



ESA & ADA Compliance Webinar

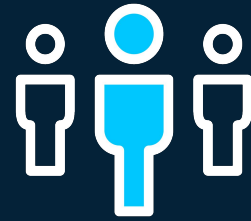
A webinar from TurboTenant

Key Takeaways

You'll learn:

- 1 The difference between emotional support animals (ESAs), service animals, and pets
- 2 When you can and CAN'T charge fees for animals in your rental
- 3 How to handle modification requests

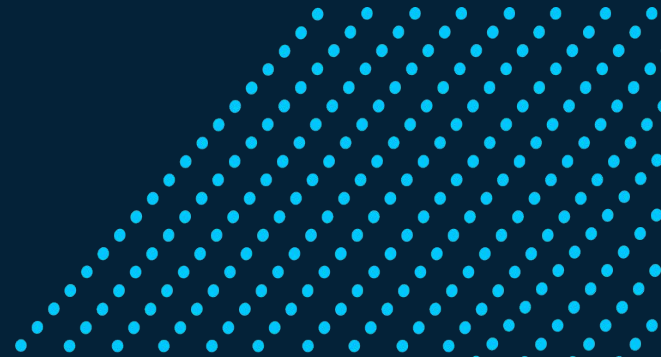




The ADA, FHA, and Landlords

A Brief History of the Americans With Disabilities Act

- *Purpose:* Ensure people with disabilities have the same rights and opportunities as everyone else
- Became law in 1990
- Outlaws discrimination against individuals with disabilities





**What percentage of U.S. adults
have disabilities?**



Common Disabilities



Per Apartment Guide:

- Hearing and speech disabilities
- Diabetes
- Cancer
- Epilepsy
- Intellectual disabilities
- Partial or completely missing limbs
- Mobility impairments requiring the use of a wheelchair

Does the ADA Apply to Landlords?

In part:

- **Commercial property** landlords must enable reasonable access for people with disabilities, per the ADA
 - **But all landlords must allow service animals**, which are protected by the ADA
- Residential landlords must follow the Fair Housing Act (FHA)
 - Emotional support animals fall under this category



What's the FHA?

- *Purpose:* to enable everyone to find housing without discrimination
- Federal law passed in 1968
- Prohibits discrimination in housing based on seven protected classes
 - Some states have additional protected classes



Pro Tip: Knowing your local landlord-tenant laws is critical for running your rental property management business.



**Select the seven nationally
protected classes.**



How are landlords most likely to interact with the FHA?

- Screening tenants
- Lease signing
- Rental modification + accommodation requests
- ESA requests





ESAs vs. Service Animals: A Crash Course





**How many times have tenants
requested ESAs for your
rentals?**

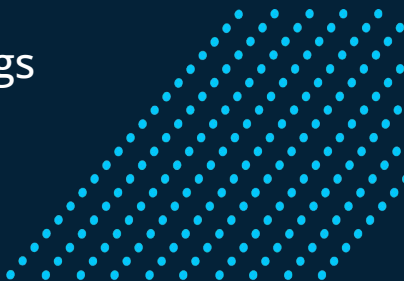


What's the difference between ESAs and service animals?

ESAs

- Provide therapeutic companionship
- Protected by the FHA
- Do **not** require training
- Can be almost any kind of common household animal

Service animals

- Perform a necessary service
 - Protected by the FHA and the ADA
 - Require training
 - Are most often dogs
- 

Vetting Service Animals

Per HUD:

- Request disability-related information if the disability and the disability-related need for the animal are not apparent
- Two questions you can ask:
 - Is your service animal needed due to disability?
 - What task is it trained to perform?
- Questions you **CANNOT** ask:
 - What's your disability?
 - Does your dog actually help you, or are you faking?

Beware of service animal certificates, like those issued by the National Service Animal Registry. There is no national registry of service animals!

