



## BetterLubbock Property Management

Bill F Johnson, General Manager  
806.224.6802

bill@betterlubbockpropertymanagement.com

Sheri Johnson, Office Manager  
214.815.6470

info@betterlubbockpropertymanagement.com

### Emotional Support Animals Policy

It is the policy of BetterLubbock Property Management to comply with all State and Federal housing guidelines and requirements, including the Fair Housing Act, and the HUD/DOJ Statement of Reasonable Accommodations.

The subject of "Emotional Support Animals" has recently become a "hot topic" among both students and landlords. Unfortunately, this is such a relatively new area of law that few understand what the guidelines, regulations, and requirements really are. There are many misconceptions, not only among students and landlords, but also among the medical and legal community advising them. For the benefit of our tenants and their advisors, we will attempt to clarify what the Fair Housing guidelines actually provide for, as well as our policy relative to them.

- A. The attorney for the Texas Apartment Association states that there is no legitimate registry for ES animals that is recognized by either the Dept. of Justice, or HUD. Even if there *were* a legitimate registry for ES animals, registration of this kind does not provide the verification required by law to approve an ES animal.

There are numerous websites that sell "animal certifications" that will supposedly allow the misinformed to avoid "Unfair Pet Deposits," "Breed and Size Restrictions," or "Unfair Airline Fees." *Such sites are nothing but scams.* Per the law, it is not the animal that must be certified, it is the person that must be certified as needing an Emotional Support Animal.

There are numerous nearly-identical boilerplate templates available on-line with fill-in-the-blank spaces designed to do nothing but deceive uninformed tenants and landlords. Whatever the intent of the "professional" who proffers them may be, these forms do not meet the criteria of the federal guidelines and are not considered acceptable documentation.

- B. The Fair Housing guidelines are very specific. You may download them at <https://portal.hud.gov/hudportal/documents/huddoc?id=servanimalsntcfheo2013-01.pdf>.
- C. Under the Fair Housing Act, a person requesting an accommodation such as an ES animal must and meet very specific criteria. DHUD publication FHEO-2013-01 states:

*“housing providers are to evaluate a request for a reasonable accommodation to possess an assistance animal in a dwelling using the general principles applicable to all reasonable accommodation requests. After receiving such a request, the housing provider must consider the following:*

- 1) Does the person seeking to use and live with the animal have a disability – i.e., a physical or mental impairment that substantially limits one or more major life activities?”*
- 2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal...provide emotional support that alleviates one or more of the identified symptoms or effects of a person’s existing disability?”*

*If the answer to questions 1) or 2) is “no,” then the Fair Housing Act and Section 504 do not require a modification to a provider’s “no pets” policy, and the reasonable accommodation request may be denied.”*

D. In other words, the requestor must meet all of the following requirements before their accommodation request can be approved:

1. They must have a true disability, and it must be one that substantially limits one or more major life activities.
2. This disability and its symptoms must be specifically identified. Page 2, pp 3 of FHEO-2013-01 states, “An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability.”
3. Page 3, pp 5 further states, “Housing providers may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an assistance animal. For example, the housing provider may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.”

E. In simpler terms, in order for the request to be granted, the person making the request must meet ALL of the following criteria:

1. They must have a verifiable disability that has a significant effect on one or more major life activities.
2. Documentation regarding the disability must come from a health-care professional, who must specify both the disability and its symptoms.

3. The professional must attest that the disability is pre-existing, and that the specific animal for which the accommodation is requested is necessary to alleviate one or more of those specific & identified symptoms.

The housing provider (landlord) must promptly review the documentation and evaluate the validity of both the request and the verification provided. Additionally, the landlord must also determine whether or not the *“specific assistance animal in question poses a direct threat to the health or safety of others, or would cause substantial physical damage to the property of others.”* (Pg. 3, pp 4)

- F. In point of fact, these regulations establish a high standard for both tenant and landlord. This provision in the law is not intended to force landlords to suspend reasonable lease requirements. Rather, it is intended to give both tenants and landlords reasonable and clear guidelines for accommodating individuals with legitimate needs, as well as prevent abuse by those who do not have legitimate needs.

These are serious issues. It is fraudulent for someone to suddenly claim to have a “disability,” just because a landlord has a restrictive pet policy, or you want to avoid paying an additional damage deposit.

By the same token, landlords should not blithely rubber-stamp such a fraudulent request, even when threats are made by over-zealous legal-aid attorneys, ignorant of the specifics of the Act! The regulations stipulate that landlords should deny such requests unless and until all of the requirements have been met. Generic form letters and phony “animal certifications” don’t begin to meet this standard.

If your request is denied on these grounds, we will be happy to reconsider your request for accommodation as soon as you can provide the full requisite verification. We hope this provides some much-needed clarity on the subject.