

CKC Rental Agency, LLC's Service Animal Policy

The Law:

Many people with disabilities and/or health-care problems often rely on service animals for assistance with their daily lives. Service animals enhance the quality of life for many people with disabilities.

Landlords who maintain a "no pet" policy may not refuse to rent or prohibit a disabled person from having a service animal within the rental property. Federal law does not require the animal that provides the assistance to be a dog; although most service animals seem to be. There are three important points to consider when renting to a disabled individual with a service animal.

1. Service animals, therapy animals, or animal aides all fall into the same category under federal law.
2. Service animals are NOT pets and therefore may not be considered as such. Landlords who have strict no-pet policies may not enforce them with regards to service animal.
3. Assistance animals are covered under the *Fair Housing Amendments Act*, *Americans with Disabilities Act* and the *Rehab Act Section 504*. Be familiar with these laws!

Under the *Fair Housing Act*, persons with disabilities who are accompanied by a service animal are a protected group. To be an individual protected under the Fair Housing Act; that person must have a disability as defined by the act; the service animal must have a direct function related to the individual's disability and the request to have the service animal must be reasonable.

According to 42 U.S.C. § 3604(f)(3)(B), a landlord must make "reasonable accommodations" for a disabled tenant to be able to use and enjoy a rental property on an equal basis with tenants who are not disabled.

{The above was provided by EZ Landlord Forms, last updated Nov. 4, 2015}

CKC Rental Agency Policy:

CKC Rental Agency, and its affiliates and clients, (herein referred to as "CKC") have a NO PET policy as part of the leases signed and agreed upon by the tenants. CKC is committed to providing a welcoming environment to any handicapped or disabled person who requires an "assistance or service animal" in order to function at the level of a non-handicapped or non-disabled person. Under federal and state law, assistance animals (including "therapy or emotional support animals") are not considered pets when their presence is necessary in order for a handicapped or disabled person to acquire an equal opportunity to enjoy the dwelling.

Therefore, CKC will make an exception to the no pet rule as a reasonable accommodation for the handicapped or disabled individual when there is a legitimate disability related need for the exception. In such instances, a reasonable accommodation may be appropriate, provided that the requested accommodation does not impose an undue financial or administrative burden to CKC or fundamentally alter the nature of the housing. These determinations shall be made by CKC on an individual, case-by-case basis when the following requirements are met:

- If an assistance animal presents a threat or hazard to others so that the accommodation is no longer reasonable, CKC reserves the right to withdraw permission for the reasonable accommodation.

- Tenant is responsible for their assistance animal at all times. Dogs must spend an appropriate amount of time outdoors and may not be left alone for unreasonable stretches of time. CKC strictly prohibits the mistreatment, abuse, or neglect of any animal residing on the premises.
- Assistance animals must be housebroken. The tenant residing with the assistance animal who requires the reasonable accommodation shall swiftly clean up after the animal if it defecates, urinates, vomits, or bleeds on building property. If the tenant fails to clean up after his or her animal so that the accommodation is no longer reasonable, CKC reserves the right to withdraw permission for the reasonable accommodation.
- CKC reserves the right to withdraw permission for the reasonable accommodation if it becomes unreasonable in any way not listed above.
- Tenant requesting the assistance animal must provide the following documentation at least 10 days in advance of requested tenancy in order to make their request for this exception to be met as a reasonable accommodation:
 - Submit reliable documentation of your disability and disability-related need for an emotional support animal through a letter from a properly qualified and reputable mental health professional. At minimum, the letter must indicate the manner in which the support animal alleviates the identified symptoms of your disability. We suggest the prescribing mental health professional attach a resume or similar document setting forth his or her professional qualifications. (Housing providers are legally entitled to obtain specific information from the person requesting a reasonable accommodation for an emotional support animal.)
 - A "Plan of Care" describing how the tenant will care for the animal. This should include the location and clean-up of any excrements, feed, management of noise/barking, the time spent in apartment, how it will be handled when tenant is not home, and a statement that Tenant will be solely responsible for all costs of any repair to the property caused by their assistance animal, including carpet cleaning.
 - Written notification (directly emailed or delivered with signature) by all other tenants on the lease stating they are aware of the assistance animal residing within the property.
 - Certificate of Insurance naming the Landlord, Property Owner, and Management Company (check with CKC for specific names to be listed) as additional insured. This can usually be provided by the Tenant's parent's homeowner policy or agent.
 - Completed and signed "Request for Assistance Animal Certification" form.

REQUEST FOR ASSISTANCE ANIMAL CERTIFICATION

Unfortunately, there are some people who circumvent the system for their own use, which make it necessary for property owners to require certain procedures and documentation to control the valid vs. invalid requests.

Laws regarding reasonable accommodations do not exist to allow non-disabled or non-handicapped tenants to circumvent rules against pet ownership. Such action would constitute fraud and undermines the rights of individuals who truly need assistance animals in order to access the same opportunities as non-disabled persons.

NOTE: Ohio law mandates that any reasonable accommodation must be absolutely necessary in order for the disabled person to have an equal opportunity to use and enjoy the dwelling as non-disabled persons. See *Overlook Mut. Homes, Inc. v. Spencer*, 666 F. Supp. 2d 850, 856 (S.D. Ohio 2009) and *Howard v. City of Beavercreek*, 276 F/3d 802, 806 (6th Cir. 2002).

I, _____, Tenant of property _____ am requesting a reasonable accommodation from the no pet rule by my Landlord.

I, _____, swear or affirm that a mental or physical impairment that substantially limits one or more of my major life activities.

I, _____, swear of affirm that I have a disability-related need for an assistance animal.

I, _____, agree to be fully and solely responsible for any and all damages caused by my service animal, including carpet cleaning.

I, _____, agree to complete and provide all documentation as requested by the Landlord.

Signature

Date