Vetting Emotional Support Animals



- Similarly, you can require documentation in the form of an ESA Housing Letter
 - Should be from the tenant's mental health professional, doctor, PA, social worker, etc. and include:
 - How long the tenant has been a patient
 - Why the emotional support animal is necessary
 - A signature from the professional along with their contact information + licensing information

Tips for ESA Housing Letters

- Ask for the nexus between the tenant and their provider if it's unclear
- Look up the provider listed on the request letter
 - Verify their license number on the relevant state website for licensed professionals
- *Remember, you can't ask the tenant for personal details re: their disability*

Typically, you must respond to service animal + ESA requests within a set time frame (generally 10 days, but check your local laws).
Faster is better!

What if you suspect ESA/service animal fraud?

- Proceed with caution - stay calm and collected
- Lean on the questions you can ask
- Before approaching your tenant with any accusations, contact your attorney



Proactive Strategies to Consider

- Maintain top-tier documentation through TurboTenant's platform
- Understand your local laws along with the FHA + ADA
- Stay consistent with your approach to validating:
 - Accommodation + modification requests
 - Service animals
 - ESAs
- Think someone needs an ESA but doesn't have the paperwork?
 - Tell them how to get the proper documentation



Accommodations vs. Modifications



Accommodations Basics

Per [HUD](#), an accommodation is:

- A change, exception, or adjustment to a:
 - Rule
 - Policy
 - Practice
 - Service
- Necessary for a person with disabilities to have equal opportunity to use and enjoy a dwelling
 - Includes public and common use spaces



Important to Note

- Landlords can't ask people with disabilities to:
 - Pay extra fees or deposits
 - Fulfill special conditions or requirements
- The cost of a reasonable accommodation is usually paid by the landlord





**How many times have tenants
requested accommodations for
your rental?**



Accommodation Examples

- Getting a lease translated into braille for a blind tenant
- Allowing a tenant with mobility issues to have a dedicated parking spot in front of their unit
- Accepting a properly vetted emotional support animal



The Basics of Modifications



Per [HUD](#):

- Structural change made to existing premises that will enable a tenant with disabilities full enjoyment of the premises
- Can include updates to the interior/exterior of the unit + common/public use areas

Important to Note

- Landlords **can't**:
 - Refuse to allow reasonable accommodations
- Modifications **can't** cause undue burden or fundamental alteration of the rental
 - Usually paid for by the tenant*
- In most states, landlords can require the rental be returned to its original condition upon move out



Modification Examples

- Changing the door knobs to be levers for easy access from a wheelchair
- Adding grab bars in the shower
- Installing visual fire alarms



What is “reasonable”?

Consider the following:

- The effectiveness of the accommodation
- The financial resources of the landlord
- The impact on the property
- The tenant’s circumstances
- Your follow up





Game Time – Round 1

Situation:

- Tiva the tenant broke her arm falling down the stairs in your rental.

Request:

- Tiva requests that you install automatic doors in her unit.



IS THIS REASONABLE?

Round 2

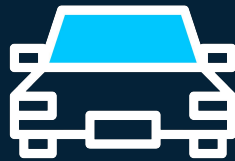
Situation:

- Your parking policy is first come, first served.
- Tina the tenant has a mobility impairment.

Request:

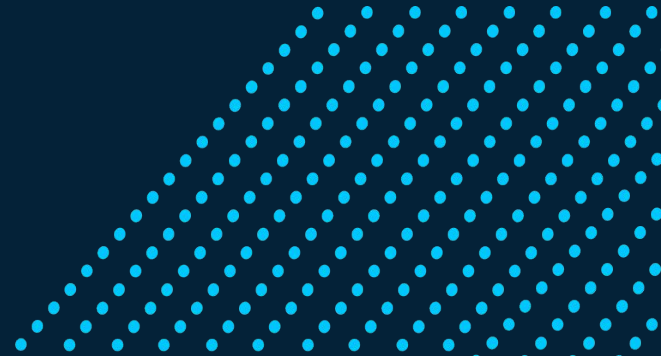
- Tina requests an assigned accessible parking space close to the entrance of her unit.

IS THIS REASONABLE?



Denying a Modification

1. Do your due diligence
2. Document, document, document
3. Propose a different solution
4. Consistency is *crucial*



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