



## Assistance Animal/Service Animal Policy

The terms of this policy apply to the City of Chandler Housing and Redevelopment Division (COCHRD) Public Housing Program. **This policy applies to assistance animals that are used to assist, support or provide service to persons with disabilities, or to service animals that live in or visit public housing developments.**

**Assistance animals** is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. An assistance animal is not a pet. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal. The COCHRD may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support meant to alleviate one or more of the identified symptoms or effects of an existing a person's disability. As with all other disability-related inquiries, the COCHRD will not ask about the nature or severity of the resident's disability.

**Service animals** are narrowly defined by the Department of Justice's (DOJ) revised ADA regulations. A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The revised regulations specify that "the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." Thus, trained dogs are the only species of animal that may qualify as service animals under the ADA (there is a separate provision regarding trained miniature horses), and emotional support animals are expressly precluded from qualifying as service animals under the ADA.

- A. Prior to housing any assistance animal or service dog in a public housing unit, the resident shall apply to the COCHRD for an assistance animal or service dog permit which shall be accompanied by the following:
  1. Type and description of animal;

2. Evidence that the pet has been spayed or neutered, as applicable;
3. All inoculations and licenses required by or local law; and
4. One photograph of the assistance animal.

## **B. Beginning the Evaluation Process**

To avoid possible ADA violations, COCHRD will apply the ADA service animal test first. This is because the COCHRD may ask only whether the animal is a service animal that is required because of a disability, and if so, what work or tasks the animal has been trained to perform. If the animal meets the test for "service animal," the animal must be permitted to accompany the individual with a disability to all areas of the facility where persons are normally allowed to go, unless (1) the animal is out of control and its handler does not take effective action to control it; (2) the animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or (3) the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures.<sup>9</sup>

If the animal does not meet the ADA service animal test, then the COCHRD must evaluate the request for an assistance animal.

## **C. Evaluation of the Request for a Service Dog (HUD FHEO 2013-01)**

1. To determine if an animal is a service animal, COCHRD shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The COCHRD may ask:

(1) Is this a service animal that is required because of a disability? and

(2) What work or tasks has the animal been trained to perform?

COCHRD will not ask the above listed two questions when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

The animal may not be denied access to the ADA-covered facility unless: (1) the animal is out of control and its handler does not take effective action to control it; (2) the animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or (3) the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures.

A determination that a service animal poses a direct threat must be based on an individualized assessment of the specific service animal's actual conduct — not on fears, stereotypes, or generalizations.

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go."

**D. Evaluation of the Request for an Assistance Animal** (HUD FHEO 2013-01)

- 1) While dogs are the most common type of assistance animal, other animals can also be assistance animals. COCHRD will evaluate a request for a reasonable accommodation to possess an assistance animal in a dwelling, using the general principles applicable to all reasonable accommodation requests. After receiving such a request, the COCHRD must consider the following:
  - a. Does the person seeking to use and live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?
  - b. Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

If the answer to either 1 or 2 is no, the request may be denied.

**E. All residents permitted to keep an assistance animal or service dog under this policy shall comply with the following rules:**

1. Understand that the assistance animal/service dog is not a pet.
2. All permitted assistance animal/service dog shall remain inside the resident's unit, unless accompanying the resident.
3. Residents shall not permit their assistance animal to disturb, interfere or diminish the peaceful enjoyment of neighbors.
  - a. Complaints of disturbances or reactions of this nature shall constitute a violation of the lease and may result in the revocation of the assistance animal/service dog permit, termination of the lease agreement, or both.

In addition, the assistance animal/service dog permit may be revoked if:

- a. There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation.
- b. There is reliable objective evidence that the animal would cause substantial physical damage to the property of others,
- c. The presence of the assistance animal/service dog would pose an undue

