

**HANDLING ASSISTANCE
AND EMOTIONAL SUPPORT
ANIMAL REQUESTS
(an Aggressive Approach)**

Texas Apartment Association Education Conference

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The Disclaimer!

The views expressed by the presenter should not be construed to be legal advice and do not constitute the views of the Texas Apartment Association; additionally, as with any area of the law, new judicial decisions, HUD regulations or interpretations of the common law may make change any aspect of this presentation at any time. **This presentation includes advocacy recommendations that are extremely aggressive which may not be suitable for all housing providers; you should always contact competent counsel of your choice regarding requests for accommodation under the Fair Housing Act.**

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ASSISTANCE ANIMAL FIRESTORM

The Problem: In public places, airplanes and in rental housing, businesses are being overrun with “service animals,” “emotional support animals,” “companion animals” and “therapy animals.”

The Competing Policy Issues:

Avoiding the time and expense of defending a Fair Housing Act Claim and the potential liability

versus

“Lowering the bar” for accommodation requests (e.g., accepting bogus verifications), being overrun with assistance animals and having to grant unreasonable requests for unrelated matters

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ASSISTANCE ANIMAL FIRESTORM

The Conservative Approach: Many owners and management companies take a very conservative approach regarding requests to accommodate assistance animals to avoid a claim; the NAA Toolkit advocates such an approach.

An Aggressive Approach: Some owners and management companies have elected to draw a line in the sand and “push back” against certain requests to accommodate assistance animals.

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COMPETING APPROACHES

NAA Toolkit on Emotional Support Animals:

Conservative guidance regarding requests for accommodation; with certain exceptions, will help avoid Fair Housing Complaints – the NAA Toolkit is provided is not covered here

Taking a More Aggressive Approach: This presenter has certain clients that want to take a more strident approach to requests to accommodate for emotional support animals and “draw a line in the sand” – this presentation addresses the more aggressive approach

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THE RISKS WITH EITHER APPROACH

Problems with a Conservative Approach:

- “Lowers the bar” for all requests for accommodation you receive.
- Instructions in “Fill in the Blank” forms are regularly ignored by medical providers and result in pets being approved as “assistance animals.”
- Management personnel speaking directly with medical providers present obvious miscommunication issues.

The Aggressive Approach: Does not strictly follow April 25, 2013, “HUD Guidance” and can place community at risk of a Fair Housing Complaint.

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PRACTICAL REASONS TO CONSIDER USING AN AGGRESSIVE APPROACH

- Avoiding an overabundance of “assistive animals” and the resulting issues with tenants, property condition and conflict
- Persons with actual disabilities that need an assistive animal rarely object to higher level of inquiry
- If you “lower the bar” in what you require for assistance animals, you “lower the bar” regarding all requests for accommodation or to allow modification

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PRACTICAL REASONS TO CONSIDER USING AN AGGRESSIVE APPROACH

- Your communications occur solely with your tenant – the only person with whom you have a contractual or financial relationship
- You eliminate bogus requests
- Even if a Fair Housing Complaint is filed, the complainant must meet the threshold element of having a disability as that term is defined under the Fair Housing Act

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DOWNSIDES TO TAKING AN AGGRESSIVE APPROACH

- Conflicts with NAA Toolkit and HUD Guidance
- Persons without actual disabilities that are subjected to a higher level of inquiry can still file a complaint (but at the end of the day they still must prove they have a “disability”)
- Cost and expense of defending a complaint if one is filed.

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THE AGGRESSIVE APPROACH

- Understanding the definition of “disability” as that term is defined under the Fair Housing Act
- Understanding the verifications to which you are entitled and identifying bogus verifications
- Outline of “pushback” communication

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KEY RESOURCE

- The HUD/DOJ Statement on Reasonable Accommodations

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ASSISTANCE ANIMALS UNDER THE FAIR HOUSING ACT

“Service Animals” are only one type of animal that is covered under the Fair Housing Act; the better term of art is “Assistance Animals.”

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Assistance Animals include:

Service Animals that are specifically trained to perform a service, such as a “seeing-eye” dog or an animal trained to fetch or detect the onset of an epileptic seizure or a blood sugar anomaly.

Emotional Support Animals provide “support” for someone with a mental disability who derive a sense of well-being, safety, or calm from the animal’s companionship and physical presence.

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Examples of what *Could* be an Emotional Support Animal

- Dogs
- Pigs
- Cats
- Ferrets
- Parakeets
- Parrots
- Rabbits
- Miniature Horses

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REQUESTS FOR ACCOMMODATIONS

An “**accommodation**” is a change in **rules, services, policies, practices or procedures** such as allowing an otherwise restricted breed dog or an animal in a “no pets” community.

The Fair Housing Act makes it unlawful for any person to refuse "to make **reasonable accommodations** in rules, policies, practices, procedures or services, when such accommodations may be necessary to afford ... person(s) [with disability(s)] an equal opportunity to use and enjoy a dwelling.”

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REQUESTS FOR ACCOMMODATIONS

A resident may request an accommodation for themselves (as may an advocate), an authorized occupant or someone associated with the resident.

An accommodation does not have to be granted unless the person for whom the accommodation is requested has a disability (as that term is defined under the Fair Housing Act).

If a disability (as that term is defined under the Fair Housing Act) is not apparent, you are entitled to request verification of the disability.

If the nexus, or connection, between the disability (as that term is defined under the Fair Housing Act) and the accommodation is not apparent, you are entitled to verification of the need for the accommodation.

The verifications provided to you by the resident must be credible and reliable.

Prompt Response to any Request is Required

A request for a reasonable accommodation for an assistance animal made by a tenant or advocate, must be responded to promptly; **you may NOT impose a requirement that the request be put in writing.**
HUD/DOJ Statement, Paragraph No. 12.

ASSISTANCE ANIMAL TESTING

Fair Housing Initiative Programs are conducting even long distance telephonic testing regarding assistance animals and a property's policies regarding:

- Granting an accommodation to have an assistance animal
- Pet rent, pet fees and pet insurance
- Use of amenities by the animal

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ASSISTANCE ANIMAL TESTING (cont'd)

Be prepared to address questions concerning your policy.

Be prepared to communicate that if you don't know the answer to the question, you or your supervisor will call them back.

Be prepared to communicate responses timely.

Document carefully your communications.

If you don't know the answer to the question, then:

“We always make accommodations under the Fair Housing Act for persons with disabilities.”

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PUSH BACK POINT 1: Definition of Disability Under the Fair Housing Act

“A physical or mental impairment that substantially limits one or more major life activities.”

Breaking down the definition into its component parts informs the “pushback” communication we address later.

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ELEMENT 1 of Definition of Disability: “Physical or Mental Impairment”

“Physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

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ELEMENT 2 of Definition of Disability: “Major Life Activity”

The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking. This list of major life activities is not exhaustive. *See e.g., Bragdon v. Abbott*, 524 U.S. 624, 691-92 (1998) (holding that for certain individuals reproduction is a major life activity).

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ELEMENT 3 of Definition of Disability: “Substantial Limitation”

“Substantially limits” suggests that the limitation is “significant” or “to a large degree.”

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THE COMPLETE DEFINITION OF DISABILITY

A person (or an associate) who has, used to have, or, is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

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PUSH BACK POINT 2: The Nexus (or Connection) Requirement

To show that a requested accommodation (or modification) may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation (or modification) and the individual's disability.

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PUSH BACK POINT 3: The Verification Requirement

When an accommodation is requested, or a request to allow a reasonable modification, there are three potential scenarios regarding the person with the disability:

1. The disability is **apparent** or already known;
2. The disability is **apparent**, but the **disability-related need is not**; or
3. **The disability is not apparent or previously known.**

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When Disability is Not Apparent or Previously Known (as with ESAs)

The HUD/DOJ Statement on Reasonable Accommodations (included in NAA Toolkit) provides that you may request reliable disability-related information that:

1. Is necessary to verify the person is disabled;
2. Describes the needed accommodation; and
3. Shows the relationship, or nexus, between the person's disability and the need for the requested accommodation.

OBTAINING VERIFICATION

The information may be self-provided such as Disability SSI.

The information may also be provided by a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability. The NAA Toolkit and some providers require a fill in the blank form from a physician.

TEN TELL TALE SIGNS YOU MAY NOT BE DEALING WITH RELIABLE VERIFICATION

- The verification provided to you is a “certificate” purporting to register a “service animal,” an “emotional support animal,” a “therapy animal” or a “companion animal.”
- The verification is a letter that solely uses the acronym “ADA” in the verification or advises that “under the ADA” a housing provider must allow a service animal or an assistance animal.
- The animal wears a cape that says, “Service Dog” or “Service Animal.”
- The verifier does not have genuine letterhead.
- The “prescription” for the animal has a time limitation.

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TEN TELL TALE SIGNS YOU MAY NOT BE DEALING WITH RELIABLE VERIFICATION (cont'd)

- The verification merely says the tenant was “assessed” or “reported” as opposed to having been in a course of treatment for a stated period of time.
- The verification is written by an out of state provider.
- The verification is written by a person not licensed to practice in the State of Texas.
- The provider has no true office.
- The tenant gets extremely upset that you are questioning the verification – people who are truly disabled are usually very cooperative in providing info.

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QUESTIONABLE VERIFICATIONS

Many applicants and tenants are obtaining bogus certificates and letters on line.

Most of the time, this information is obtained solely to get a pet into a “no pets” community or a “dangerous breed” into a “restricted breed community.”

The following are verifications that are likely bogus and which, in my opinion, should be vigorously challenged.

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United States Dog Registry		MYCARD	
		Home	Register Information FAQs Contact Us
	<p>Service Dog</p>  <p>Get Started</p>	<p>Emotional Support Dog</p>  <p>Get Started</p>	<p>Therapy Dog</p>  <p>Get Started</p>
The Basics	Service dogs help with performing a function for a person that is limited by a disability.	Emotional support dogs help individuals with emotional problems by providing comfort and support.	Therapy dogs provide affection and comfort to individuals in hospitals, nursing homes, and other facilities.
Partial List of Disabilities Covered	Mobility issues, visual impairment (blindness), hearing impairment (deafness), seizures, diabetes, PTSD, autism, epilepsy, multiple sclerosis (MS), and other physical/mental disabilities	Anxiety, depression, bipolar/mood disorders, panic attacks, and other emotional/psychological conditions	-
Laws Protecting this Type of Dog	Americans with Disabilities Act (ADA)	Fair Housing Amendments Act Air Carrier Access Act	- 34

**EMOTIONAL SUPPORT DOG
IDENTIFICATION**



ACCESS IS REQUIRED BY FEDERAL LAW




USAR
US Animal Registry


USDR

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**United States
Service Dogs**



0 items

Service Dog

Your dog is trained to assist you by performing tasks for your disability.

Service dogs are allowed to accompany their handlers most places that the general public is allowed.

Which registration is right for my dog?



Emotional Support Dog

Your dog provides you with comfort and aids you with your emotional or psychiatric condition.

Emotional support dogs are allowed to accompany their handlers during air travel and in housing that does not allow pets.

