

Service Animal and/or Emotional Support Animal Request Worksheet:

As a best practice, Sandpiper Towers Condominium Association, Inc., as a housing provider, may use the following questions to help determine if an animal is an “emotional support animal” (“ESA”) or a “service animal”, requiring that the Association grant the requestor a reasonable accommodation, in the form of allowing the requestor to maintain the ESA or Service Animal, despite the existence of a Sandpiper Towers regulation(s) prohibiting such animals:

PART I:

ANALYSIS OF REASONABLE ACCOMMODATION REQUESTS FOR EMOTIONAL SUPPORT ANIMALS - OTHER THAN SERVICE ANIMALS

1. Is the individual making the request a(n) owner, guest, or renter, of a condominium unit?
 - YES. If “YES,” proceed to question #2, below.
 - NO. If “NO,” the housing provider is not required to grant a reasonable accommodation that has not been requested.

2. Has the individual requested a reasonable accommodation — that is, asked, orally or in writing, to get or keep an animal in connection with a physical or mental impairment or disability?
 - YES. If “YES,” proceed to Part II.
 - NO. If “NO,” the housing provider is not required to grant a reasonable accommodation that has not been requested.

PART II:

CRITERIA FOR ASSESSING WHETHER TO GRANT THE REQUESTED ACCOMMODATION

3. Does the person have an observable disability or does the housing provider (or agent making the determination for the housing provider) already have information giving them reason to believe that the person has a disability?
 - YES. If “YES,” skip to question #5 to determine if there is a connection between the person’s disability and the animal.
 - NO. If “no,” continue to the next question.

NOTE: Housing providers are not entitled to know an individual’s specific diagnosis.

4. Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?
 - YES. If “YES,” proceed to question #5. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that

the lease or agreement requires the truth and accuracy of other material information.

- _____ NO. If “NO,” the housing provider must give the person requesting the accommodation a reasonable opportunity, such as to the end of the business day, to provide the information and if the requesting party fails to do so, the housing provider may deny the request for accommodation.

Information About Disability May Include:

- A determination of disability from a federal, state, or local government agency.
- Receipt of disability benefits or services (Social Security Disability Income (SSDI), Medicare or Supplemental Security Income (SSI) for a person under age 65, veterans’ disability benefits, services from a vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency.
- Eligibility for housing assistance or a housing voucher received because of disability.
- Information confirming disability from a health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, or nurse.

5. Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual’s disability?

- _____ YES. If “YES,” proceed to Part III.
- _____ NO. If “NO,” the housing provider must give the person requesting the accommodation a reasonable opportunity, such as to the end of the business day, to provide the information and if the requesting party fails to do so, the housing provider may deny the request for accommodation.

PART III:

TYPE OF ANIMAL

6. Is the animal commonly kept in households* (dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal)?

- _____ YES. If “YES,” the reasonable accommodation should be provided unless the **general exceptions**, described below, exist.
- _____ NO. If “NO,” a reasonable accommodation need not be provided, but note the very rare circumstances described below.

GENERAL EXCEPTIONS: The FHA does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy

would result in substantial physical damage to the property of others. A housing provider may, therefore, refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the animal in a secure enclosure).

*** UNIQUE ANIMALS:** If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

Part IV:

SERVICE ANIMAL WORKSHEET

7. Is the animal a dog?

- YES. If “YES,” proceed to the next question.
- NO. If “NO,” the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed. Proceed to Part I above.

8. Is it “readily apparent” that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?

- YES. If “YES,” further inquiries are unnecessary and inappropriate because the animal is a service animal.
- NO. If “NO,” proceed to the next question, #9.

It is “readily apparent” when the dog is observed:

- guiding an individual who is blind or has low vision
- pulling a wheelchair
- providing assistance with stability or balance to an individual with an observable mobility disability

9. Limit questions to the following:

(A) “Is the animal required because of a disability?” and;

YES.

NO.

(B) “What work or task has the animal been trained to perform?” Do not ask about the nature or extent of the person’s disability, and do not ask for documentation.

- If the answer to question (A) is “YES” and work or a task is identified in response to question (B), grant the requested accommodation, if otherwise reasonable, because the animal qualifies as a service animal.
- If the answer to either question is “NO” or “NONE,” the animal does not qualify as a service animal under federal law but may be a support animal or other type of assistance animal that needs to be accommodated. Proceed to Part I above.

Performing “work or tasks” means that the dog is trained to take a specific action when needed to assist the person with a disability.

- If the individual identifies at least one action the dog is trained to take which is helpful to the disability other than emotional support, the dog should be considered a service animal and permitted in housing, including public and common use areas. Housing providers should not make further inquiries.
- If no specific work or task is identified, the dog should not be considered a service animal but may be another type of animal for which a reasonable accommodation may be required. Emotional support, comfort, well-being, and companionship are not a specific work or task for purposes of analysis under the ADA. Proceed to Part I above.

DISCLAIMER: This worksheet is for informational purposes only. Laws and interpretations of such laws in this area by government agencies and courts, change rapidly, and there is no guarantee that all the information in this document is completely current. The law differs from jurisdiction to jurisdiction and is subject to interpretation by different government agencies and courts. The law is a personal matter, and no general information or legal tool of this kind can fit every circumstance. Therefore, if the Association needs legal advice for a specific problem, or if the Association’s problem is too complex to be easily addressed by this worksheet, Sandpiper Towers should consult with an attorney.