

COMPANION/ASSISTANCE Service Animals in Housing FH355

3 Hour Elective Continuing Education State of Illinois



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**COMPANION, ASSISTANCE/SERVICE ANIMALS IN HOUSING
THREE HOUR ELECTIVE
ILLINOIS CONTINUING EDUCATION PROGRAM**

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 - 1. Has a physical or mental impairment that substantially limits one or more of the major life activities.
 - 2. Has a record of such impairment
 - 3. Is regarded as having such an impairment.

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PREFACE

Home Study – Companion/Assistance Animals in Housing

The American with Disabilities Act provides protection to individuals with disabilities as it does for people on the basis of race, color, religion, national origin, sex, and familial status. This program was developed to help educate individuals/companies who provide housing for people.

3 Hours Elective Continuing Education Credit – State of Illinois

This “elective” program has been prepared to satisfy the guidelines to meet the State of Illinois’ continuing education requirements for brokers, salespeople and leasing agents.

Passing Score

Following completion of this program, each student must successfully pass a final exam with a minimum score of 75% in order to be issued a transcript which is proof of successful course completion.

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NO REFUNDS ARE AVAILABLE FOR HOME STUDY TUITION AND MATERIALS

ILLINOIS ASSOCIATION OF REALTORS

MATERIALS

Handout consists of the outline and course materials entitled Companion/Assistance

INSTRUCTOR AVAILABILITY

Patricia L. Trombello, CPM, is the author of this Home Study Program.

It is the policy of the Illinois Association of Realtors, to make available to you a toll free number for quick response to your questions, concerns or comments about the Home Study Program.

IMPORTANT PHONE NUMBERS

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COMPANION/ASSISTANCE ANIMALS IN HOUSING

Definition of a Disability:

43 million Americans have a disability as defined by Federal civil rights laws. An individual is afforded protection if an individual:

- 1) has a physical or mental impairment
- 2) has a record of an impairment
- 3) is regarded as having an impairment

If any of the above items affect one or more of a person's major life activities and is a medically-documented mental or physical impairment, they are afforded protection under the Americans with Disabilities Act. In real estate, if discrimination takes place in relation to providing housing to individuals, it falls under the protection of the Fair Housing Amendments Act of 1988.

Physical or mental impairment would include persons in wheelchairs and individuals who are sight or hearing impaired, just to name a few. Not all impairments are visible. One in ten persons has a hearing impairment which may afford them protection also.

Having a record of impairment might include a person who immigrated to this country whose records reflect a speech or hearing impairment, when in reality it may have been simply a lack of understanding the English language or difficulty speaking English.

If a person is **regarded** as having an impairment, but actually does not, they would also be afforded protection under the Federal laws. For instance, if a person has a substantial facial scar which limits her ability to find housing because the landlord regards her as having a disability, then she would be protected. Even though she does not have anything that limits her life's activities, she would be considered protected if she couldn't find housing for that reason.

To summarize, our life's major activities include walking, talking, hearing, breathing and self care, just to name a few. Persons with HIV or AIDS, and obesity are also considered protected and afforded the same rights.

When is an Accommodation considered “Reasonable”?

Typically an accommodation or modification would be considered reasonable unless it would be an undue burden on the housing provider. For instance, Access Living of Metropolitan Chicago (an advocacy group that fights for the rights of tenants, but also educates landlords on fair housing practices involving the rights of disabled persons) says this is usually a question involving money. Whether or not a housing provider would need to provide or install a modification depends on two factors 1)the cost of the improvement and 2)the housing provider’s financial resources. This is different for every landlord/housing provider.

SERVICE ANIMALS

A “service animal” can be ANY animal used or trained to do work or tasks for the benefit of a person with a disability. Service animals might guide people with a vision or hearing impairment or might help retrieve items for them. Other items service animals do include:

- Opening and closing doors
- Pushing elevator buttons
- Turning lights on or off
- Navigate them out of the way of danger when crossing streets

COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS

How can I tell if an animal is a “service animal”?

Some, not all, service animals have special collars or harnesses that help you distinguish that they are providing a service. Some animals are licensed or certified to work as a service animal.

Am I violating ADA if I was told by my local health department that ONLY a seeing eye dog needs to be permitted?

Yes, the Americans with Disability Act (ADA) takes priority over any state or local law that

might prohibit service animals of all kinds. Most local municipalities have brought their standards up to date to allow for any service animal, not just seeing eye dogs.

Can I charge a cleaning fee for service animals in housing?

NO fees can be charged for a person utilizing a service animal. Remember, a person with a disability needs only to notify a landlord of their need for assistance, but does not need to provide any detail beyond that notification (other than a requested note from a medical professional if asked by the landlord).

Does a business owner need to allow service animals into their establishment?

Yes, assistance animals may go wherever the owner goes. You should think of it the same way you do a wheelchair. You wouldn't think about not allowing a person in a wheelchair to enter a business establishment. The same holds true for service animals.

Do taxicabs have to allow service animals into their cars?