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Service Dog Registration

BASIC SERVICE DOG ID KIT



Get your certificate and ID card for your service dog for only \$69.
[View Kit](#)

STANDARD SERVICE DOG ID KIT



Our upgrade to the basic kit: the service dog certificate, 2 identification cards, and a tag for your service dog.
[View Kit](#)

BASIC SERVICE DOG ID KIT + VEST



Get a vest, too: the service dog certificate, identification card, and vest for your service dog.
[View Package](#)

PREMIUM SERVICE DOG ID KIT + VEST



The complete package: the service dog certificate, 2 identification cards, vest, and service dog tag.
[View Package](#)

Emotional Support Dog Registration

BASIC EMOTIONAL SUPPORT DOG ID KIT



Get your certificate and ID card for your emotional support dog for only \$69.
[View Kit](#)

STANDARD EMOTIONAL SUPPORT DOG ID KIT



Our upgrade to the basic kit: the emotional support dog certificate, 2 identification cards, and a tag.
[View Kit](#)

BASIC EMOTIONAL SUPPORT DOG ID KIT + VEST



Get a vest, too: the emotional support dog certificate, identification card, and vest.
[View Package](#)

PREMIUM EMOTIONAL SUPPORT DOG ID KIT + VEST



The complete package: the emotional support dog certificate, 2 identification cards, vest, and tag.
[View Package](#)

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More Info
FAQ
Contact
 Cart

America's Trusted Service Dog Registry
Phone: 888-656-DOGS - Email: orders@usaservicedogs.org

Choose your Service Dog Registration package below and get started in minutes:

<i>FREE shipping included in price of all kits!</i>	 Standard ID Kit \$99.99 \$59.99 View Sample ID Card <input type="button" value="Order Now"/>	 Full ID Kit \$159.99 \$99.99 View Sample ID Card <input type="button" value="Order Now"/>	 Deluxe ID Kit <i>Most Popular</i> \$229.99 \$149.99 View Sample ID Card <input type="button" value="Order Now"/>	 Ultimate ID Kit <i>Best Value</i> \$279.99 \$199.99 View Sample ID Card <input type="button" value="Order Now"/>	
	Lifetime Registration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Instant Printable ID Cards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Certificate and ID Card	1 card	2 cards	2 cards	3 cards
	Electronic Certificate	Optional	Optional	Optional	<input checked="" type="checkbox"/>
Service Dog Vest	Optional	Optional	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

USA SERVICE DOGS
usaservicedogs.org

Dog Name:

Handler:

ID #

The ADA requires businesses to allow people with disabilities to bring their service animals onto business premises in whatever area customers are generally allowed.

Access Problems? Call 800-514-0301

SERVICE DOG




USA SERVICE DOGS
usaservicedogs.org



Dog Name: _____

Handler: _____



ID #

The ADA requires businesses to allow people with disabilities to bring their service animals onto business premises in whatever area customers are generally allowed.

Access Problems? Call 800-514-0301

SERVICE DOG

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NSAR - National Service Animal Registry
"Helping Animals Help People Since 1995"

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CHAT IS **Offline**

PLEASE LEAVE A MESSAGE

- Register Your Animal
- Service Animal Database
- Service Definitions
- List of Disabilities
- Federal Law: ADA
- All About Service Animals
- All About ESAs
- All About Therapy Animals
- Flying With Your Animal
- Housing Rights & Laws
- Public Access Test
- Registration Kits
- Service Animal ID Cards
- Service Animal Patches
- Service Animal Vests

Yes, You Can Take Your Dog With You!

It's no secret that many businesses simply aren't pet-friendly, even though most of the population is. A large number of our clients register their dogs as Certified Service Animals not just to accompany them into stores, restaurants, motels, or on airline flights (for no extra cost), but to successfully qualify for housing where pets aren't allowed. Our Service Dog Certification documents formalize and simplify these processes and make qualifying for special housing hassle-free. If you and your service dog become certified with NSAR, both of you are immediately protected under federal law (ADA).

We also specialize in registering dogs, cats, and other animals as Emotional Support Animals (ESA) for people with emotional or psychological disabilities. Although ESAs have fewer protections under federal law, they are allowed to fly in the cabin of an aircraft with their disabled handler and to qualify for "no pet" or "limited pet" housing. [Click here](#) to find out more.

Complete Service Animal Certification Kit - ONLY \$64.95!

Not All Disabilities Are Visible

Most people think of a service dog as a large breed dog for the blind or for working with a person confined to a wheelchair. The reality is that the majority of certified service dogs are small dogs that perform tasks for otherwise normal people with disorders related to emotional, psychological, hearing, seizure, diabetic, or for other medical issues - disabilities that are completely invisible. Many people aren't aware that they qualify for a certified service dog or other animal because they don't realize the problems they have are considered a disability. [Click here to see if you qualify as disabled.](#)



"NSAR was a life saver. They were able to expedite our order and we were able to get our paperwork within 48 hours allowing us to travel with our ESA just in time for Thanksgiving. I would highly recommend NSAR to anyone with a service animal."
Jeremy S.
Los Angeles, CA
12/05/2014

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National Service Animal Registry

333 W Lake Ave Ste 2C • Woodland Park • Colorado • 80863 Phone: (719) 688-6177 Fax: (719) 587-2850

NSAR CERTIFIED SERVICE ANIMAL

This document affirms that **"TIGER"** (NSAR database ID **D241** , see adjacent photo) is certified as a qualified service dog and registered with National Service Animal Registry (NSAR) on the date listed below. This service dog has been trained to assist _____, the confirmed disabled handler. The handler and service dog are listed in the National Service Animal Registry (NSAR) database and may be found on the following website: www.nsarco.com/database.html.



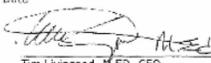
TIGER

Service dogs are dogs that are specifically trained to perform important life tasks for people who have difficulty performing or are unable to perform the task themselves. These tasks are directly related to the handler's disability. Service dogs are working animals, not pets.

Under the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. This federal law applies to all businesses open to the public, including restaurants, hotels, motels, taxis, buses, shuttles, airplanes, grocery and retail stores, hospitals, medical offices, theaters, health clubs, all parks, government buildings, and zoos.

For more information, please call the U.S. Justice Department ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TTY) or visit the ADA Business Connection at www.ada.gov.

Date February 19, 2016



Tim Livingood, M.ED. CEO

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HOME SHOP SUPPORT FAQ ID SEARCH LOGIN/SIGN UP



The Official ESA Registration of America

Register your dog, cat or other animal, get therapist letters, IDs, vests & more

Easily register an emotional support animal, unlock benefits



Quick and fool proof

1. Register your Emotional Support Animal
2. Get therapy letters, travel kits, and more
3. Reduce stress and worry

[Learn more about support animals.](#)

Sign up to get certificates, letters & more

First Name: *
(Only ONE Handler - 12 Char Max)

Last Name: *
(16 Char Max)

Email: *

Animal's Name: *
(Only ONE animal-18 Char Max)

Species: *

Password: *

Re-enter password: *

Sign me up for updates about my Emotional Support Animal.

Please confirm the information you provided as it will become your animal's official registration. Once submitted, entries may **not** be edited. **An ID Photo will be required at checkout when you first purchase an ID product.**

Copyright 2017 R. David Fritsche [Register For Free](#)

Hello there! [Click to chat.](#)

Who uses the Emotional Support Animal Registry?

All types of people with varying needs

Depression, Anxiety /
Mental Health Disorders

[Learn more](#)

Veterans /
Military

[Learn more](#)

Autism /
Aspergers

[Learn more](#)

PTSD /
Psychotic Disorders

[Learn more](#)

Benefits



Flying With Dad (No Hassles!)



In Housing (No Hassles!)



On The Plane (No Hassles!)



In Your Rental (No Hassles!)

Testimonials

"I can't thank you guys enough! I am now able to travel with my cat and take her with me which I've needed badly because I suffer from anxiety and depression and now that I have Sammy with me I am a thousand times better off. Thanks again!"

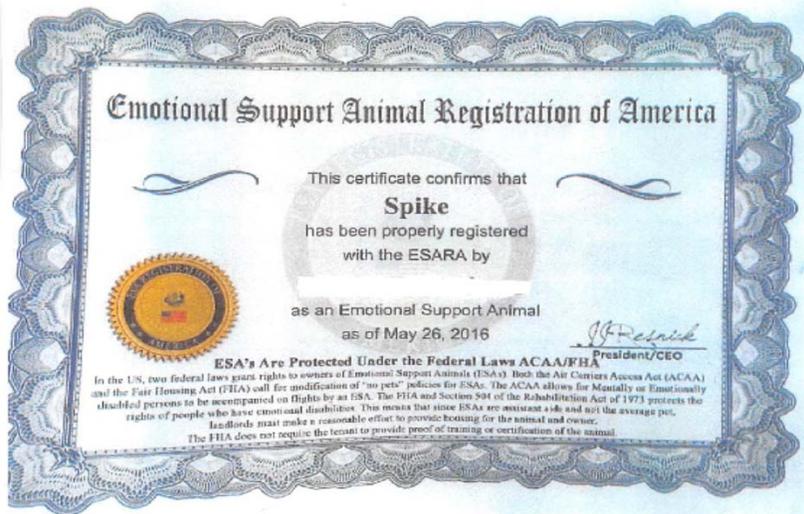
- Jenna Latham, Eugene, OR

"Just finished our first flight with our little Penelope and it was so amazing being able to have her sitting right next to us the entire flight. Thanks so much!"

- Nancy R., Palos Verdes, CA

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Hello there! [Click to chat.](#)



Emotional Support Animal Registration of America

This certificate confirms that
Spike
has been properly registered
with the ESARA by

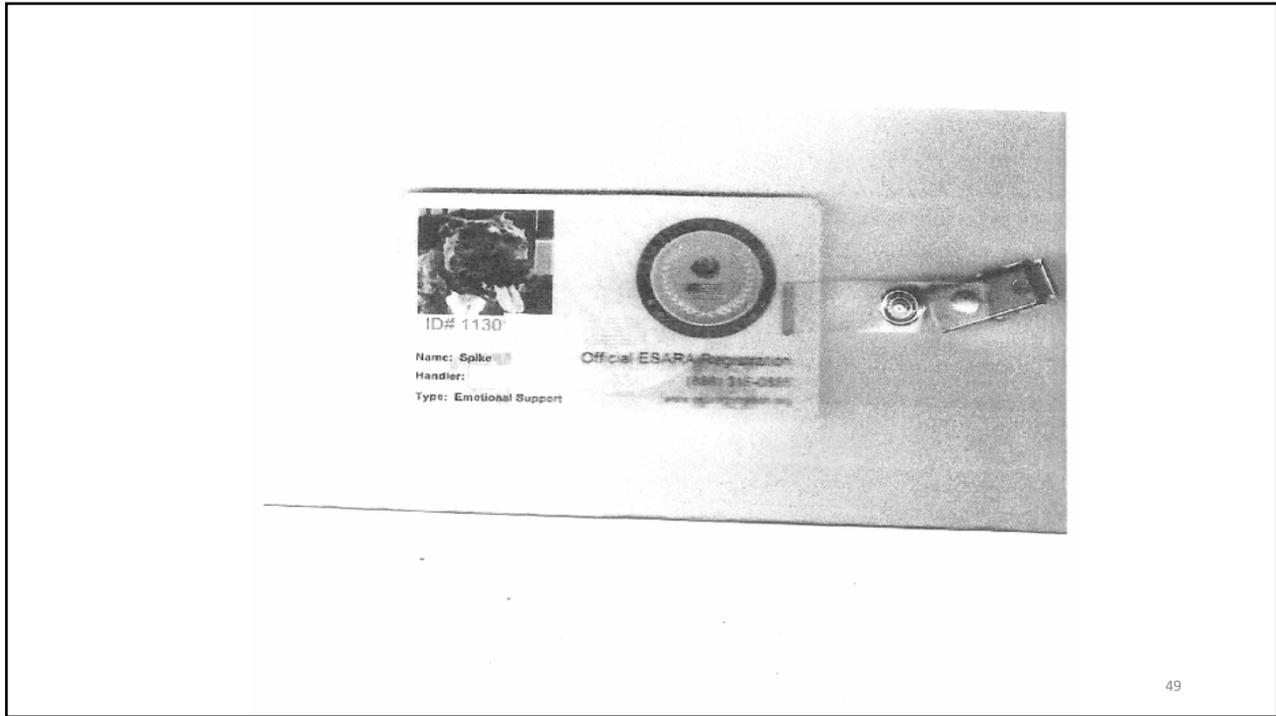
as an Emotional Support Animal
as of May 26, 2016

J. F. Dennis
President/CEO

ESA's Are Protected Under the Federal Laws ACAA/FHA
In the US, two federal laws grant rights to owners of Emotional Support Animals (ESA). Both the Air Carrier Access Act (ACAA) and the Fair Housing Act (FHA) call for modification of "no pets" policies for ESAs. The ACAA allows for Mentally or Emotionally disabled persons to be accompanied on flights by an ESA. The FHA and Section 504 of the Rehabilitation Act of 1973 protects the rights of people who have emotional disabilities. This means that since ESAs are assistance aids and not the average pet, landlords must make a reasonable effort to provide housing for the animal and owner.
The FHA does not require the tenant to provide proof of training or certification of the animal.

