



Realty Masters of FL Assistance Animal Policy

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The Fair Housing Act, the Americans with Disability Act & Assistance Animals

The Fair Housing Act (FHA) is a federal law that prevents discrimination against tenants in their homes. Under the FHA, a disability is defined as a physical or mental impairment which significantly limits a person's major life activities. The Americans with Disability Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities. Housing providers must meet obligations under both the reasonable accommodation standard of the Fair Housing Act and the service animal provisions of the ADA.

Renters should be aware that even if a property has a "no pets policy" or restricts pets, landlords are required to make what is called a reasonable accommodation/modification for assistance animals, which include both service animals and emotional support animals. These animals are not considered pets and therefore are not subject to pet fees or pet rent.

Service Animals and Emotional Support Animals are animals that work, assist and/or perform tasks and services for the benefit of a person with a disability or provide emotional support that improves the symptoms of a disability. An assistance animal includes both service animals and emotional support animals. **A service animal** is categorized by the ADA as a dog trained to do a specific task for their owner. The most common example is a guide dog. An **emotional support animal** can be a cat, dog or other type of companion animal, and does not need to be trained to perform a service according to the Fair Housing Act. The emotional and/or physical benefits from the animal living in the home are what qualify the animal as an emotional support animal.

Proper Documentation for a Service Animal

You need to state your service animal is required because of a disability and state what work or task your service animal has been trained to perform.

Proper Documentation for an Emotional Support Animal

If your disability is not readily apparent or unknown, you must provide your landlord with a signed letter from a treating licensed health professional stating you have a disability that substantially limits one or more major life activities and that he/she prescribes for you an emotional support animal to help alleviate symptoms by performing work, performing tasks, providing assistance and/or therapeutic emotional support with respect to your disability. The nature of the disability is not requested to be disclosed. If you have an assistance animal, you must provide this documentation at the time of application in order for your application to be considered complete and to be processed. If you are unable to provide the documentation required by the law, your assistance animal will not be accepted.

Unacceptable Documentation is as follows:

- There is no official certification or training for emotional support animals therefore proof of training, a certificate, or other similar document does not meet the requirement as proof of an ESA.
- If you have any questions about whether your documentation is acceptable, please reach out to a property manager for clarification on your documentation. You can also review the U.S. Department of HUD's notice here: <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>