Yes, taxicabs who provide service to the public must allow service animals into the vehicles with the owner and not additional fees can be charged for the animal.

If I have always posted and advertised that we have a "Not Pet" policy, do I still need to allow service animals?

Yes, remember a service animals is NOT a pet. In fact, if your property has a separate pet building, you still cannot require the person with the service animal to live in the pet building. Try to think about the service animal in the same manner you would for a person using a wheelchair. Just because someone is disabled, they still have the right to live wherever they want just as a non-disabled person does.

FEDERAL FAIR HOUSING LAWS

Fair Housing Act of 1968

This Act provides protection against discrimination based on:

RACE
COLOR
RELIGION
NATIONAL ORIGIN

Fair Housing Amendments Act of 1988

This amendment added two protected classes:

DISABILITY (mental or physical)
FAMILIAL STATUS (families defined)

As covered earlier in this handout, the definition of a disability is a physical or mental impairment that affects one or more of our life's major activities.

If a person with a disability believes they have been discriminated against, a complaint would be filed as a violation of the **Fair Housing Amendments Act of 1988**.

REASONABLE ACCOMMODATION

The Fair Housing Amendments Act of 1988 provides for “reasonable accommodation” or “modification” for people with disabilities in order for them to occupy an apartment or other residential property. Think of an “accommodation” as a change in a rule or a practice. For instance, a landlord would waive a “not pet’s policy” for an individual with a disability to allow them to have a service animal. **Service animals are NOT pets.**

Examples of accommodations are:

- Picking up a disabled tenant’s rent check upon request if they are unable to bring it to the rental office
- Accepting packages in the rental office for disabled persons upon their request

REASONABLE MODIFICATION

A “reasonable modification” would include the removal or installation of a physical barrier or installation of a device that would assist a person from accessing their housing or enjoying their housing. An example would be installing a grab bar to accommodate a person in a wheelchair or to widen doorways. The landlord needs to allow the tenant to modify their housing at the tenant’s cost if requested by the tenant. The landlord would not have to provide major improvements if it posed a financial burden on the landlord. Upon the end of the tenant’s lease, the tenant is responsible for returning the unit back to its original agreement, unless agreed to otherwise by the landlord. For instance, if a tenant removed the bathtub and installed a glass enclosure which accommodated their needs for bathing, it would be tenant’s responsibility to put the bathtub back in the unit upon the expiration of their lease, unless the landlord agreed otherwise.

Examples of reasonable modifications include:

- Widening doorways in the unit
- Lowering countertops in the kitchen
- Installing a chair lift next to the stairway

KNOW THE DIFFERENCE

As we indicated earlier, a service animal is ANY animal used or trained to perform tasks for a person with a disability.

Types of animals that might be used for service include:

- Dogs
- Capuchin Monkeys
- Certain Birds
- Pot Bellied Pigs
- Miniature Horses

DOGS perform duties for people with a disability. They might direct the owner away from danger when crossing a street, carry notes if a person is in need of help, or simply provide assistance when getting up from a seated position. They range in breeds (depending on the owners preference) from Yorkshire Terriers to Great Danes. Training of assistance dogs usually takes from six to twelve months and must be constantly reinforced by the new owner. Dogs who are unable to complete the intensive training for assistance purposes usually become companion animals. **Dogs cannot read traffic lights or see colors.** They assist the owner in crossing the street based on sounds. Dogs basically know three commands – forward, left, right. The owner is the one who instructs the animal. **The average life of a working dog is 7 to 8 years.**

The greatest barrier people with disabilities have is public interference. If a person is using an service animal, it would not be appropriate to take the person's arm to assist them across the street. The purpose of the service animal is to guide the disabled person.

Other types of service dogs include:

Mobility Assist Dog –

Could pull a wheelchair

Carry items in backpack

Pick up items for owner or assist with dressing the handler

Seizure Alert/Response Dog –

Detects the onset of person's seizures

Stays with person until help arrives

Gets help for the person

Some are trained to hit a button on a phone which speed dials 911

Dog barks when person on the phone answers (pre-arranged with 911)

Emotional Support –

Trained to never leave the owner's side

Used for people with a mental disability who may be afraid to go out in public

Autistic people may need an animal in stay focused

CAPUCHIN MONKEYS assist quadriplegics with their daily activities. An organization called Helping Hands is a non profit group which works toward improving the lives of quadriplegic individuals. The monkeys are trained to assist the person with their activities and to provide companionship. Some of their tasks might include getting food or water, retrieving dropped items and switching lights on or off. We never know when our lives might be changed as a result of an illness or accident. **The average age of a person becoming disabled today is 26 years old. This is a result mainly from auto accidents, falls and diving accidents.**

While Capuchin Monkeys may not be widely used in your area, there are 6,000 to 12,000 monkeys used nationwide to provide assistance. They are trained through positive reinforcement (praise, affection) and are never, ever punished for not responding the proper way. They simply do not receive the award – which is punishment enough for them.