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OFFICIAL SERVICE DOG REGISTRY

SIMPLY REGISTER YOUR DOG & PROTECT YOUR RIGHTS NOW!

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[Service Dog Information](#)
[Emotional Dog Information](#)
[Therapy Dog Information](#)
[Registration Lookup](#)
[Instant Online Registration Form](#)

— PARTICIPANT'S RESPONSIBILITY AND RULES OF CONDUCT —

We expect and hope that you will use this registry as intended and in a responsible and respectful manner. Registration is conducted under the honor system and we are not required to verify any disability or review any documentation to verify any disability, nor does any law require you to register, any individual found to abuse this registry will be expelled from the registry. The registry is not intended to be a certification process and we do not judge the proficiency of our registrants in any way, and nor would that be necessary under the law. Of course, we recognize that under the law you are allowed to train your own animal and we can not be responsible or liable for the actions of dog owners or their dogs either online or offline. Please obey all laws as they apply to your situation.

[To Look Up A Dog & Verify Registration Click Here](#)

Get Started Here!

Please scroll and fill in the form below

All Registrations Are Searchable Within Our Database Instantly!

 eRegister Your Dog
  Complete Kits
  Certificate / I.D.
  Starter Kits
  Official Dog Vest
  Collars and Tags

Online Registration Form

Emotional Dog Information

Service Dog Information

Therapy Dog Information

Frequently Asked Questions

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Replacement ID Card Center

Laws & Information Center

Service Dog ID Card Gallery

Send Me Or A Friend Free Brochure Via Email

Enter The Email To Send To *

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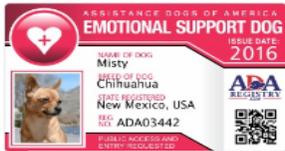
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Emotional Support Options

Owner/Handler ID Card



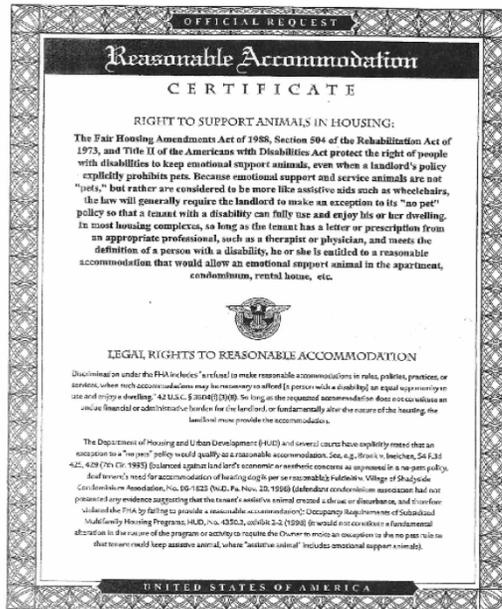
ESA Dog ID Card

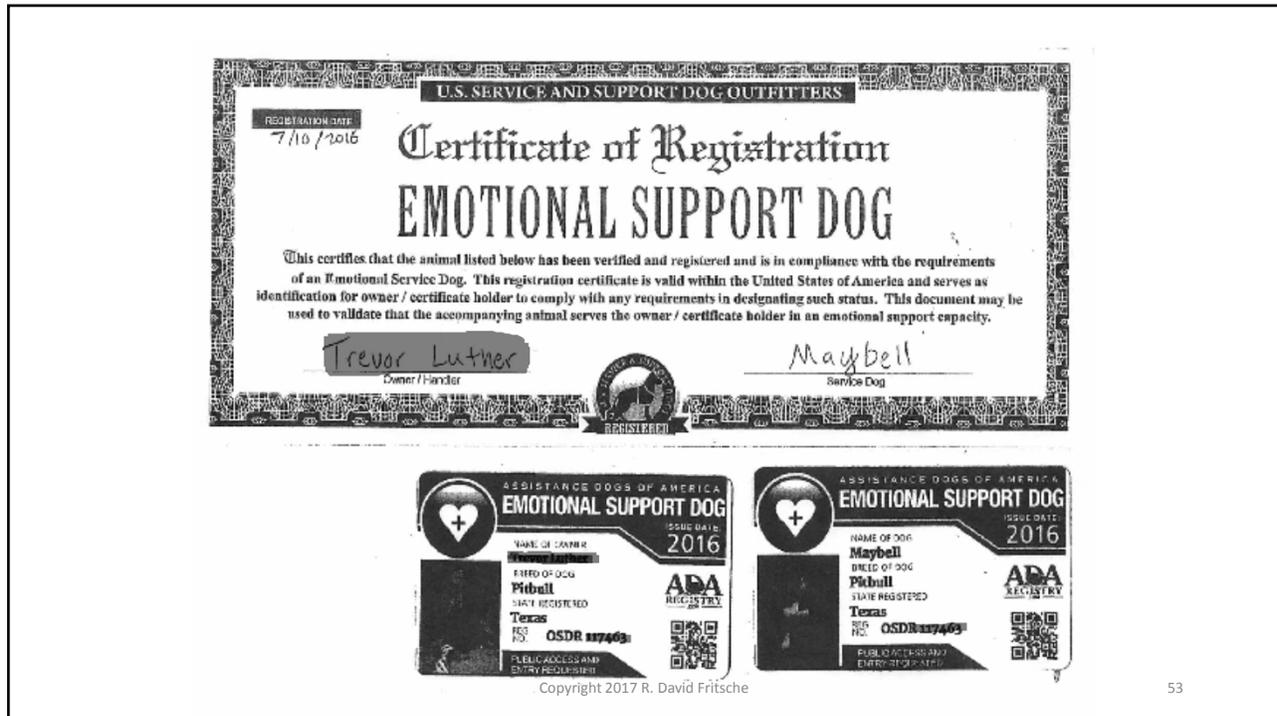


No Photo No Problem

Housing Certificates

(Free For Registered Users)





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Traveling with your Emotional Support Dog on Labor Day?

Labor Day. The first Monday in September and the unofficial end of summer. More than 80 countries worldwide celebrate Labor Day in some form whether it be International Workers' Day, May Day, or Labour Day (made fancier by the "U" in its spelling.) It's a time-honored tradition to take your last summer vacation on this [...]

Recent Posts

- > Traveling with your Emotional Support Dog on Labor Day? August 19, 2016
- > What Do Emotional Support Animals Do? August 16, 2016
- > How to Travel with your Emotional Support Dog June 1, 2016
- > Are Emotional Support Dogs Allowed In Public Places? May 8, 2016
- > Airline Requirements for Traveling with an Emotional Support Dog April 14, 2016

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- > Cats (1)

By ESA Doctors | August 19th, 2016 | Emotional Support Animals | [Comments](#) [Read More >](#)

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ESA DOCTORS **START NOW!**

Home How to Get an ESA Letter ESA Pricing Plan Get Started Here Blog FAQs Contact Us

Pricing Plan

Combo Plan	Housing Plan	Travel Plan
<ul style="list-style-type: none"> ✓ No Expiration ESA Housing Letter! ✓ No Expiration ESA Travel Letter! ✓ Patients Are NOT Required To Be Re-Evaluated! ✓ Discounted Fee for Renewals ✓ Most Popular Plan 	<ul style="list-style-type: none"> ✓ 1 Year ESA Housing Letter ONLY ✓ Expires 12 Months From Date of Approval ✓ Patient must be re-evaluated every 12 Months. ✓ Does NOT Include ESA Travel Letter. 	<ul style="list-style-type: none"> ✓ 1 Year ESA Travel Letter ONLY ✓ Expires 12 Months From Date of Approval ✓ Patient Must be re-evaluated every 12 Months. ✓ Does NOT Include ESA Housing Letter
\$189	\$159	\$149

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- Housing
- Contact Us
- Q&A
- About Us
- Legal
- Sample Letter
- Registry
- Certification
- Confidentiality
- Refund Policy

What is an Emotional Support Animal?

An Emotional Support Animal (ESA) is any household Pet (dog or cat) that is able to fly **CAGE FREE** for no additional charge while providing emotional support to his or her owner who has been diagnosed with an identifiable emotional disability that limits one or more daily life activities.

No special training is required because ESA's are pets.

Emotional Disabilities include:

- Anxiety (Specific or Generalized)
- Post Traumatic Stress Disorder
- Depressive Disorder
- Social Phobia(s) (including fear of flying)
- And any other psychological disorder recognized by the DSM IV (Diagnostic and Statistical Manual of Mental Disorders).
- Personality Disorders
- Mood Disorders
- Panic disorder(s)

Emotional Support Animals are also permitted in non-pet rental housing. Please see our "Rental Housing" section for more information.

Emotional Support Animal Prescription Letter

EmotionalSupportPet.com has partnered with Keystone Psychological Services LLC in Laporte, Colorado to provide Psychological Evaluations and online counseling to our clients.

Keystone's team of Licensed Mental Health Professionals will evaluate you online through an extensive battery of tests. The exam will take approximately 30 to 45 minutes to complete and is issued online (Step #1 at bottom of page).

A licensed therapist will review your evaluation and have your results within 2-3 business days. If a diagnosis can be made a prescription will be emailed to you with your results (as a PDF file to print at home) and the original prescription will be mailed to you by 1st class USPS. Copyright 2017 R. David Fritzsche

Do the Airports have you Feeling like a caged up Animal?

Does the Dreariness, Rudeness and Impersonal Atmosphere of Airports make you feel even worse?

Well no Longer! Learn how you may

56

Emotional Support Animal Prescription Letter

EmotionalSupportPet.com has partnered with Keystone Psychological Services LLC in Laporte, Colorado to provide Psychological Evaluations and online counseling to our clients.

Keystone's team of Licensed Mental Health Professionals will evaluate you online through an extensive battery of tests. The exam will take approximately 30 to 45 minutes to complete and is issued online (Step #1 at bottom of page).

A licensed therapist will review your evaluation and have your results within 2-3 business days. If a diagnosis can be made a prescription will be emailed to you with your results (as a PDF file to print at home) and the original prescription will be mailed to you by 1st class USPS.

If a diagnosis cannot be made and it is determined you do not qualify for an emotional support pet a full refund will be issued.

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June 28, 2016

To: _____, Manager,

Fr: Allie Diamond, MSW, LCSW, Keystone Psychological Services

Re: _____

Dear Ms. _____,

At the request of my client, _____, I have been given authorization to discuss her mental health diagnosis and the importance of her Emotional Support Animal, _____ and the impact he has on her wellbeing.

_____ experiences symptoms related to the diagnosis of PTSD, DSM V code 309.81. _____ was initially diagnosed with Generalized Anxiety Disorder in 2009. Since that time, her life experiences and symptoms have worsened thus I have added the diagnosis of PTSD to her mental health profile.

