

NAVIGATING THE WORLD OF

Emotional Support Animals and Service Animal:



WestUSA REALTY **PROSPER**
623-206-2458 PROPERTY MANAGEMENT



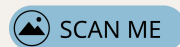
INTRODUCTION

Understanding the world of Service Animals

In the ever-evolving landscape of property management, understanding the nuances between emotional support animals (ESAs) and service animals is more crucial than ever. As property managers, it's our duty to balance the needs and rights of all tenants, including those requiring the assistance of these special animals. This article aims to demystify the legalities, responsibilities, and best practices surrounding ESAs and service animals in rental properties.



It is important to know what the differences so you do not go to FHA jail.



Understanding the Differences:

Service Animals

Defined by the Americans with Disabilities Act (ADA), service animals are dogs (and in some cases, miniature horses) that are individually trained to do work or perform tasks for a person with a disability. This can include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and more. It's important to note that service animals are not pets; they are working animals.

Emotional Support Animals

Unlike service animals, ESAs are not limited to any specific type of animal and do not need to be trained to perform a specific job or task. Instead, they provide comfort just by being with a person. Because they are considered a reasonable accommodation for a person with a disability under the Fair Housing Act (FHA), ESAs are allowed in housing, including many properties that otherwise restrict pets.

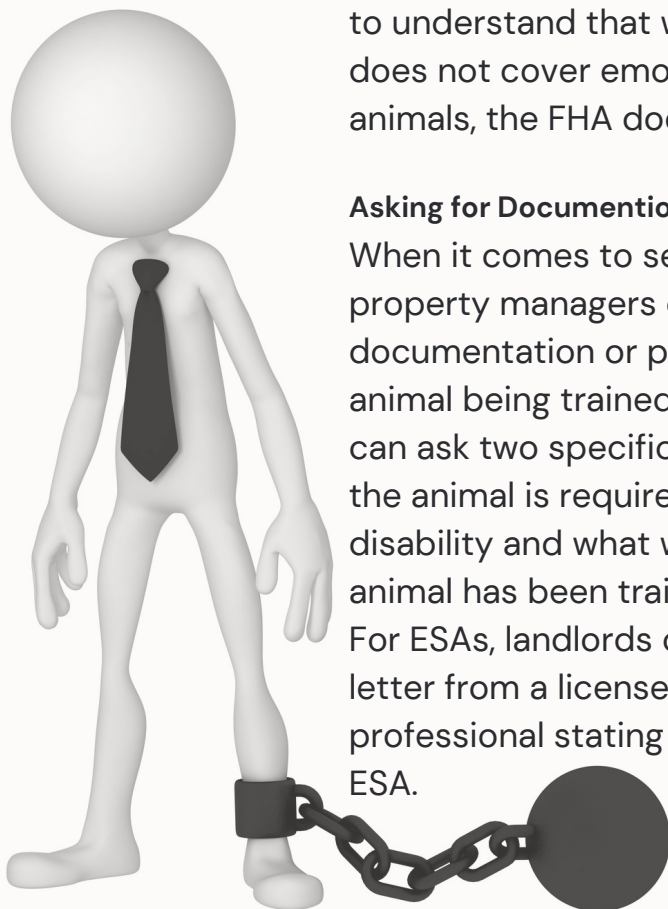
Legal Considerations

Fair Housing Act (FHA)

The FHA requires property managers to make reasonable accommodations for tenants or prospective tenants with disabilities. This includes allowing ESAs and service animals even in buildings that have a no-pet policy. It's crucial to understand that while the ADA does not cover emotional support animals, the FHA does.

Asking for Documentation

When it comes to service animals, property managers cannot ask for documentation or proof of the animal being trained. However, you can ask two specific questions: if the animal is required because of a disability and what work or task the animal has been trained to perform. For ESAs, landlords can request a letter from a licensed healthcare professional stating the need for the ESA.



Best Practices for Property Managers

1. **Education and Training:** Ensure that your staff is well-versed in the laws and practices concerning ESAs and service animals. Misunderstandings can lead to unnecessary conflicts and potential legal issues.
2. **Policy Development:** Develop clear policies that outline the process for tenants to request accommodations for ESAs and service animals. This policy should be in line with FHA guidelines and available to all tenants.
3. **Respect Privacy:** Be mindful of tenants' privacy. Avoid invasive questions about a tenant's disability or the specific tasks a service animal performs beyond what is legally allowed.
4. **Community Awareness:** Foster an inclusive community environment. Consider providing information sessions for tenants about the roles of ESAs and service animals to promote understanding and respect among all residents.
5. **Dispute Resolution:** Have a plan in place for resolving any disputes that may arise between tenants regarding ESAs and service animals. This should include mediation processes and clear guidelines on the expectations for animal behavior.

Conclusion:

As property managers, it's our ***responsibility*** to ensure compliance with federal laws while also fostering a supportive and inclusive community for all residents. By understanding the essential roles that emotional support animals and service animals play in the lives of many individuals, we can navigate these complex issues with empathy and fairness. Let's commit to creating welcoming environments for everyone, including those with ESAs and service animals, by staying informed, respectful, and proactive.

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