Capuchin monkeys are known for their manual dexterity and friendliness towards people. They have a life space of 30-40 years which makes them excellent choices for assisting the disabled. The cost of training a monkey; however, typically is about \$25,000. Training takes approximately one year and is performed in 30-45 minute segments, five to six times each

week.

CERTAIN BIRDS such as parrots are used to assist an owner with daily activities too. They might bring a portable phone to them or hover over the phone when it rings. I, personally, own three parrots. While they don't have a specific function to assist us in our household, I can tell you that they have incredible hearing and let us know (well before the dog does) when someone pulls into the driveway or approaches the front door. They do this by means of making loud noises. They are never wrong.

POT BELLIED PIGS are used for detecting the onset of seizures in individuals. This can alert the owner to get to an area where they wouldn't injure themselves if a seizure is approaching. They might guide the owner to a chair so the owner doesn't hit their head if they pass out. They may also be trained to either go for help, or to stay with the person.

MINIATURE HORSES (provided by the Guide Horse Foundation, among others) train the miniature horses to do much of the same things that a dog would do except that the horses live much longer. **The average working life of a miniature horse is 15 or more years. They live between 25 and 35 years, making them an ideal assistance animals.** The horses must be of exceptionally small size (**26" high**), in good physical health, and possess above average intelligence for a horse. Those miniature horses that are not chosen for the purpose of guiding disabled persons can be placed in homes as companion animals. Less than 1% of miniature horses are suitable for the Guide Horse Foundation training.

Grasses and grains are the natural foods fed to miniature horses. Owners need to be careful not to overfeed the horses by giving them too many treats. The horses love apples.

Unlike a dog, horses do not have the need for constant affection likes dogs do. They certainly like being groomed and rubbed but won't be trying to lay in your lap. A little known fact about miniature horses is that if you rub their tummy, it helps them fall asleep.

The horses chosen for the Guide Horse Foundation training usually weight about 55-100 pounds. This is very much in line with what many dogs weigh.

Disabled persons must be **at least 16 years of age to utilize a miniature horse** for assistance.

Facts about Miniature Horses

Guide Horses must master 23 voice commands.

They have amazing vision (including night vision).

They excel at tasks requiring long term memory skills.

Need to wear “rubber soled shoes” to prevent slipping on marble/tiled floors

Eat one bale of hay each week

Are trained to paw at the door or make nickering noises to go outside.

Can be trained to use a shower or bathtub (if wearing their rubber shoes

Misconceptions about miniature horses include:

The horse must know where the owner wants to go.

No, the owner instructs the animal based on 23 voice commands.

Guide horses are not trained the same as dogs.

No, they are trained the same way as dogs.

The horses smell bad.

Actually, miniature horses have a relatively natural odor; however, regular grooming is certainly recommended due to the horse living indoors much of the time.

Can horses be trained to assist deaf people?

Horses do not possess that “watch dog” instinct. They are not well suited for the hearing impaired.

Will the horse be too slow for me?

Guide horses are trained to guide at three different speeds.

Slow walk

Walk

Trot

Are guide horses suitable for apartment living?

Guide horses can certainly be trained to live in apartments but prefer to be outdoors when “off duty”. A fenced in area should be provided. Typically guide horses are used for only visually impaired persons.

Task performed by guide horses include:

- Fetch/Retrieve
- Pull up blanket
- Turn out lights
- May ride in vehicles, same as dogs

REMEMBER: Service animals can be ANY animal that provides assistance. Service

animals are NOT pets.

WHAT TO DO WHEN YOU MEET AN ASSISTANCE ANIMAL

Basic Rules:

- 1) Don't pet or call the animal. If they are wearing a special collar or Harness, that indicates they are assisting.
- 2) Do not feed the animal. The owner feeds them and it could lead to obesity and poor health.
- 3) Talk to the owner – NOT the animal! It is very frustrating for the owner when people try to talk to the animal.

Differences between Assistance Animals

COMPANION ANIMALS are used for the emotional well being of an individual. Medical documentation may be requested by a landlord. Detailed information; however, does not need to be supplied. Animals that are used due to emotional trauma in people's lives are trained NEVER to leave the owner's side. For instance, a person may be afraid to go out in public or an autistic person may need the emotional support of an animal.

THERAPY ANIMALS are used for both physical and mental impairments. Someone may need assistance in standing and will use the animal for sturdy support. Therapy animals are also used for reducing anxiety and loneliness for people.

SOCIAL ANIMALS are used for building rapport with people, socialization skills are enhanced and are just, many times, fun to watch. An animal may visit a rehabilitation hospital and help patients take their mind off their pain while recovering from an illness or accident

RESOURCES

The following state and local agencies investigate discriminatory housing complaints:

Access Living of Metropolitan Chicago
Chicago, IL
312-253-7000

Illinois Department of Human Rights
Chicago, IL
312-814-6200

U.S. Department of Justice
Civil Rights Division
05- Pennsylvania Avenue NW
Disability Rights Section – NYAV
Washington DC 20530