_____ experiences emotional and physical symptoms related to PTSD. These symptoms are uncomfortable and unpredictable. When she is triggered, life becomes increasingly difficult for her. She doesn't have just one, but several areas of her life that are deeply affected by her symptoms.

_____ relies on _____ for emotional support. His presence not only helps to calm her, but also helps to motivate her when she is experiencing fear and anxiety related to her diagnosis. _____'s role in _____'s life is also considered a primary relationship. _____'s needs give _____ purpose and keep her going when her symptoms are overwhelming. She has an obligation to him that represents her desire to maintain normalcy and stability despite the troubling experiences she has had. _____'s needs are met by _____'s innate ability to respond to her the way she needs to in order to have her needs met. This is a mutually beneficial relationship; it is also clinically appropriate and deemed by me, as a clinician to be 100% necessary for her wellbeing and mental health stability.

I encourage you to allow Ms. _____ and _____ to peacefully occupy your apartment unit according to the HUD Rules and Regulations related to the utilization of Emotional Support Animals as treatment for mental health related conditions.

Should you have any questions, you may contact me at the email below.

Regards,

Allie Diamond, MSW, LCSW-Keystone Psychological Services

allicediamondlcsww@gmail.com

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Utah LCSW License # 6231002-2501

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization
filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

ESA LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address 1612 Hanover Ct.
(Street number and name)

Fort Collins CO 80526
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

Mailing address
(leave blank if same as street address) (Street number and name or Post Office Box information)

(City) (State) (ZIP/Postal Code)

(Province - if applicable) (Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name (if an individual) Westin Diane Elizabeth
(Last) (First) (Middle) (Suffix)

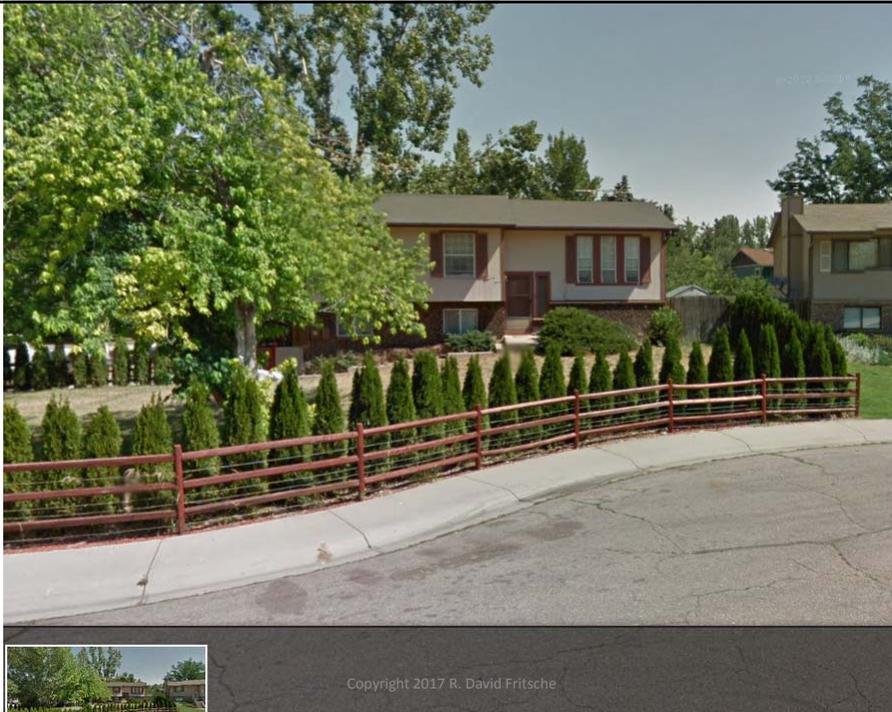
or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Street address 1612 Hanover Ct.
(Street number and name)

Fort Collins David Fritsche CO 80526
(City) (State) (ZIP Code)

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Keystone Psychological Services, LLC

June 7, 2016

To Whom It May Concern:

... has a mental health diagnosis recognized in the DSM V, (specific diagnosis not disclosed here to protect HIPAA privacy rights). Her disorder substantially limits at least one major life activity.

Because of the severity of her condition, this disorder can be debilitating and can't be anticipated. As the primary treatment to address her psychological disability, I recommend that she have her dog to serve as her emotional support animal. It is my professional opinion that the presence of this animal is a necessary treatment for the mental health of this patient because their presence will mitigate the symptoms she is currently experiencing by responding to cues for emotional support.

This patient meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to mental illness, this patient has certain limitations. In order to help alleviate these difficulties, and to enhance her ability to live independently and to fully use and enjoy the dwelling unit you own and/or administer, I am prescribing that she have an emotional support animal that will assist her in coping with her disability.

Sincerely,

Allie Diamond

Allie Diamond, MSW, LCSW
Utah LCSW License #6231002-3501
Date LCSW Original License Issued: 08/19/2013
Date LCSW Current License Expires: 09/30/2016
Prescription Expires One Year After Issue Date

Keystone Psychological Services, LLC
2350 Arbor Lane #11742, Salt Lake City, Utah 84117
Ph: 310-418-8619 Fax: 1-877-787-1236 KeystonePsychologicalServices@gmail.com



CARLA BLACK

MA, MFT, ATR

CALL: 818-907-7732

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CARLA BLACK
MA, MFT, ATR

With over 800 ESA Letters of Prescription issued in the course of her career as a therapist, Carla Black MFT is a leading authority on ESA issues quoted by the NY Times!



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Is Your Relationship Heading for Trouble?

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Click Here!

Get Help From the Leading Psychotherapist
Specializing in ESA Letters
and Emotional Support Animal Services

Have you ever felt like this is not how you thought your life would be?

Whatever your current situation; ongoing unhappiness and stress can affect all areas of your life including work, parenting, friendships, family, and can even affect your health.

It doesn't have to be this way.

Imagine what it would be like to actually have support as you create the life you always wanted.

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CLINICAL PSYCHOTHERAPIST

10866 Wilshire Blvd., Suite 400
Los Angeles, CA 90024
Phone: (424) 500-8977
Fax: (310) 317-7122
TherapistCarlaBlack@gmail.com

Carla J. Black, MA, MFT, ATR
License Number: 44511 (CA) | Issued: 4/30/07

To Whom It May Concern:

I am a licensed mental health professional who is currently treating _____ for emotional health condition, and I am familiar with the functional limitations that are imposed by this illness. _____ has a disorder for which an emotional support animal (ESA) will help provide with the relief that traditional medication cannot. Due to these complications, I strongly believe that having an ESA is the most effective treatment to help keep _____ calm and to avoid any escalating situations that could cause further complications to his well-being.

Due to this emotional disability, I have diagnosed _____ with having a particular medical condition that qualifies _____ to have an emotional support animal under the Fair Housing Amendment Act of 1988. In order to help alleviate these difficulties, enhance _____ ability to function and live independently, and to fully use and enjoy the dwelling unit that you own and/or administer, I have prescribed _____ to have 2 dogs for emotional support. The presence of these animals is necessary for _____ emotional/ mental health, because their presence will help mitigate the symptoms in which _____ experiences.

_____ has a mental and/ or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV) or Fifth Edition (DSM V). In accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382), please allow _____ to be accompanied by _____ emotional support animals in the cabin of the aircraft for the reasons stated herein.

Sincerely,



Carla J. Black, MA, MFT, ATR

Patient ID Number:
Online Patient Verification: www.ESAVerification.com

66



10866 Wilshire Blvd., Suite 400
 Los Angeles, CA 90024
 Phone: (424) 500-8977
 Fax: (310) 317-7122
 TherapistCarlaBlack@gmail.com

Carla J. Black, MA, MFT, ATR
 License Number: 44511 (CA) | Issued: 4/30/07

To Whom It May Concern:

I am a licensed mental health professional who is currently treating [redacted] for emotional health condition, and I am familiar with the functional limitations that are imposed by this illness. [redacted] has a disorder for which an emotional support animal (ESA) will help provide with the relief that traditional medication cannot. Due to these complications, I strongly believe that having an ESA is the most effective treatment to help keep [redacted] calm and to avoid any escalating situations that could cause further complications to his well-being.

Due to this emotional disability, I have diagnosed [redacted] with having a particular medical condition that qualifies [redacted] to have an emotional support animal under the Fair Housing Amendment Act of 1988, in order to help alleviate these difficulties, enhance [redacted] ability to function and live independently, and to fully use and enjoy the dwelling unit that you own and/or administer, I have prescribed [redacted] to have 2 dogs for emotional support. The presence of these animals is necessary for [redacted] emotional/ mental health, because their presence will help mitigate the symptoms in which [redacted] experiences.

[redacted] has a mental and/ or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV) or Fifth Edition (DSM V). In accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382), please allow [redacted] to be accompanied by [redacted] emotional support animals in the cabin of the aircraft for the reasons stated herein.

Sincerely,


 Carla J. Black, MA, MFT, ATR

Patient ID Number:
 Online Patient Verification: www.ESAVerification.com



National Emotional Support Animal Patient Verification Database

Disclaimer:

The National Emotional Support Animal Patient Verification Database is HIPAA compliant and protects patient privacy at all times. By utilizing this site you acknowledge that you have been given consent by the patient or that you are an authorized law enforcement authority in the pursuit of a legal investigation. The patient I.D. is confidential and may be given for the purposes of establishing a legal right to possession of an emotional support animal as authorized by a medical professional.

Airline and Housing ESA Verification Form

Please fill out the form below by supplying the patient's identification code and pressing "Verify."

Patient ID:

Letter Issue Date

Month Day Year

All fields are required





National Emotional Support Animal Patient Verification Database

Patient ID: [REDACTED]

Patient Name: [REDACTED]

Patient Birth Date: 10/18/[REDACTED]

Date Letter Issued: [REDACTED] 2015

Prescribing Doctor: Carla J. Black

Type of License: MA, MFT, ATR

Medical License Number: 44511

State In Which Medical License Was Issued: CA

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10800 Wilshire Blvd., Suite 1000
Los Angeles, CA 90024
Phone: (310) 508-8977
Fax: (310) 317-7122
TherapistCarlaBlack@gmail.com

Carla J. Black, MA, MFT, ATR
License Number: 44511 (CA) | Issued: 4/30/07

May 10, 2016

To Whom It May Concern:

I am a licensed mental health professional who is currently treating [REDACTED] for her emotional/ mental health condition, and I am familiar with the functional limitations that are imposed by this illness. She has a disorder for which an emotional support animal (ESA) will help provide her with the relief that traditional medication cannot. Due to these complications, I strongly believe that having an ESA is the most effective treatment to help keep her calm and to avoid any escalating situations that could cause further complications to her well-being.

Due to this emotional disability, I have diagnosed [REDACTED] with having a particular medical condition that qualifies her to have an emotional support animal under the Fair Housing Amendment Act of 1988. In order to help alleviate these difficulties, enhance her ability to function and live independently, and to fully use and enjoy the dwelling unit that you own and/ or administer, I have prescribed her to have 1 dog for emotional support. The presence of this animal is necessary for her emotional/ mental health, because its presence will help mitigate the symptoms she experiences. She is aware that she is 100% responsible for the training, safety, cleanliness, health, and conduct of the animal at all times. She is also aware that she is 100% liable should there be any damage or injuries caused by her emotional support animal.

[REDACTED] is my patient and I am currently treating her for a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV) or Fifth Edition (DSM V). She needs the emotional support animal as an accommodation for air travel and for activity at her destination. I am her licensed treating mental health professional and have been issued a Marriage and Family Therapist license, license number 44511, by the State of California on April 30, 2007. In accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382), an emotional support animal is required to accompany her in the cabin of the aircraft for the reasons stated herein.

