

Courtesy of Habitat Magazine

Therapy Dogs

Sniffing out the bogus claims of disability

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Many boards are dealing with a plethora of false claims of disability to avoid pet prohibitions. Not physical disability or psychiatric disability, for which there are specially trained service dogs, but emotional disability - which no one can see and anyone can claim. So what's to be done?

Know the law. "The law requires a housing provider to reasonably accommodate disabled tenants, so they can enjoy the rights and privileges of the housing," explains city's Commission on Human Rights (CHR) Deputy Commissioner and General Counsel Clifford Mulqueen. That includes mental and emotional disabilities.

The applicable law in these cases is the federal Fair Housing Act (FHA) and its state and local analogues. The FHA forbids discrimination based on "a physical or mental impairment, which it defines as "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling."

The New York City Human Rights Law is similar. In short, genuine disability is serious business that should not be trivialized because someone wants a pet.

Get it in writing. According to Mulqueen, a resident's request for a reasonable accommodation need not be in writing - and a board can't mandate that it be in writing - but boards "do have a right to request some sort of medical justification." So, in order to begin a paper trail, he advises people to make [the request] in writing and provide medical documentation, usually in the form of a doctor's letter.

How specific must the letter be? "The note should relate to the disability [and be written] by a professional in that area, saying a dog will alleviate the issue that arises because of that disability," he says. "We get a lot of notes from social workers. They're not really relevant."

Set a policy. According to experts, the most important thing is for the board to have a policy in place and take any requests seriously. Don't ignore an accommodation request just because you think someone might be misrepresenting the facts.

A board's policy should also address the issue of barking and nuisance behavior. Even Pet Partners, a major advocacy group for service and therapy animals, notes that incessant barking or animals that bite or otherwise pose substantiated threats can be reported to animal-control authorities.

Beware bogus proof. There are even websites that offer fake "certifications" for dogs - no doctor's note required. Several offer identification kits - including official-looking but non-authoritative ID and dog vest - at prices ranging from \$24.95 to \$249.

Guess what? It's an unnecessary service. Neither service dogs nor emotional-support dogs have to be registered or certified, affirms a spokesman for the Department of Justice (DOJ).

For co-op and condo boards, the takeaway from all this is that if someone shows you "certification" from some online company or elsewhere, it's meaningless.