



## Realty Masters of FL Assistance Animal Policy

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### The Fair Housing Act, the Americans with Disability Act & Assistance Animals

The Fair Housing Act (FHA) is a federal law that prevents discrimination against tenants in their homes. Under the FHA, a disability is defined as a physical or mental impairment which significantly limits a person's major life activities. The Americans with Disability Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment. Housing providers must meet obligations under both the reasonable accommodation standard of the Fair Housing Act and the service animal provisions of the ADA.

#### Things Renters should know:

- Even if a property says "no pets" or restricts pets, landlords are required to make what is called a "reasonable accommodation/modification" to allow animals in properties that serve as assistance animals including service animals and emotional support animals.
- Assistance animals are not pets therefore no pet fee or pet rent is required.
- Under the laws, renters are still responsible for any damages caused by assistance animals.
- If the animal causes a nuisance while at the property, the landlord does have the right to remove the assistance animal and/or tenant through legal proceedings.

Service Animals and Emotional Support Animals are in a different legal classification than pets and are not pets. They are animals that work, assist and/or perform tasks and services for the benefit of a person with a disability or provide emotional support that improves the symptoms of a disability.

### Differences between a Service Animal and an Emotional Support Animal

An assistance animal includes both service animals and emotional support animals. **A service animal** is categorized by the ADA as animals trained to do a specific task for their owner. The most common example is a guide dog. An **emotional support animal** can be a cat, dog or other type of companion animal, and does not need to be trained to perform a service according to the Fair Housing Act. The emotional and/or physical benefits from the animal living in the home are what qualify the animal as an emotional support animal.

### Proper Documentation for an Assistance Animal

- If your disability is not readily apparent or unknown, you must provide your landlord with a letter from a medical professional or reliable 3<sup>rd</sup> party stating you have a disability and that he/she prescribes for you a service or emotional support animal. The nature of the disability is not requested to be disclosed.
- If you have an assistance animal, you must provide this documentation at the time of application in order for your application to be considered complete and to be processed. If you are unable to provide the documentation required by the law, your assistance animal will not be accepted.

#### Unacceptable Documentation is as follows:

- There is no official certification or training for assistance animals therefore proof of training, a certificate, or other similar document does not meet the requirement as proof of an assistance animal.
- If you have any questions about whether or not your documentation is acceptable, please re-read this policy and reach out to a property manager for clarification on your documentation.