Sincerely,

Carla J. Black, MA, MFT, ATR

Patient ID Number:

Online Patient Verification: www.ESAVerification.com

MENTAL HEALTH | PSYCHOTHERAPY

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10866 Wilshire Blvd., Suite 400
Los Angeles, CA 90024
Phone: (424) 500-8977
Fax: (310) 317-7122
TherapistCarlaBlack@gmail.com

Carla J. Black, MA, MFT, ATR
License Number: 44511 (CA) | Issued: 4/30/07

To Whom It May Concern:

I am a licensed mental health professional who is currently treating [redacted] for emotional health condition, and I am familiar with the functional limitations that are imposed by this illness. [redacted] has a disorder for which an emotional support animal (ESA) will help provide with the relief that traditional medication cannot. Due to these complications, I strongly believe that having an ESA is the most effective treatment to help keep [redacted] calm and to avoid any escalating situations that could cause further complications to his well-being.

Due to this emotional disability, I have diagnosed [redacted] with having a particular medical condition that qualifies [redacted] to have an emotional support animal under the Fair Housing Amendment Act of 1988. In order to help alleviate these difficulties, enhance [redacted] ability to function and live independently, and to fully use and enjoy the dwelling unit that you own and/or administer, I have prescribed [redacted] to have 2 dogs for emotional support. The presence of these animals is necessary for [redacted] emotional/ mental health, because their presence will help mitigate the symptoms in which [redacted] experiences.

[redacted] has a mental and/ or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV) or Fifth Edition (DSM V). In accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382), please allow [redacted] to be accompanied by [redacted] emotional support animals in the cabin of the aircraft for the reasons stated herein.

Sincerely,

Carla J. Black, MA, MFT, ATR

Patient ID Number:

Online Patient Verification: www.ESAVerification.com

WHAT DO CARLA'S LETTERS MEAN?

WHAT DO CARLA'S LETTERS MEAN?

MA:

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts (in what?)

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts (in what?)

MFT:

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts (in what?)

MFT: Marriage and Family Therapist

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts (in what?)

MFT: Marriage and Family Therapist

ATR:

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WHAT DO CARLA'S LETTERS MEAN?

MA: Master of Arts (in what?)

MFT: Marriage and Family Therapist

ATR: Registered Art Therapist

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WHAT IS ART THERAPY?

- Art therapy uses art media, the creative process and the resulting artwork as a therapeutic and healing process.
- Clients – young, old and in-between – are able to explore their feelings, reconcile emotional conflicts, foster self-awareness, manage behavior, develop social skills, improve reality orientation, reduce anxiety and increase self-esteem.
- Art therapists are trained in both art and therapy. The process isn't an art lesson – it is grounded in the knowledge of human development, psychological theories and counseling techniques.

- Art Therapy Credentialing Board, Inc.

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CARLA BLACK
MA, MFT, ATR
CLINICAL PSYCHOTHERAPIST

10866 Wilshire Blvd., Suite 400
Los Angeles, CA 90024
Phone: (424) 500-8977
Fax: (310) 337-7322
TherapistCarlaBlack@gmail.com

Carla J. Black, MA, MFT, ATR
License Number: 44511 (CA) | Issued: 4/30/07

To Whom It May Concern:

I am a licensed mental health professional who is currently treating _____ for emotional health condition, and I am familiar with the functional limitations that are imposed by this illness. _____ has a disorder for which an emotional support animal (ESA) will help provide with the relief that traditional medication cannot. Due to these complications, I strongly believe that having an ESA is the most effective treatment to help keep _____ calm and to avoid any escalating situations that could cause further complications to his well-being.

Due to this emotional disability, I have diagnosed _____ with having a particular medical condition that qualifies _____ to have an emotional support animal under the Fair Housing Amendment Act of 1988. In order to help alleviate these difficulties, enhance _____ ability to function and live independently, and to fully use and enjoy the dwelling unit that you own and/or administer, I have prescribed _____ to have 2 dogs for emotional support. The presence of these animals is necessary for _____ emotional/ mental health, because their presence will help mitigate the symptoms in which _____ experiences.

_____ has a mental and/ or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV) or Fifth Edition (DSM V). In accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382), please allow _____ to be accompanied by _____ emotional support animals in the cabin of the aircraft for the reasons stated herein.

Sincerely,



Carla J. Black, MA, MFT, ATR

Patient ID Number:
Online Patient Verification: www.ESAVerification.com

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- Includes 1 complimentary online notary to complete required US Postal Form 1583
- Use of address for business cards, licensing, website, etc.
- Mail Receipt
- Lobby greeter to welcome your walk-in clients
- Access to network of over 4000 meeting spaces worldwide (pricing may vary by location)
- Business Support Center (additional fee)
- Client drop off/pick up point
- Conference rooms – rates vary by location

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- Additional Notary Session - \$25.00
- Meeting Space Elite Pass (includes 10% off all room hourly fees across the Davinci Network, Includes MR App, Free internet at participating locations) - \$49.95/month
- Office To Go (16 hrs of Day Office or Workspace usage per month at any location, used in 1 hr. increments) - \$649.00/month
- Lobby Listing Monthly Fee - \$30.00/month
- Lobby Listing One Time Fee - \$125.00
- Daily Mail Forwarding (extra fee) - \$50.00/month
- Monthly Mail Forwarding (extra fee) - \$10.00/month
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MILWAUKEE UNREST: COVERAGE OF VIOLENCE IN THE CITY IN WAKE OF OFFICER-INVOLVED SHOOTING

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Baaa'd medicine: Abuse of 'emotional support animals' concerns advocates for the disabled

POSTED 9:15 PM, FEBRUARY 14, 2016, BY [BRYAN POLCYN](#) AND [STEPHEN DAVIS](#), UPDATED AT 10:17PM, FEBRUARY 14, 2016

FACEBOOK 484
REDDIT LINKEDIN PINTEREST EMAIL

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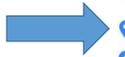
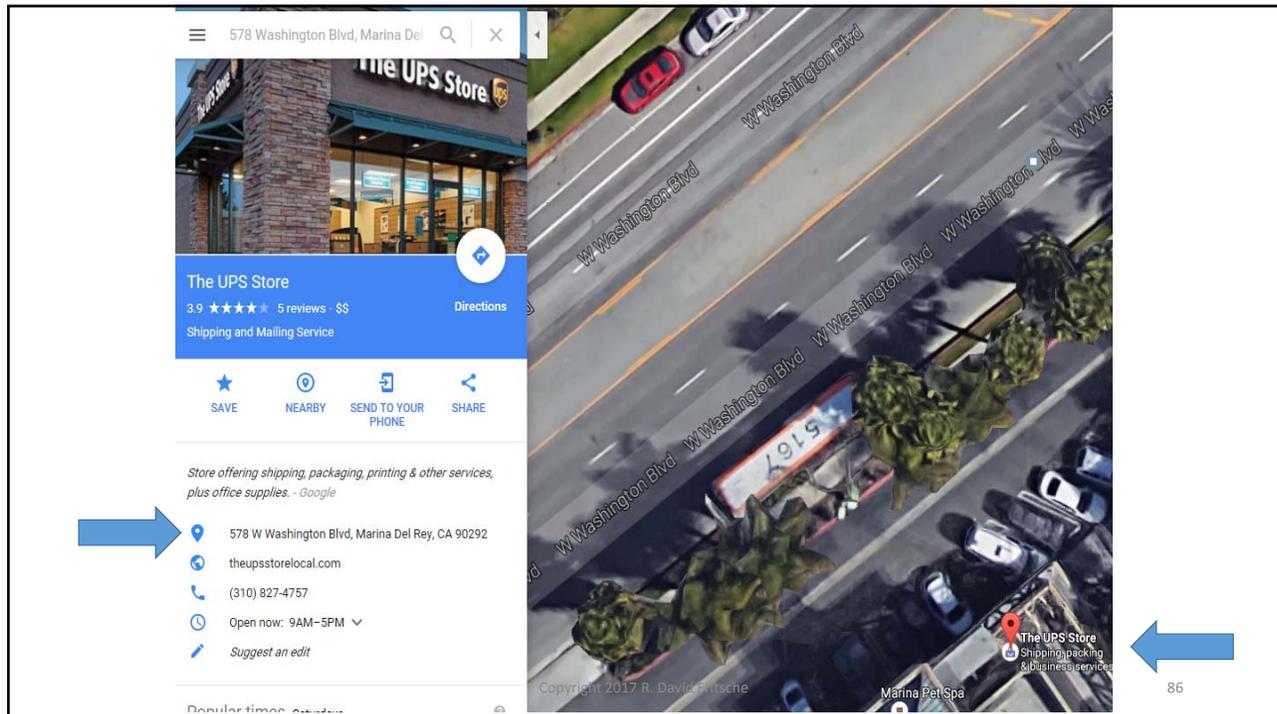


Carla Black

The psychotherapist who wrote the letter, Carla Black of Los Angeles, California, said she usually Skype conversations or emails with a person before diagnosing them. She did neither of those things with Bryan Polcyn. Black said that's because Polcyn's questionnaire was complete and informative. Black defended what she calls "online therapy," saying that it is just as easy to lie in person -- and just as hard to detect. She writes that "any industry can be abused."

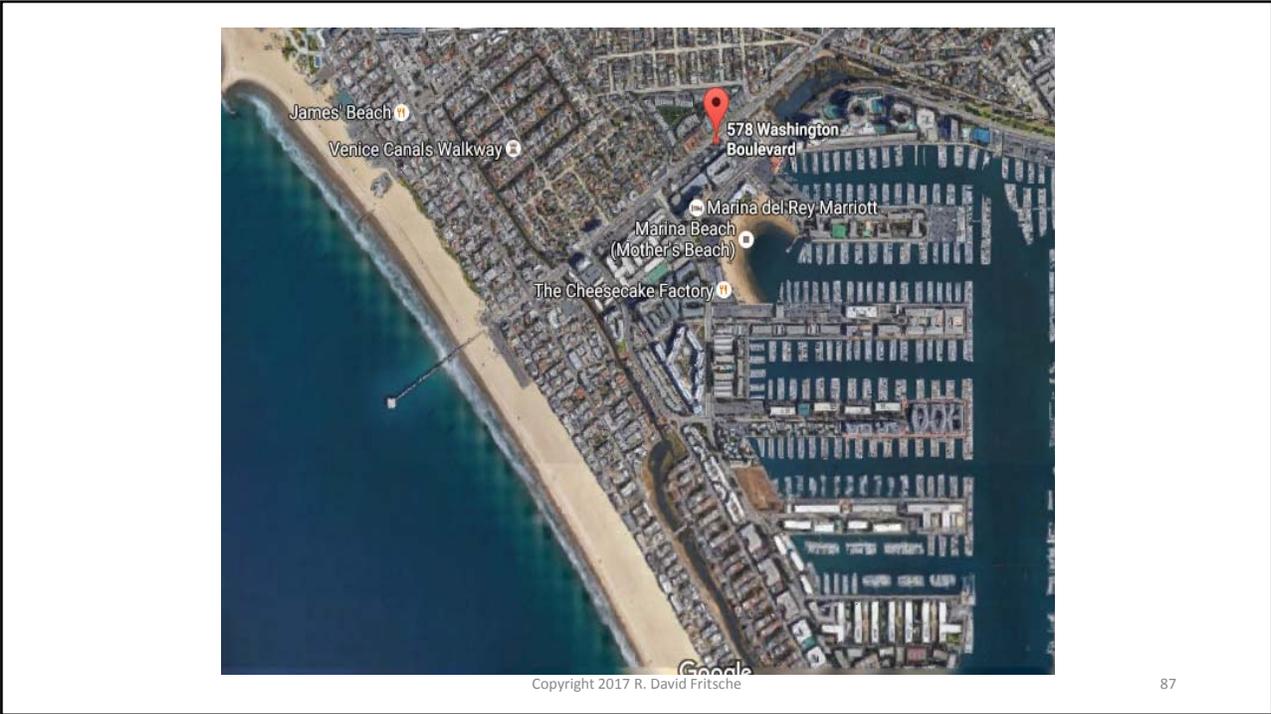
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Carla Black, MA, MFT, ATR
Psychotherapist

[Website](#) [Directions](#)

Address: 13636 Ventura Blvd #312, Sherman Oaks, CA 91423
Phone: (818) 907-7732
Hours: Closed today

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Those Ubiquitous Capes



service animal vests

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 4.8 ★★★★★ rating for usaservicedogs.org
 Save Up To 30% On Support Dog ID & Cert Kit. Fast/Easy, Start Now
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 Ad workingservicedog.com/Service-Animal/Vests (339) 364-8378
 ESA Vests, ID Cards, XSmall - Large. Largest Selection On The Internet!
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 Large Service Dog Vests Service Dog ID Cards Small Service Dog Vests

ADA Service Dog Registry - Medical, PTSD, Diabetic, Hearing etc
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 ADA Registry Dog ID Card Owner/Handler ID Card Info ID Card (Non-Photo)
 Types: ADA Registry Dog ID Card, Owner/Handler ID Card, Info ID Card (Non-Photo)...