financial and administrative burden to the pet owner, or

- d. The presence of the assistance animal/service dog would fundamentally alter the nature of the COCHRD services.
4. Residents are solely responsible for cleaning up permitted assistance animal/service dog droppings inside the unit. All droppings will be cleaned up immediately. Droppings must be disposed of by being placed in a suitable covered trash container.
5. Residents shall take adequate precautions and measures necessary to eliminate assistance animal/service dog odors within or around the unit and shall maintain the unit in a sanitary condition at all times.
6. If the assistance animal/service dog is left unattended for a period of twenty-four (24) hours or more, the COCHRD may authorize entrance to the dwelling unit, removal of the assistance animal and transfer of the assistance animal by proper authorities, subject to provision of Arizona law and local ordinances. The COCHRD accepts no responsibility for the animal under such circumstances.
7. Residents shall not alter their unit or unit area in order to create an enclosure for any assistance animal/service dog.
8. Residents are responsible for all damages caused by their assistance animals/service dog, including and not limited to the cost of cleaning of carpets and draperies and/or fumigation of units.
9. Resident assistance animal/service dog owners are responsible for the safety and health of their assistance animal, and to secure the animal during those scheduled occasions when the dwelling unit is being treated for control of pests.
10. In the event of the death of an assistance animal/service dog, the resident shall properly and immediately remove and dispose of the remains. The remains shall not be placed in any container on the grounds of a COCHRD property or in a container on COCHRD grounds. The resident will notify the COCHD within 10 days of the change.
11. Residents must identify an alternate custodian for the assistance animal in the event of resident illness or absence from the dwelling unit. This identification of an alternate custodian must occur prior to the COCHRD issuing an assistance animal registration permit.
12. Residents will be responsible for compliance for all visiting assistance animals/service dogs to the property.

F. Denial of Reasonable Accommodation (HUD FHEO 2013-01)

1. The COCHRD may deny a reasonable accommodation for an assistance animal/service dog if the presence of the animal would:
  - a. Pose a direct threat to the health or safety of others;
  - b. Result in substantial physical damage to the dwelling unit or property of others unless the threat can be eliminated or significantly reduced by reasonable accommodation;
  - c. Pose an undue financial and administrative burden; or
  - d. Fundamentally alter the nature of the City's operation.
  
2. The COCHRD may not deny a reasonable accommodation request because he or she is uncertain whether or not the person seeking the accommodation has a disability or a disability-related need for an assistance animal/service dog.
  - a. The COCHRD may ask individuals who have disabilities that are not readily apparent or known, to submit reliable documentation of a disability and their disability-related need for an assistance animal.
  - b. If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the COCHRD may ask the individual to provide documentation of the disability-related need for an assistance animal.

For example, the COCHRD may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support meant to alleviate one or more of the identified symptoms or effects of an existing disability.

Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.
  
- G. The privilege of maintaining an assistance animal in a unit owned and/or operated by the COCHRD are subject to the rules set forth in paragraph ,C above. This privilege may be revoked at any time, subject to the COCHRD grievance procedures, if the animal should become destructive, create a nuisance, represent a threat to the safety, health, quiet, enjoyment, and security of other residents, or create a problem in the area of cleanliness and sanitation. If the COCHRD determines, on the basis of objective facts, supported by written statements that the owner has violated a rule governing the owning or keeping of an assistance animal, the COCHRD may serve a written notice of the violation on the owner in accordance with this policy.

H. The COCHRD shall notify the owner if the COCHRD refuses to register an assistance animal. The notice shall be the basis for COCHRD's action and shall be served on the owner as required in Paragraph C of this regulation.



## Assistance Animal/Service Dog Policy Certification

I have an assistance animal/service dog and I have received, read and understand the above policy provisions regarding the keeping of assistance animals and agree to abide by those provisions.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Housing Administrative Supervisor

\_\_\_\_\_  
Date



## Assistance Animal/Service Dog Permit

Application for written permission to keep the following type assistance animal/service dog in a dwelling unit operated under the City of Chandler Housing and Redevelopment Public Housing program is hereby made:

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Type and Description of Animal

I have attached the following:

- Certificate signed by a licensed veterinarian or /local authority that the pet has received all inoculations required by or local law,
- Verification that the dog or cat has been spayed or neutered,
- Verification that the pet owner has the licenses required by the or local law,
- A photograph of the pet

***Designated alternate assistance animal custodian is:***

\_\_\_\_\_

Name

\_\_\_\_\_

Phone

\_\_\_\_\_

Name

\_\_\_\_\_

Phone

I fully understand the rules and regulations regarding the privilege of keeping an assistance animal/service dog and agree to abide by those rules and regulations.

\_\_\_\_\_

Tenant Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Housing Administrative Supervisor

\_\_\_\_\_

Date