

Assistance Animal Policy

WHAT YOU NEED TO KNOW ABOUT EMOTIONAL SUPPORT ANIMALS AND OTHER ASSISTANCE ANIMALS

Under the Fair Housing Act (FHA) created by the U.S. Department of Housing and Urban Development (HUD), it is unlawful for a housing provider to refuse to make a reasonable accommodation that a person with a disability may need in order to have equal opportunity to enjoy and use a dwelling. This reasonable accommodation applies to housing providers' pet or no animal policies and fees or deposits, so that individuals with disabilities are permitted to use assistance animals in housing, including public and common use areas.

Persons with various types of disabilities may need an assistance animal in their home to have an equal opportunity to use and enjoy their housing. While some disabilities may be known or obvious to a housing provider, other disabilities may not be. For the purposes of the FHA, a disability exists when a person has a physical or mental impairment that substantially limits major life activities. The purpose of the assistance animal is to do work, perform tasks, provide assistance, or provide emotional support for a person with a physical or mental impairment that substantially limits at least one major life activity or bodily function. The assistance animal per the FHA does not need to be formally trained for the tasks; it just needs to be able to give assistance. Housing providers may not assess a fee or require a pet deposit for an assistance animal per the FHA. The assistance animal under the FHA is not a pet, and the designation should not be used to solely avoid a housing providers no-pet policy or pet deposit.

In requesting reasonable accommodations for assistance animals through the FHA, some supporting information may be needed if the disability is not visible or unknown to the housing provider. Information about disability may include: a determination of disability from a federal, state, or local government agency; a receipt of disability benefits or services (Social Security Disability Income [SSDI]); Medicare or Supplemental Security Income (SSI) for a person under age 65; veterans' disability benefits; services from a vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency; eligibility for housing assistance or a housing voucher received because of disability, information confirming disability from a health care professional (e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, counselor, social worker, or nurse).

DETAILS NEEDED WHEN TRYING TO GET SUPPORTING INFORMATION FROM A HEALTH CARE PROFESSIONAL

This information can be conveyed via letter from the health care provider or through the completion of a form or document given by the housing provider:

- Information from a licensed health care professional general to the condition but specific to the individual with the disability and assistance or support needed for the assistance animal.
- A relationship or connection between the disability and the need for the animal (especially when the disability is non-observable or the animal provides therapeutic emotional support).

Documentation for this support should include:

- The patient's name.
- Whether the health care professional has a professional relationship with that patient/client involving the provision of health care or disability-related services.
- Whether the patient has a physical or mental impairment.
- Whether the patient's impairment(s) substantially limit at least one major life activity or major bodily function.
- Whether the patient needs the animal(s) (because it does work, provides assistance, or performs at least one task that benefits the patient because of his or her disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability of the patient/client, and not merely as a pet).
- The type of animal(s) for which the reasonable accommodation is sought (i.e., dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal, or other specified unique). If the animal is not a dog, cat, small bird,



Salem Pediatric Clinic

2478 13th Street SE
Salem, Oregon 97302
503-362-2481 · Phone
503-371-7803 · Fax
SalemPediatricClinic.com

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rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, it may be helpful for patients to ask health care professionals to provide the following additional information:

- The date of the last consultation with the patient.
- Any unique circumstances justifying the patient's need for the particular animal (if already owned or identified by the individual) or particular type of animal(s).
- Whether the health care professional has reliable information about this specific animal or whether they specifically recommended this type of animal.

PHYSICAL AND MENTAL DISABILITIES

Note that a determination that an individual does not qualify as having a disability for purposes of a benefit or other program does not necessarily mean the individual does not have a disability for purposes of the FHA or the Americans with Disabilities Act (ADA). The following impairments were deemed by the ADA Amendments Act of 2008 found to impose a substantial limitation on a major life activity resulting in a determination of a disability: deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. Other physical impairments qualifying for disability include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genital-urinary, hemic and lymphatic, skin, and endocrine, which could include hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, and diabetes. Mental impairments include mental illness, specific learning disability, autism, emotional illness, drug addiction (not caused by illegal use of a controlled substance) and alcoholism.

REQUIREMENTS FOR REQUESTING SUPPORTING INFORMATION FROM A HEALTH CARE PROVIDER

In order for Salem Pediatric Clinic to provide information for a patient supporting a disability that requires the use of an assistance animal, the patient must:

- Have established care with a Salem Pediatric Clinic health care provider (Doctor, PA, or BHC) and are actively seeking treatment (i.e., medication or counseling for a mental health disability).
- Have a diagnosis supporting disability.
- Talk to health care provider about the reasons for an assistance animal and if it will help with the restrictions of the disability.

SOURCES

- Fact Sheet on HUD's Assistance Animals Notice - U.S. Department of Housing and Urban Development
- Notice: FHEO-2020-01 Assistance Animals Notice - U.S. Department of Housing and Urban Development



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