CA Service Dog Vest Kit - usdogregistry.org
 Ad www.usdogregistry.org/service-dog-vest
 Register, Get Service Dog Vest Kit. Simple. No-Hassle Service Dog Vest.

Service & Therapy Dogs | Vests & Patches | USA Made | Free Shipping
<https://www.sitstay.com/collections/service-dog>
 Sitstay.com is the place for working dog supplies. Find the right vest and patches. Wide variety for service, therapy, PTSD, emotional support and working dogs.

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 Complete Service Dog ... \$59.99 Working Servi...	 Silver Emotional ... \$99.00 Free My Paws ★★★★★ (15)	 Service Dog Vest - ... \$36.99 Working Servi...	 Emotional Support ... \$125.00 Free My Paws ★★★★★ (21)

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Service Dog Vest Mesh Removable Velcro Patches Info Cards Reflect...
 \$11.39 from eBay
 Dog - Reflective
 Service Dog Vest Mesh Removable Velcro Patches Info Cards Reflective Dog harness Make sure to measure your dog's girth. Please see the ...

Service Dog Vest & Harness W/ Matching Reflective Velcro Patches,...
 \$29.95 from eBay - industrialpuppy
 Harness - Dog - Reflective
 SERVICE DOG VEST HARNESS With 2 MATCHING REFLECTIVE VELCRO PATCHES Available Patches (Each harness comes with two matching patches)SERVICE DOG ...

Service Dog Vest Harness W/ 2 Matching Patches - Therapy Dog, In
 \$28.85 from eBay - industrialpuppy
 Harness - Dog - Reflective
 SERVICE DOG VEST HARNESS With 2 MATCHING REFLECTIVE VELCRO PATCHES Available Patches (Each harness comes with two matching patches)SERVICE DOG ...

Barkoutfitters- Service Dog Harness Vest W/ 50 Free Service Dog Ada
 \$39.95 from eBay - servicedogtags
 Harness - Dog - Reflective
 Service Dog Vest for Sizes 15" - 46" and Colors of Red, Blue, Purple and Pink shipped from the USA!Product DescriptionAdjustable Straps. Front ...

Service Dog Vest Mesh Harness With 2 Removable Reflective Velcro
 \$18.99 from eBay
 Harness - Dog - Reflective

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 <p>Complete Service Dog ... \$59.99 Working Servi...</p>	 <p>Silver Emotional ... \$99.00 Free My Paws ★★★★★ (15)</p>	 <p>Service Dog Vest - ... \$36.99 Working Servi...</p>	 <p>Emotional Support ... \$125.00 Free My Paws ★★★★★ (21)</p>

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Aggressive Pushback Outline for Requesting Verification

CAUTION: The following outline should be used only if:

- You are certain that the tenant requesting the accommodation of an assistance animal:
 - has not previously established or verified the disability in question, and
 - you have not been provided verification of the “nexus” between the request for accommodation and the specific need for the animal
- You are authorized to draft and deliver “pushback” communications in the context of requests to accommodate emotional support or other assistance animals

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Practical Tips for Requesting Verifications (an alternative aggressive approach)

Tip 1: I do not advocate the use of “Fill in the Blank Forms” for the tenant or the verifier. Why? Your relationship is with the tenant and it is the tenant’s responsibility to provide the verification; physicians are not diligent in following the instruction in the forms.

Tip 2: The request for verification should be delivered only to the tenant making the request for the assistance animal, not to the physician, other medical service provider, peer support group or other reliable party.

Tip 3: Prepare the request for verification in writing and hand deliver (with a witness) to the tenant making the request.

Tip 4: In your request, first acknowledge receipt of the request and then state that the property “expressly follows the Fair Housing Act and the HUD/DOJ Statement on Reasonable Accommodations.”

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Practical Tips for Requesting Verifications (cont’d)

Tip 5: If the disability is not apparent or otherwise previously established, make the following inquiries:

1. What is the tenant’s physical or mental impairment?
2. What is the major life activity or activities that are limited by such impairment?
3. How is/are those major life activities substantially limited?

(these are the component elements of the definition of disability)

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Practical Tips for Requesting Verifications (cont'd)

Tip 6: Ask: “What is the connection between the disability and the need for the specific animal?”

Tip 7: State: “Please be advised that under the Fair Housing Act, all information you provide regarding the verification requested will be kept strictly confidential.”

Tip 8: In closing, “leave the interactive process open” with a statement to the effect of:

“We will be happy to further consider your request for accommodation upon receipt of the verification we have requested.”

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Practical Tips for Requesting Verifications (cont'd)

Remember:

- Using the previous set of tips carries risk of receiving a Fair Housing Complaint
- You should only use the outline with concurrence of persons in your business that are authorized to “push back”
- Always consult with an attorney of your choice when changing your policy regarding requests for accommodation under the Fair Housing Act
- The change in administrations may effect a significant change in how complaints are handled

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September 4th, 2015

Major life activities that are limited; Element 2.

To Whom It May Concern:

my patient, has been diagnosed with depression. I am intimately familiar with history and with the functional limitations imposed by disability. This includes: lack of concentration, guilt, loneliness, daytime somnolence, loss of appetite, fatigue, and social isolation. These impairments substantially limit from performing life tasks that are vital to health. When is experiencing a major depressive episode, is unable to work, eat, socialize, and exercise.

The impairment, Element 1

"Substantial," Element 3

Due to my patient's depressive disorder, has been prescribed an Emotional Support Animal (ESA) to enhance ability to live independently and to fully enjoy the dwelling unit you own and/or administer. The presence of this animal is necessary for the mental and physical health of because it will alleviate symptoms and is part of treatment plan.

The designated ESA, is a in which my patient has formed a loving bond. 's relationship is one to be unchallenged. With , my patient can become more active in life. Creating a daily routine with has allowed my patient to form a positive relationship. By doing so, it has helped be more active and social.

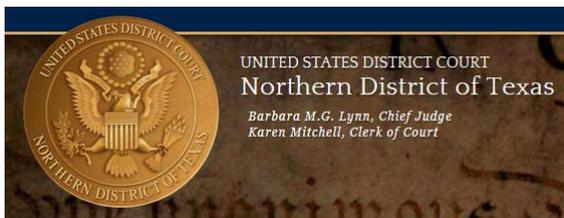
Thank you for taking the time to correspond with me,

The "nexus" requirement.

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Assistance Animal Training





District Judge Ed Kinkeade

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Baylor Scott & White Health and Canine Companions for Independence Celebrate Grand Opening of Campus in Irving, Texas

November 9, 2015

Largest provider of highly trained assistance dogs opens flagship Texas training center in first-ever collaboration with a health care system

Today, Canine Companions for Independence at Baylor Scott & White Health – Kinkeade Campus opened as the first assistance dog training center campus in the nation connected to a health care system. The campus will provide highly trained assistance dogs and ongoing support cost-free to individuals with physical and developmental disabilities who qualify through the application process.

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About Assistance Dogs Volunteer News & Media **DONATE**

HERO tails

NexGard[®]
(atrolane) Chewables

Make Every Day Independence Day
Donate Now

Sign Up for our eNewsletter
Sign up to receive news and updates from Canine Companions to your email address.

First Name Last Name
Email

SIGN UP

Many Tails, One Mission | Watch Now

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All Bases On Which You May Deny a Request Under the Fair Housing Act

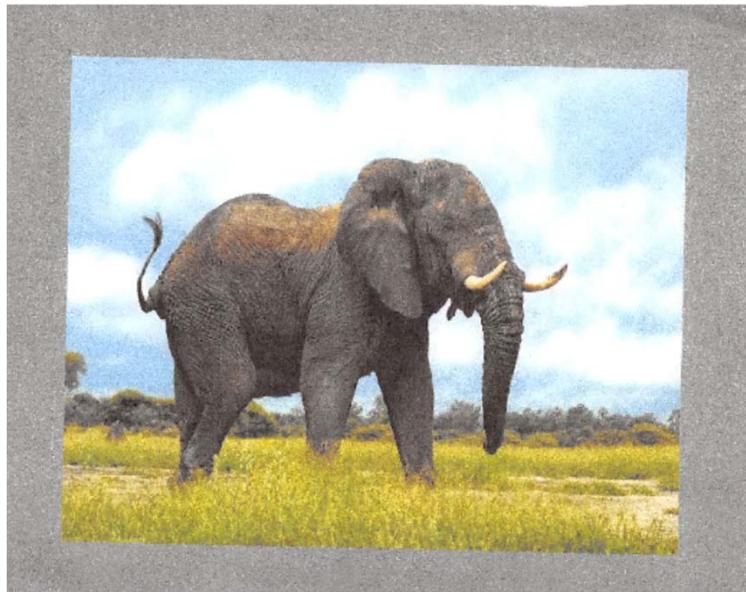
A **request** for an accommodation or to allow a modification **may be denied** if:

- i. There is no disability (as that term is defined under the Fair Housing Act);
- ii. The nexus requirement is not met because:
 - a. There is no relationship between disability and need; or
 - b. Verification is insufficient;
- iii. Granting the request would impose an undue financial or administrative burden on the community;
- iv. Granting the request would fundamentally alter the nature of the community's operations;
- v. Granting the request would pose a direct threat to persons or property;
- vi. The accommodation or modification requested is not **reasonable**; or
- vii. Granting the request does not afford a person with a disability an equal opportunity to use and enjoy a dwelling.



