OFFICIAL REQUEST FOR REASONABLE ACCOMMODATION

RICHIE ROBERTSON **HAS OFFICIALLY BEEN REGISTERED WITH**

MYESAREGISTRY AS A(AN) SERVICE DOG

IN THE STATE OF NEW YORK **ON** JUNE 15, 2020

WE REQUEST A REASONABLE HOUSING ACCOMMODATION FOR THIS ANIMAL.

RIGHT TO SUPPORT ANIMALS IN HOUSING:

The Fair Housing Amendments Act of 1988 (the “FHA”), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act protect the right of people with disabilities to keep emotional support animals, even when a landlord's policy explicitly prohibits pets. Because emotional support and service animals are not "pets," but rather are considered to be more like assistive aids, such as wheelchairs, the law will generally require the landlord to make an exception to its "no pet" policy so that a tenant with a disability can fully use and enjoy his or her dwelling. In most housing complexes, so long as the tenant has a letter or prescription from an appropriate professional, such as a therapist or physician, and meets the definition of a person with a disability, he or she is entitled to a reasonable accommodation that would allow an emotional support animal in the apartment, condominium, rental home, etc.

LEGAL RIGHTS TO REASONABLE ACCOMMODATION

Discrimination under the FHA includes "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a person with a disability] an equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f) (3){B). So long as the requested accommodation does not constitute an undue financial or administrative burden for the landlord, or fundamentally alter the nature of the housing, the landlord must provide the accommodation. The Department of Housing and Urban Development (HUD) and several courts have explicitly stated that an exception to a "no pets" policy would qualify as a reasonable accommodation. See, e.g., Bronk v. lneichen, 54 F.3d 425,429 (7th Cir. 1995) (balanced against landlord's economic or aesthetic concerns as expressed in a no-pets policy, deaf tenant's need for accommodation of hearing dog is per se reasonable); Fulciniti v. Village of Shadyside Condominium Association, No. 96-1825 (W.D. Pa. Nov. 20, 1998) (defendant condominium association had not presented any evidence suggesting that the tenant's assistive animal created a threat or disturbance, and therefore violated the FHA by failing to provide a reasonable accommodation); Occupancy Requirements of Subsidized Multifamily Housing Programs, HUD, No. 4350.3, exhibit 2-2 (1998) (it would not constitute a fundamental alteration in the nature of the program or activity to require the Owner to make an exception to the “no pets” rule so that tenant could keep assistive animal, where "assistive animal" includes emotional support animals).

R-731298708