act (42 USC § 3604)

Passed on April 11, 1968, (found in the original Act prohibited discrimination in all residential real estate transactions when discrimination was based on a person's:

- Race
- Color
- Religion
- National Origin



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## Federal Protected Classes

- Race
- Religion
- National Origin (Ancestry)
- Color (Skin color)
- Sex (Gender)
- Familial Status
- Disability



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## Statistics

The 2022 Fair Housing Trends Report also notes that discrimination based on:

- 9% of respondents reported experiencing discrimination based on race or ethnicity.
- 7% of respondents reported experiencing discrimination based on sex or gender.
- 8% of respondents reported experiencing discrimination based on religion.
- 6% of respondents reported experiencing discrimination based on national origin or ancestry.
- 5% of respondents reported experiencing discrimination based on color or skin tone.
- 4% of respondents reported experiencing discrimination based on marital status or family composition.
- 3% of respondents reported experiencing discrimination based on disability.



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# Reasonable Accommodations & Modifications

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**Pop Quiz**



How many units are supposed to be de-accessioned under ADA? **NONE**

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### Accommodation vs. Modification

<ul style="list-style-type: none"><li>• <i>Accommodation</i></li><li>• Change to policy or procedure</li></ul>	➔	Assistance animals Assigned parking Completing paperwork
<ul style="list-style-type: none"><li>• <i>Modification</i></li><li>• Change to physical structure</li></ul>	➔	Grab bars Roll in showers Ramps

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## Nexus between Request & Disability

Verification of Disability is **not** required when disability is *known or obvious*



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## Accessible Units

- Mobility Accessible
- Sensory Accessible
- \*ADA Units are not a thing\*
- Applicants requesting accessible units must be offered non-accessible units
- Residents living in accessible units who do not require features must sign [Lease Addendum for Adapted Units](#)

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## Quick Scenario

 A prospect submits a reasonable accommodation request to have a specific unit made accessible. She refuses to apply until the request is granted.

The site currently has one accessible unit occupied by a household who does not require the features of the unit.

How do you handle this?

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**Quick Scenario**

A disabled resident submits a request to have maintenance take out her trash between 4:30-5:00pm daily.

Her doctor has confirmed she is disabled and confirmed she needs the accommodation



How do you handle this?

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**Quick Scenario**

A resident who receives SSI submits a request to pay their rent on an alternative day that is past the due date stated in the lease.



How do you handle this?

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**Reasonable Accommodation and Modification best practices**



- Maintain a Reasonable Accommodation/Modification Log
- Engage in interactive dialogue
- Stay consistent and follow company policy
- Discuss Approvals with your supervisor
- All denials should be discussed w/the Section 504 Coordinator, Supervisor and/or local fair housing attorney

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# Assistance Animals



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Service Dinosaur

[https://www.google.com/search?q=blue+the+dinosaur+at+the+airport&source=images&btn=svd&bih=918&biw=1920&gl=US1090US1090&hl=en&sa=X&ved=2ahUKEw@\\_DhT3PKDAMV\\_CUQIHRoZDooQ0cQJKAJ6BAgBEAY#gsstate=ave&vid=cd15d1746de.vid.N7HFxqY7ra0.at0](https://www.google.com/search?q=blue+the+dinosaur+at+the+airport&source=images&btn=svd&bih=918&biw=1920&gl=US1090US1090&hl=en&sa=X&ved=2ahUKEw@_DhT3PKDAMV_CUQIHRoZDooQ0cQJKAJ6BAgBEAY#gsstate=ave&vid=cd15d1746de.vid.N7HFxqY7ra0.at0)

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## Definitions

*Assistance animals do work, perform tasks, provide assistance, or provide emotional support for a person with a physical or mental impairment that substantially limits at least one major life activity or bodily function.*

Service Animals	<ul style="list-style-type: none"> <li>• Defined by ADA as <b>dogs</b> only</li> <li>• Individually trained to do <b>specific</b> work or tasks</li> </ul>
Support Animals	<ul style="list-style-type: none"> <li>• All other animals</li> <li>• Trained or <b>untrained</b> to do work, perform tasks, provide assistance, and/or therapeutic emotional support</li> </ul>

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## Service Animals

The ADA explains that, businesses and non-profits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go. This is true even if they have a "no pets" policy.

**Service animals are:**

- Dogs
- Any breed and any size of dog
- Trained to perform a task directly related to a person's disability

**Service animals are not:**

- Required to be certified or go through a professional training program
- Required to wear a vest or other ID that indicates they're a service dog
- Emotional support or comfort dogs, because providing emotional support or comfort is not a task related to a person's disability

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If the dog's mere presence provides comfort, it is not a service animal under the ADA. But if the dog is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example, if the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the dog is a service animal.

From: ADA.gov

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## Examples of Service Animal Tasks

- A person who uses a wheelchair may have a dog that is trained to retrieve objects for them.
- A person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.
- A person with PTSD may have a dog that is trained to lick their hand to alert them to an oncoming panic attack.

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### Service Animals



If it is unclear to you whether someone's dog is a service dog, you may ask for certain information using two questions.

**You may ask:**

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

**A dog that is wearing a vest is not necessarily a service animal**

**NOT:**

- Request any documentation that the dog is registered, licensed, or certified as a service animal.
- Require that the dog demonstrate its task, or inquire about the nature of the person's disability.

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### Support Animals



- Must be common animal
- Must comply with local registration and vaccination requirements
- Must be under control of the owner
- Are not subject to pet deposits or additional rent charges
- Resident responsible for behaviors, upkeep, damages, etc

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### Support Animal

- Support Animals are *not* pets
- Support Animals are *not* subject to size, weight, or breed restrictions imposed by the property
- Support Animals are *exempt* from breed restrictions on insurance policies




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### What, a duck?



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### Quick Scenario



Luke Skywalker requested a reasonable accommodation for 2 snakes, 3 lizards, & Mastiff.

Per Luke's caseworker and medical provider, Luke needs the animals due to anxiety from saving the galaxy.



How do you handle this?

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### Quick Scenario



Princess Leia was granted a reasonable accommodation for a teacup Pomeranian. Per Leia's caseworker and medical provider, Leia needs the dog due to anxiety caused by her hoarding.

One day, Leia's dog attacked another resident.

Leia removed the dog and submitted a subsequent reasonable accommodation request for another dog.

How do you handle this?

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### Quick Scenario

On May 4, 2022, Anakin Skywalker submitted a Reasonable Accommodation for four assistance animals:

- ✓ One pit bull to pick him up when he falls
- ✓ Two chihuahuas due to his anxiety
- ✓ One chihuahua/Doberman mix due to his arthritis



Anakin provided four notes from four different doctors

- ✓ One from October 2019 stating he needs a companion animal
- ✓ One from August 2019 stating he needs a pet companion due to health problems
- ✓ One from May 2019 stating he needs a companion therapy dog for his anxiety
- ✓ One from May 2016 stating he needs a first-floor unit due to his arthritis

How do you handle this?

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