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**U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION**

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**

*Washington, D.C.
May 14, 2004*

**JOINT STATEMENT OF
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND THE DEPARTMENT OF JUSTICE
*REASONABLE ACCOMMODATIONS UNDER THE
FAIR HOUSING ACT***

Introduction

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the federal Fair Housing Act ⁽¹⁾ (the "Act"), which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability.⁽²⁾ One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.⁽³⁾ HUD and DOJ frequently respond to complaints alleging that housing providers have violated the Act by refusing reasonable accommodations to persons with disabilities. This Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to reasonable accommodations.⁽⁴⁾

Questions and Answers

1. What types of discrimination against persons with disabilities does the Act prohibit?

The Act prohibits housing providers from discriminating against applicants or residents because of their disability or the disability of anyone associated with them⁽⁵⁾ and from

treating persons with disabilities less favorably than others because of their disability. The Act also makes it unlawful for any person to refuse "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford ... person(s) [with disabilities] equal opportunity to use and enjoy a dwelling."⁽⁶⁾ The Act also prohibits housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because those persons may require reasonable accommodations. In addition, in certain circumstances, the Act requires that housing providers allow residents to make reasonable structural modifications to units and public/common areas in a dwelling when those modifications may be necessary for a person with a disability to have full enjoyment of a dwelling.⁽⁷⁾ With certain limited exceptions (*see* response to question 2 below), the Act applies to privately and publicly owned housing, including housing subsidized by the federal government or rented through the use of Section 8 voucher assistance.

2. Who must comply with the Fair Housing Act's reasonable accommodation requirements?

Any person or entity engaging in prohibited conduct - *i.e.*, refusing 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 - may be held liable unless they fall within an exception to the Act's coverage. Courts have applied the Act to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. Courts have also applied the Act to state and local governments, most often in the context of exclusionary zoning or other land-use decisions. *See e.g.*, City of Edmonds v. Oxford House, Inc., 514 U.S. 725, 729 (1995); Project Life v. Glendening, 139 F. Supp. 703, 710 (D. Md. 2001), aff'd 2002 WL 2012545 (4th Cir. 2002). Under specific exceptions to the Fair Housing Act, the reasonable accommodation requirements of the Act do not apply to a private individual owner who sells his own home so long as he (1) does not own more than three single-family homes; (2) does not use a real estate agent and does not employ any discriminatory advertising or notices; (3) has not engaged in a similar sale of a home within a 24-month period; and (4) is not in the business of selling or renting dwellings. The reasonable accommodation requirements of the Fair Housing Act also do not apply to owner-occupied buildings that have four or fewer dwelling units.

3. Who qualifies as a person with a disability under the Act?

The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy,

autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

The term "substantially limits" suggests that the limitation is "significant" or "to a large degree."

The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.⁽⁸⁾ This list of major life activities is not exhaustive. See e.g., Bragdon v. Abbott, 524 U.S. 624, 691-92 (1998)(holding that for certain individuals reproduction is a major life activity).

4. Does the Act protect juvenile offenders, sex offenders, persons who illegally use controlled substances, and persons with disabilities who pose a significant danger to others?

No, juvenile offenders and sex offenders, by virtue of that status, are not persons with disabilities protected by the Act. Similarly, while the Act does protect persons who are recovering from substance abuse, it does not protect persons who are currently engaging in the current illegal use of controlled substances.⁽⁹⁾

Additionally, the Act does not protect an individual with a disability whose tenancy would constitute a "direct threat" to the health or safety of other individuals or result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by reasonable accommodation.

5. How can a housing provider determine if an individual poses a direct threat?

The Act does not allow for exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (e.g., current conduct, or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate the direct threat.

Consequently, in evaluating a recent history of overt acts, a provider must take into account whether the individual has received intervening treatment or medication that has eliminated the direct threat (*i.e.*, a significant risk of substantial harm). In such a situation, the provider may request that the individual document how the circumstances have changed so that he no longer poses a direct threat. A provider may also obtain satisfactory assurances that the individual will not pose a direct threat during the tenancy. The housing provider must have reliable, objective evidence that a person with a disability poses a direct threat before excluding him from housing on that basis.

Example 1: A housing provider requires all persons applying to rent an apartment to complete an application that includes information on the applicant's current place of residence. On her application to rent an apartment, a woman notes that she currently resides in Cambridge House. The manager of the apartment complex knows that Cambridge House is a group home for women receiving treatment for alcoholism. Based solely on that information and his personal belief that alcoholics are likely to cause disturbances and damage property, the manager rejects the applicant. The rejection is unlawful because it is based on a generalized stereotype related to a disability rather than an individualized assessment of any threat to other persons or the property of others based on reliable, objective evidence about the applicant's recent past conduct. The housing provider may not treat this applicant differently than other applicants based on his subjective perceptions of the potential problems posed by her alcoholism by requiring additional documents, imposing different lease terms, or requiring a higher security deposit. However, the manager could have checked this applicant's references to the same extent and in the same manner as he would have checked any other applicant's references. If such a reference check revealed objective evidence showing that this applicant had posed a direct threat to persons or property in the recent past and the direct threat had not been eliminated, the manager could then have rejected the applicant based on direct threat.

Example 2: James X, a tenant at the Shady Oaks apartment complex, is arrested for threatening his neighbor while brandishing a baseball bat. The Shady Oaks' lease agreement contains a term prohibiting tenants from threatening violence against other residents. Shady Oaks' rental manager investigates the incident and learns that James X threatened the other resident with physical violence and had to be physically restrained by other neighbors to keep him from acting on his threat. Following Shady Oaks' standard practice of strictly enforcing its "no threats" policy, the Shady Oaks rental manager issues James X a 30-day notice to quit, which is the first step in the eviction process. James X's attorney contacts Shady Oaks' rental manager and explains that James X has a psychiatric disability that causes him to be physically violent when he stops taking his prescribed medication. Suggesting that his client will not pose a direct threat to others if proper safeguards are taken, the attorney requests that the rental manager grant James X an exception to the "no threats" policy as a reasonable accommodation based on James X's disability. The Shady Oaks rental manager need only grant the reasonable accommodation if James X's attorney can provide satisfactory assurance that James X will receive appropriate counseling and periodic medication monitoring so that he will no longer pose a direct threat during his tenancy. After consulting with James X, the attorney responds that James X is unwilling to receive counseling or submit to any type of periodic monitoring to ensure that he takes his prescribed medication. The rental manager may go forward with the eviction proceeding, since James X continues to pose a direct threat to the health or safety of other residents.

6. What is a "reasonable accommodation" for purposes of the Act?

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal

opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

Example 1: A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first come, first served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

Example 2: A housing provider has a policy of requiring tenants to come to the rental office in person to pay their rent. A tenant has a mental disability that makes her afraid to leave her unit. Because of her disability, she requests that she be permitted to have a friend mail her rent payment to the rental office as a reasonable accommodation. The provider must make an exception to its payment policy to accommodate this tenant.

Example 3: A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant.

7. Are there any instances when a provider can deny a request for a reasonable accommodation without violating the Act?

Yes. A housing provider can deny a request for a reasonable accommodation if the request was not made by or on behalf of a person with a disability **or if there is no disability-related need for the accommodation.** In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable - *i.e.*, if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the

requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden. If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it. An interactive process in which the housing provider and the requester discuss the requester's disability-related need for the requested accommodation and possible alternative accommodations is helpful to all concerned because it often results in an effective accommodation for the requester that does not pose an undue financial and administrative burden for the provider.

Example: As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation may not be reasonable. If the housing provider denies the requested accommodation as unreasonable, the housing provider should discuss with the tenant whether reasonable accommodations could be provided to meet the tenant's disability-related needs - for instance, placing an open trash collection can in a location that is readily accessible to the tenant so the tenant can dispose of his own trash and the provider's maintenance staff can then transfer the trash to the dumpster when they are on site. Such an accommodation would not involve a fundamental alteration of the provider's operations and would involve little financial and administrative burden for the provider while accommodating the tenant's disability-related needs.

There may be instances where a provider believes that, while the accommodation requested by an individual is reasonable, there is an alternative accommodation that would be equally effective in meeting the individual's disability-related needs. In such a circumstance, the provider should discuss with the individual if she is willing to accept the alternative accommodation. However, providers should be aware that persons with disabilities typically have the most accurate knowledge about the functional limitations posed by their disability, and an individual is not obligated to accept an alternative accommodation suggested by the provider if she believes it will not meet her needs and her preferred accommodation is reasonable.

8. What is a "fundamental alteration"?

A "fundamental alteration" is a modification that alters the essential nature of a provider's operations.

Example: A tenant has a severe mobility impairment that substantially limits his ability to walk. He asks his housing provider to transport him to the grocery store and assist him with his grocery shopping as a reasonable accommodation to his disability. The provider does not provide any transportation or shopping services for its tenants, so granting this request would require a fundamental alteration in the nature of the provider's operations. The request can be denied, but the provider should discuss with the requester whether there is any alternative accommodation that would effectively meet the requester's disability-related needs without fundamentally altering the nature of its operations, such as reducing the tenant's need to walk long distances by altering its parking policy to allow a volunteer from a local community service organization to park her car close to the tenant's unit so she can transport the tenant to the grocery store and assist him with his shopping.

9. What happens if providing a requested accommodation involves some costs on the part of the housing provider?

Courts have ruled that the Act may require a housing provider to grant a reasonable accommodation that involves costs, so long as the reasonable accommodation does not pose an undue financial and administrative burden and the requested accommodation does not constitute a fundamental alteration of the provider's operations. The financial resources of the provider, the cost of the reasonable accommodation, the benefits to the requester of the requested accommodation, and the availability of other, less expensive alternative accommodations that would effectively meet the applicant or resident's disability-related needs must be considered in determining whether a requested accommodation poses an undue financial and administrative burden.

10. What happens if no agreement can be reached through the interactive process?

A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. If the individual who was denied an accommodation files a Fair Housing Act complaint to challenge that decision, then the agency or court receiving the complaint will review the evidence in light of applicable law and decide if the housing provider violated that law. For more information about the complaint process, see question 19 below.

11. May a housing provider charge an extra fee or require an additional deposit from applicants or residents with disabilities as a condition of granting a reasonable accommodation?

No. Housing providers may not require persons with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

Example 1: A man who is substantially limited in his ability to walk uses a motorized scooter for mobility purposes. He applies to live in an assisted living facility that has a policy prohibiting the use of motorized vehicles in buildings and elsewhere on the premises. It would be a reasonable accommodation for the facility to make an exception

to this policy to permit the man to use his motorized scooter on the premises for mobility purposes. Since allowing the man to use his scooter in the buildings and elsewhere on the premises is a reasonable accommodation, the facility may not condition his use of the scooter on payment of a fee or deposit or on a requirement that he obtain liability insurance relating to the use of the scooter. However, since the Fair Housing Act does not protect any person with a disability who poses a direct threat to the person or property of others, the man must operate his motorized scooter in a responsible manner that does not pose a significant risk to the safety of other persons and does not cause damage to other persons' property. If the individual's use of the scooter causes damage to his unit or the common areas, the housing provider may charge him for the cost of repairing the damage (or deduct it from the standard security deposit imposed on all tenants), if it is the provider's practice to assess tenants for any damage they cause to the premises.

Example 2: Because of his disability, an applicant with a hearing impairment needs to keep an assistance animal in his unit as a reasonable accommodation. The housing provider may not require the applicant to pay a fee or a security deposit as a condition of allowing the applicant to keep the assistance animal. However, if a tenant's assistance animal causes damage to the applicant's unit or the common areas of the dwelling, the housing provider may charge the tenant for the cost of repairing the damage (or deduct it from the standard security deposit imposed on all tenants), if it is the provider's practice to assess tenants for any damage they cause to the premises.

12. When and how should an individual request an accommodation?

Under the Act, a resident or an applicant for housing makes a reasonable accommodation request whenever she makes clear to the housing provider that she is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of her disability. She should explain what type of accommodation she is requesting and, if the need for the accommodation is not readily apparent or not known to the provider, explain the relationship between the requested accommodation and her disability.

An applicant or resident is not entitled to receive a reasonable accommodation unless she requests one. However, the Fair Housing Act does not require that a request be made in a particular manner or at a particular time. A person with a disability need not personally make the reasonable accommodation request; the request can be made by a family member or someone else who is acting on her behalf. An individual making a reasonable accommodation request does not need to mention the Act or use the words "reasonable accommodation." However, the requester must make the request in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.

