



ALBUQUERQUE HOUSING SERVICES

SERVICE ANIMAL POLICY

(This policy has been incorporated as an Addendum to the Dwelling Lease)

There are certain obligations that come with keeping household pets and/or service animals that must comply with the regulations [24 CFR 960, Subpart G] of the United States Department of Housing and Urban Development, (HUD) and the City of Albuquerque Animal Care Ordinance § 9-2-1-1 et seq ROA 1994, which is the H.E.A.R.T. law – (the Humane and Ethical Animal Rules and Treatment ordinance) (City Ord. 18-2006). The following Service Animal Policy identifies the terms and conditions required by Albuquerque Housing Services for tenants of public housing to keep a “service animal”.

Federal, state and local Fair Housing laws require that a modification be made to a “pet policy” to permit the use of a service animal by an individual with a disability, unless doing so would result in an unreasonable financial or administrative burden.

This policy differentiates “service animals” from “pets”, describes types of service animals, provides guidelines for staff and tenants for the acceptance of service animals, and sets behavioral guidelines for service animals.

A. DEFINITIONS:

1. **Disability:** A tenant must meet the statutory definition of having a “disability”, under federal, state and local Fair Housing laws. These statutes recognize the following broad categories of disabilities:
 - A sensory, mental, or physical impairment that substantially limits one or more major life activities (such as walking, seeing, working, learning, dressing, etc.)
 - A sensory, mental or physical condition that is medically cognizable or diagnosable.
2. **Pet:** A domestic animal kept for pleasure.
3. **Service/Companion Animals:** The Americans with Disabilities Act (ADA) defines service animals as any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. If an animal meets this broad definition, it is considered a service animal. It does not have to be licensed or certified by a state or local government or training program. A companion animal with good temperament and disposition, and who has reliable, predictable behavior, may assist a person with a disability as a therapy tool. The animal may be incorporated as an integral part of a treatment process. Service animals are usually dogs, but may be any animal designated by the tenant and his or her treatment provider. **Service animals are not considered to be pets.**

Examples of a service animal include:

A guide animal, trained to serve as a travel tool by a person who is legally blind.

A hearing animal, trained to alert a person with significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.

A *service animal*, trained to assist a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, emotional support, etc. Service animals sometimes are called assistance animals.

A *seizure response animal*, trained to assist a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.

A *companion animal or emotional support animal*, trained to assist persons with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress and difficulties regarding social interactions, allowing tenants to live independently and fully use and enjoy their living environment.

B. GUIDELINES FOR TENANTS WITH SERVICE ANIMALS

1. **REQUEST FOR A SERVICE ANIMAL ACCOMMODATION:** The tenant must submit a request in writing to have a service/companion animal, as an accommodation for the tenant's disability. (See Attachment)
2. **VERIFICATION OF DISABILITY AND NEED FOR SERVICE ANIMAL:** The tenant must provide written verification that she/he has a disability and that the accommodation is necessary to give the person equal opportunity to use and enjoy the community. However, as defined by the law above, the tenant need not disclose the nature of the disability. The tenant's healthcare or mental health provider must submit a signed letter on professional letterhead to AHS answering the following questions:
 - Is the person disabled as defined by the fair housing laws described above?
 - In the health care provider's professional opinion, does the person need the requested accommodation to have the same opportunity as a non-disabled person to use and enjoy the community? (See Attachment)
3. **SUPERVISION:** The animal must be supervised and the tenant/handler must maintain full control of the animal at all times.
4. **CLEANUP RULES:**
 - a. Never allow the service animal to defecate on any property, public or private, unless the tenant immediately removes the waste.
 - b. Always carry equipment sufficient to clean up the animal's feces whenever the service animal is in the common areas or off the tenant's property.
 - c. Properly dispose of waste and/or litter.

C. GUIDELINES FOR STAFF

1. **SERVICE ANIMAL ACCOMMODATION:** AHS management will review a tenant's written request for accommodation of a service animal. (See Attachment) Upon written verification from the tenant's healthcare or mental health provider, AHS will provide a written response to the tenant, only in those circumstances when the service animal is declined. The request may be denied and deemed unreasonable only if it causes an undue financial or administrative burden to the community.
2. **FEES:** A service animal is not a pet. The tenant is not required to make a pet deposit. The tenant is liable for any and all damage the animal actually causes.

- 3. REMOVAL OF A SERVICE ANIMAL:** When a service animal is unruly or disruptive (jumping on people, biting, or other harmful behavior), AHS may ask a tenant to remove the animal from the area. If the improper behavior happens repeatedly, AHS may tell the tenant not to bring the animal into any areas of the property except the tenant's rental unit, until significant steps have been taken to mitigate the behavior. Mitigation can include refresher training for both the animal and the tenant.
- 4. AWARENESS TRAINING:** AHS management will ensure that staff is properly trained in the service animal policies, including the following rules:
- Allow a service animal to accompany the tenant at all times and everywhere on the property except where animals are specifically prohibited for health or safety reasons.
 - Do not pet or touch a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
 - Don't feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
 - Do not deliberately startle a service animal. Do not separate or attempt to separate a tenant/handler from her or his service animal. Avoid making noises at the animal (barking, whistling, etc.)
 - Avoid initiating conversation about the service animal, the tenant's disabilities or other service animals one has known. If you are curious you may ask if the tenant/handler would like to discuss it, but be aware that many persons with disabilities do not care to share personal details.
 - Remember, not all disabilities are visible. The nature of the person's disability is a private matter, and you are not entitled to inquire for details.
 - If another tenant complains about the fact that they are not allowed to have a pet and want to know why you have made an exception, simply state that AHS complies with the fair housing laws. You may also refer the tenant to the fair housing laws or your local fair housing agency for further details.
 - Service animals do not need to wear any special identifying gear such as tags, harnesses or capes.
 - A tenant may train his or her own service animal and is not required to provide any information about training or the specific tasks the animal performs.

I/We have received a copy of, have read and understand the contents of the Albuquerque Housing Services Public Housing Program Service Animal Policy.

Tenant Signature _____ **Date** _____

AHS Representative Signature _____ **Date** _____