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Episode 7: Service Dogs – a follow-up question

Call from the Agent: In Episode #2, you answered a question about “service dogs.” Can you tell me a little about what the Fair Housing Act (FHA) says about “service dogs?”

The Response: Yes, of course. The Fair Housing Act (FHA) uses the term “assistance animal,” which is somewhat more inclusive than the ADA term “service dog.” It is important to know the FHA doesn’t apply to all situations, but where it does apply and a person seeks permission to have their dog allowed in a “no dogs” community, the eligibility test most commonly put forward is as follows:

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

If the answer to either question is “no,” the FHA does not require the animal be allowed and does not require a modification to a “no dogs” policy.

[I am a very serious dog lover – these answers to questions about service dogs gets slightly in the way of my feeling that I like seeing dogs everywhere!]