Although a reasonable accommodation request can be made orally or in writing, it is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. To facilitate the processing and consideration of the request, residents or prospective residents may wish to check with a housing provider in

advance to determine if the provider has a preference regarding the manner in which the request is made. However, housing providers must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the provider's preferred forms or procedures for making such requests.

Example: A tenant in a large apartment building makes an oral request that she be assigned a mailbox in a location that she can easily access because of a physical disability that limits her ability to reach and bend. The provider would prefer that the tenant make the accommodation request on a pre-printed form, but the tenant fails to complete the form. The provider must consider the reasonable accommodation request even though the tenant would not use the provider's designated form.

13. Must a housing provider adopt formal procedures for processing requests for a reasonable accommodation?

No. The Act does not require that a housing provider adopt any formal procedures for reasonable accommodation requests. However, having formal procedures may aid individuals with disabilities in making requests for reasonable accommodations and may aid housing providers in assessing those requests so that there are no misunderstandings as to the nature of the request, and, in the event of later disputes, provide records to show that the requests received proper consideration.

A provider may not refuse a request, however, because the individual making the request did not follow any formal procedures that the provider has adopted. If a provider adopts formal procedures for processing reasonable accommodation requests, the provider should ensure that the procedures, including any forms used, do not seek information that is not necessary to evaluate if a reasonable accommodation may be needed to afford a person with a disability equal opportunity to use and enjoy a dwelling. See Questions 16 - 18, which discuss the disability-related information that a provider may and may not request for the purposes of evaluating a reasonable accommodation request.

14. Is a housing provider obligated to provide a reasonable accommodation to a resident or applicant if an accommodation has not been requested?

No. A housing provider is only obligated to provide a reasonable accommodation to a resident or applicant if a request for the accommodation has been made. A provider has notice that a reasonable accommodation request has been made if a person, her family member, or someone acting on her behalf requests a change, exception, or adjustment to a rule, policy, practice, or service because of a disability, even if the words "reasonable accommodation" are not used as part of the request.

15. What if a housing provider fails to act promptly on a reasonable accommodation request?

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation.

16. What inquiries, if any, may a housing provider make of current or potential residents regarding the existence of a disability when they have not asked for an accommodation?

Under the Fair Housing Act, it is usually unlawful for a housing provider to (1) ask if an applicant for a dwelling has a disability or if a person intending to reside in a dwelling or anyone associated with an applicant or resident has a disability, or (2) ask about the nature or severity of such persons' disabilities. Housing providers may, however, make the following inquiries, provided these inquiries are made of all applicants, including those with and without disabilities:

- An inquiry into an applicant's ability to meet the requirements of tenancy;
- An inquiry to determine if an applicant is a current illegal abuser or addict of a controlled substance;
- An inquiry to determine if an applicant qualifies for a dwelling legally available only to persons with a disability or to persons with a particular type of disability; and
- An inquiry to determine if an applicant qualifies for housing that is legally available on a priority basis to persons with disabilities or to persons with a particular disability.

Example 1: A housing provider offers accessible units to persons with disabilities needing the features of these units on a priority basis. The provider may ask applicants if they have a disability and if, in light of their disability, they will benefit from the features of the units. However, the provider may not ask applicants if they have other types of physical or mental impairments. If the applicant's disability and the need for the accessible features are not readily apparent, the provider may request reliable information/documentation of the disability-related need for an accessible unit.

Example 2: A housing provider operates housing that is legally limited to persons with chronic mental illness. The provider may ask applicants for information needed to determine if they have a mental disability that would qualify them for the housing. However, in this circumstance, the provider may not ask applicants if they have other types of physical or mental impairments. If it is not readily apparent that an applicant has a chronic mental disability, the provider may request reliable information/documentation of the mental disability needed to qualify for the housing.

In some instances, a provider may also request certain information about an applicant's or a resident's disability if the applicant or resident requests a reasonable accommodation. See Questions 17 and 18 below.

17. What kinds of information, if any, may a housing provider request from a person with an obvious or known disability who is requesting a reasonable accommodation?

A provider is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information about the requester's disability or the disability-related need for the accommodation.

If the requester's disability is known or readily apparent to the provider, but the need for the accommodation is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

Example 1: An applicant with an obvious mobility impairment who regularly uses a walker to move around asks her housing provider to assign her a parking space near the entrance to the building instead of a space located in another part of the parking lot. Since the physical disability (*i.e.*, difficulty walking) and the disability-related need for the requested accommodation are both readily apparent, the provider may not require the applicant to provide any additional information about her disability or the need for the requested accommodation.

Example 2: A rental applicant who uses a wheelchair advises a housing provider that he wishes to keep an assistance dog in his unit even though the provider has a "no pets" policy. The applicant's disability is readily apparent but the need for an assistance animal is not obvious to the provider. The housing provider may ask the applicant to provide information about the disability-related need for the dog.

Example 3: An applicant with an obvious vision impairment requests that the leasing agent provide assistance to her in filling out the rental application form as a reasonable accommodation because of her disability. The housing provider may not require the applicant to document the existence of her vision impairment.

18. If a disability is not obvious, what kinds of information may a housing provider request from the person with a disability in support of a requested accommodation?

A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability (*see* Answer 16, above). However, in response to a request for a reasonable accommodation, a housing provider may request reliable disability-related information that (1) is necessary to verify that the person meets the Act's definition of disability (*i.e.*, has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. Depending on the individual's circumstances, information verifying that

the person meets the Act's definition of disability can usually be provided by the individual himself or herself (*e.g.*, proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits⁽¹⁰⁾

or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

Once a housing provider has established that a person meets the Act's definition of disability, the provider's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law (*e.g.*, a court-issued subpoena requiring disclosure).

19. If a person believes she has been unlawfully denied a reasonable accommodation, what should that person do if she wishes to challenge that denial under the Act?

When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, she may file a complaint with HUD within one year after the alleged denial or may file a lawsuit in federal district court within two years of the alleged denial. If a complaint is filed with HUD, HUD will investigate the complaint at no cost to the person with a disability.

There are several ways that a person may file a complaint with HUD:

- By placing a toll-free call to 1-800-669-9777 or TTY 1-800-927-9275;
- By completing the "on-line" complaint form available on the HUD internet site: www.hud.gov; or
- By mailing a completed complaint form or letter to:

Office of Fair Housing and Equal Opportunity
Department of Housing & Urban Development
451 Seventh Street, S.W., Room 5204
Washington, DC 20410-2000

Upon request, HUD will provide printed materials in alternate formats (large print, audio tapes, or Braille) and provide complainants with assistance in reading and completing forms.

The Civil Rights Division of the Justice Department brings lawsuits in federal courts across the country to end discriminatory practices and to seek monetary and other relief for individuals whose rights under the Fair Housing Act have been violated. The Civil Rights Division initiates lawsuits when it has reason to believe that a person or entity is involved in a "pattern or practice" of discrimination or when there has been a denial of rights to a group of persons that raises an issue of general public importance. The Division also participates as *amicus curiae* in federal court cases that raise important legal questions involving the application and/or interpretation of the Act. To alert the Justice Department to matters involving a pattern or practice of discrimination, matters involving the denial of rights to groups of persons, or lawsuits raising issues that may be appropriate for *amicus* participation, contact:

U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section - G St.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

For more information on the types of housing discrimination cases handled by the Civil Rights Division, please refer to the Housing and Civil Enforcement Section's website at <http://www.usdoj.gov/crt/housing/hcehome.html>.

A HUD or Department of Justice decision not to proceed with a Fair Housing Act matter does not foreclose private plaintiffs from pursuing a private lawsuit. However, litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to Fair Housing Act disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, such as mediation. HUD attempts to conciliate all Fair Housing Act complaints. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

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1. The Fair Housing Act is codified at 42 U.S.C. §§ 3601 - 3619.
 2. The Act uses the term "handicap" instead of the term "disability." Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that definition of "disability" in the Americans with Disabilities Act is drawn almost verbatim "from the definition of 'handicap' contained in the Fair Housing Amendments Act of 1988"). This document uses the term "disability," which is more generally accepted.
 3. 42 U.S.C. § 3604(f)(3)(B).
 4. Housing providers that receive federal financial assistance are also subject to the requirements of Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 794. Section

504, and its implementing regulations at 24 C.F.R. Part 8, prohibit discrimination based on disability and require recipients of federal financial assistance to provide reasonable accommodations to applicants and residents with disabilities. Although Section 504 imposes greater obligations than the Fair Housing Act, (*e.g.*, providing and paying for reasonable accommodations that involve structural modifications to units or public and common areas), the principles discussed in this Statement regarding reasonable accommodation under the Fair Housing Act generally apply to requests for reasonable accommodations to rules, policies, practices, and services under Section 504. *See* U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Notice PIH 2002-01(HA) <http://www.hud.gov/offices/fheo/disabilities/PIH02-01.pdf> and "Section 504: Frequently Asked Questions," www.hud.gov/offices/fheo/disabilities/sect504faq.cfm#anchor272118 .

5. The Fair Housing Act's protection against disability discrimination covers not only home seekers with disabilities but also buyers and renters without disabilities who live or are associated with individuals with disabilities 42 U.S.C. § 3604(f)(1)(B), 42 U.S.C. § 3604(f)(1)(C), 42 U.S.C. § 3604(f)(2)(B), 42 U.S.C. § (f)(2)(C). *See also* H.R. Rep. 100-711 - 24 (reprinted in 1988 U.S.C.A.N. 2173, 2184-85) ("The Committee intends these provisions to prohibit not only discrimination against the primary purchaser or named lessee, but also to prohibit denials of housing opportunities to applicants because they have children, parents, friends, spouses, roommates, patients, subtenants or other associates who have disabilities."). *Accord:* Preamble to Proposed HUD Rules Implementing the Fair Housing Act, 53 Fed. Reg. 45001 (Nov. 7, 1988) (citing House Report).

6. 42 U.S.C. § 3604(f)(3)(B). HUD regulations pertaining to reasonable accommodations may be found at 24 C.F.R. § 100.204.

7. This Statement does not address the principles relating to reasonable modifications. For further information see the HUD regulations at 24 C.F.R. § 100.203. This statement also does not address the additional requirements imposed on recipients of Federal financial assistance pursuant to Section 504, as explained in the Introduction.

8. The Supreme Court has questioned but has not yet ruled on whether "working" is to be considered a major life activity. *See Toyota Motor Mfg, Kentucky, Inc. v. Williams*, 122 S. Ct. 681, 692, 693 (2002). If it is a major activity, the Court has noted that a claimant would be required to show an inability to work in a "broad range of jobs" rather than a specific job. *See Sutton v. United Airlines, Inc.*, 527 U.S. 470, 492 (1999).

9. *See, e.g., United States v. Southern Management Corp.*, 955 F.2d 914, 919 (4th Cir. 1992) (discussing exclusion in 42 U.S.C. § 3602(h) for "current, illegal use of or addiction to a controlled substance")

10. Persons who meet the definition of disability for purposes of receiving Supplemental Security Income ("SSI") or Social Security Disability Insurance ("SSDI") benefits in most cases meet the definition of disability under the Fair Housing Act, although the

converse may not be true. *See e.g., Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795, 797 (1999) (noting that SSDI provides benefits to a person with a disability so severe that she is unable to do her previous work and cannot engage in any other kind of substantial gainful work whereas a person pursuing an action for disability discrimination under the Americans with Disabilities Act may state a claim that "with a reasonable accommodation" she could perform the essential functions of the job).

5/13/04