

Service Animals & Emotional Support Animals

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I. Definition

- A. Service Animals
- B. Emotional Support Animals

II. Applicable Laws

- A. Federal Fair Housing Act 42 USC Section 3601 24CFR Part 100
- B. Florida Fair Housing Act, Florida Statute §760.20
- C. Americans With Disability Act 42 USC Section 12101
- D. County and Municipal Fair Housing Ordinances

III. Standing to Bring a Claim

- A. Any person who claims to be injured by discriminatory housing practice
- B. Plaintiff to show he or she suffered from actual or threatened injury as a result of defendant's unlawful conduct. Gladstone Realtors v. Village of Delwood, 441 US 91, 99 (1979)

IV. Americans With Disability Act

- A. Applies to public facilities
- B. Public facility must allow service animals including service animals in training.

V. Definition of a housing provider under FHA

- A. Owns and rents in the normal course of business four (4) or more units
- B. Is a condominium or homeowner association

VI. Reasonable Accommodations (FHA)

- A. A housing provider must make a reasonable accommodation for disabled person if it is necessary for that disabled person to have an equal opportunity to use and enjoy a dwelling.
- B. The person requesting the reasonable accommodation must establish

1. He is disable within the meaning of the act
2. He has requested a reasonable accommodation
3. Provided information to verify his disability – obvious or medical professional certification
4. The accommodation was necessary to provide him an equal opportunity to use and enjoyment of the dwelling.

C. A request for an accommodation may be denied if providing the accommodation is unreasonable, i.e. if it imposes undue financial administrative burden on the housing provider or would fundamentally alter the nature of their operations. *Backman v. Harbor Association* 653 NW 2d 415 (2002)

VII. Handicapped

A physical or mental impairment which substantially limits one or more of a person's major life activities. May include functions such as caring for oneself, performing manual task, walking, seeing, hearing, speaking, breathing, learning or working.

VIII. Not Covered – Sex Offenders or Persons Using or Addicted to a Controlled Substance

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