



Landlord Letter

Assistance Animals – The Latest from HUD

Have you seen the news stories about a Florida resident claiming to have an emotional support alligator or the person that tried to board his flight with his support peacock? Yes, those are both true stories. Wouldn't it be nice to have more clarification on how to handle assistance animals?

For several years now HUD has been hinting that they were working on a formal guidance opinion concerning assistance animals. On January 28, 2020, HUD finally released a Guidance Opinion on assistance animals ("the Opinion"). The Opinion is not drastically different from what many landlords and property manag-

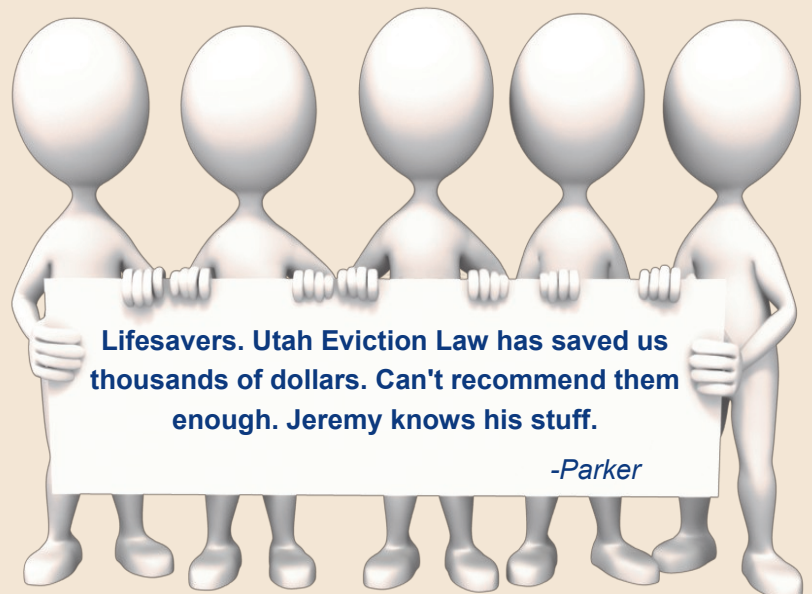
ers have been doing in the past, but it does help to provide some clarity on the process.

The Opinion begins by defining an assistance animal as "animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities." (P. 6). The term "assistance animals" is the more broad term that encompasses both "service animals" and "support animals".

Service animals "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability..." (P. 6). The Opinion specifically states

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What people are saying about US!!!



Lifesavers. Utah Eviction Law has saved us thousands of dollars. Can't recommend them enough. Jeremy knows his stuff.





-Parker






DOs & DON'Ts of...

Background Checks



-  Conduct a thorough background check (including live eviction cases that may have been recently filed).
-  Get a full rental application from ALL tenants.
-  Verify employment and contact references.
-  Make sure the application is filled out completely.

-  Rely on instincts alone. A tenant may seem great, but background checks are still a necessity.
-  Sign a lease without a background check and verifying the information provided on the application.
-  Skip on the application details. Make sure to get at least their full name, birthday and social security number.

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that even if other animals (apart from a dog) are trained, they are NOT service animals. (P. 6).

Even if an animal is NOT a service animal, it could still be a support animal if the resident (1) requests a reasonable accommodation, (2) has a disability, and (3) the assistance animal satisfies a need related to the disability. (P. 7-8). HUD also states that a landlord is entitled to “reliable documentation” to verify a reasonable accommodation request for an assistance animal based on a non-observable disability or a non-observable disability-related need. (P. 9; 11).

HUD also gave some clarification and guidance concerning the types of assistance animals. As stated previously, a dog is the only type of HUD approved service animal. However, a support animal is broader but must be

an animal that is “commonly kept in households” such as “a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle...” (P. 12). This provides a clear and definitive list, but the Opinion also states that support animals also includes “...other small, domesticated animal that is traditionally kept in the home for pleasure rather than commercial purposes.”

It is difficult to summarize a 19 page guidance opinion in a brief article, so [Click Here](#) or Google “HUD FHEO-2020-01” for the complete PDF document. If your tenant is disabled and meets the criteria for an assistance animal (either a service or support animal), you should then approve the request for a reasonable accommodation. If you have any doubts, seek legal advice for your situation.

Attorney Jeremy Shorts

Dear Attorney,

My tenant verbally made a request for an assistance animal. Can I require that they make the request in writing?



It is definitely best practice to get all reasonable accommodation requests in writing. Having any request in writing helps to avoid miscommunication between the parties. However, to answer your question, NO, you cannot require that a reasonable accommodation request be in writing, and your resident does not have to use any magic words like “reasonable accommodation” or “assistance animal”.

In this situation we would recommend that you politely ask that they make their request in writing and (if needed) offer to help them fill out any paperwork you have. Explain that you would like the request in writing to confirm what they are asking and to document your file.

If the resident is unable or unwilling to make the request in writing, we still recommend that you fill out the paperwork based on what you understand the resident is requesting. Provide a copy to the resident and tell them these papers state what you understand they are requesting. This will help to document your file, but it also gives the resident an opportunity to correct any misunderstandings of their circumstance.



Know Your Notice • Unlawful Business •

Purpose: To evict your tenant for conducting an unlawful business on your property.

*Make sure your evidence is strong
(witnesses, police reports, activity logs, etc.).*

Keep good records of the unlawful business being conducted (i.e. pictures, emails, texts, etc.)

Like other eviction notices, it must be served in person, posted or sent via certified mail. It cannot be given verbally, texted or emailed.

This notice does NOT give the tenant an opportunity to cure. The tenant must vacate within 3 days or face an eviction.

Courtroom Chronicles



Sometimes a tenant can end up with a lengthy legal history, including several court cases and evictions. Having multiple evictions is not a crime and won't result in an arrest, but what if a tenant fails to appear at a hearing that's required by the judge? In that situation the judge can issue an arrest warrant based on their failure to appear for court.

We recently had that exact situation. In an old case, the tenant failed to appear at a required hearing and the judge issued a warrant for their arrest. A few months later we filed our eviction and the court set up an eviction hearing.

At our eviction hearing, we worked with the tenant to resolve the case. After presenting the stipulation to the judge for approval, the parties turned to leave the courtroom. However, the courtroom bailiffs had a copy of the prior arrest warrant and arrested the tenant on the spot and the tenant spent the night in jail. Maybe next time the tenant will think twice about ignoring a judge.



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