



LONGMONT HOUSING AUTHORITY Assistance Animal Policy

Policy Statement

Longmont Housing Authority (“LHA”) is dedicated to ensuring that the policies and procedures at its housing developments do not discriminate against individuals with disabilities, on the basis of disability, and otherwise receive an equal opportunity to participate in, or benefit from, its housing developments, and the programs, services and activities offered at these developments.

LHA, as well as its employees and agents, shall use this AAP, in conjunction with the Reasonable Accommodation Policy, for making decisions on approving or denying a request for a reasonable accommodation to possess an assistance animal at any of LHA housing properties.

Assistance Animals under §504 and the Fair Housing Act

An “Assistance Animal” is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Assistance animals support individuals by performing many disability-related tasks, such as guiding blind or low vision individuals, alerting deaf or hard of hearing individuals to sounds, providing protection or rescue assistance, fetching items, alerting individuals to imminent seizures, or providing emotional support to persons with disabilities.

Assistance Animals as an Accommodation

In an LHA building with a “no pets” policy, a person with a disability may submit a reasonable accommodation request for any assistance animal under the FHA and §504, when, due to the disability, the animal is necessary to afford the person an equal opportunity to use and enjoy the housing. As requests are received, the Section 504 Coordinator will evaluate the request using the same principles applicable to all reasonable accommodation requests as provided in its reasonable accommodation policy and summarized below for your convenience.

- 1) A person with a disability or another person representing them may contact their Community Manager or the Section 504 Coordinator directly to request a reasonable accommodation. Requests may be made either in writing, orally, or by any other equally effective means of communication and made at any time during the application process and residency. However such request is communicated, the Community Manager will ensure that all requests will be reduced to writing.





- 2) LHA has reasonable accommodation request forms that will ensure all information is accurately collected to process the request. While LHA encourages the use of the form it is not required when requesting the reasonable accommodation.
- 3) All requests for Accommodation will be forwarded to the Section 504 Coordinator or other appropriate designee.
- 4) Within ten (10) business days of receipt, the LHA will respond to the request providing the status of the request or to ask for additional information regarding the request.
 - a. Any time additional information or documentation is required, or it has been determined that the Accommodation may not be reasonable, LHA will engage in an interactive dialogue with requestor to discuss whether there is an alternative Accommodation that would be equally effective in addressing the requestor's disability-related needs. If an alternative Accommodation will effectively meet the requestor's disability-related needs and is reasonable, LHA will grant such accommodation.
- 5) Within twenty (20) business days of receipt of request and all additional information, LHA will provide written notification to the individual of its decision to approve or deny the individual's request.

After the LHA receives such a request, the following questions will be considered:

- 1) Does the person seeking to use and live with the animal have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities)?
- 2) Does the person seeking to use and live with the animal have a disability-related need for an assistance animal?

Instances where the answers to the questions above are "yes," LHA will, following its reasonable accommodation policy, approve the request for accommodation to provide an exception to a "no pets" policy and permit the person with a disability to live with and use an assistance animal in all areas where persons are normally allowed to go. The 504 Coordinator or Community Manager will engage in an interactive dialogue and discuss an alternative accommodation when the person meets the criteria but the requested reasonable accommodation would cause an undue financial and administrative burden, or if the request results in a fundamental alteration to the nature of the program.





Instances where the answer to one or both questions above are “no,” LHA may, following its reasonable accommodation policy, deny the request. The 504 Coordinator or Community Manager will engage in an interactive dialogue if additional information as to whether the person meets the definition of a person with a disability or if the person has a disability-related need for an assistance animal. If additional information cannot be provided, LHA will continue an interactive dialogue and may suggest alternative accommodations at such point. However, the LHA at this point does not have to offer an alternative accommodation as the person does not meet the criteria for a reasonable accommodation. Requests may also be denied if the following are applicable:

- 1) The assistance animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
- 2) The assistance animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Breed, size, and weight limitations shall not be applied to an assistance animal. Any determination that the assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be conducted on a case-by-case basis that relies on objective evidence of the specific animal’s actual conduct. LHA shall not apply to assistance animals the usual conditions and restrictions it applies to pets. For example, LHA may usually require applicants or residents pay a pet deposit, LHA will not require applicants or residents pay a deposit for assistance animals.

Service Animals under the ADA

The ADA defines a “Service Animal” as any dog that is individually trained to do work or perform a specific task for a person with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. For the purposes of this definition, emotional support, well-being, comfort, or companionship do not constitute work or tasks.

The ADA definition of service animal applies to state and local government programs, services activities, and facilities and to public accommodations, such as leasing offices, social service center establishments, universities, and in residential facilities that are supported with state or local funding. The right to keep and use a service animal by a person with a disability is required by ADA regulations and is not a reasonable accommodation.

In accordance with ADA regulations, LHA will not require verification of disability or need for the service animal. Rather, only when it is not readily apparent that the animal is trained to do work or perform tasks for person with a disability, the following two questions will be asked when determining whether a dog is a service animal:





- 1) Is this a service animal that is required because of a disability?
- 2) What work or tasks has the animal been trained to perform?

The animal may not be denied access to the ADA-covered facility unless:

- 1) The animal is out of control and its handler does not take corrective action to control it;
- 2) The animal is not housebroken (i.e., trained so the animal controls its waste elimination);
- 3) The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable accommodation.

Right to Appeal/Grievance Procedure

- 1) The resident may file a complaint in accordance with LHA's Grievance Policy following a formal determination by the LHA's Section 504 Coordinator.

If the requestor receives a denial and disagrees with LHA's decision, they are welcome to resubmit their request with additional information which would aid in the decision-making process. In addition, they may request an informal hearing, conducted under the guidance of the Executive Director, during which a hearing officer will consider whether the decision was made in accordance with the law, HUD regulations, and Longmont Housing Authority policies. Requests for an informal hearing must be made within ten (10) days of denial and must be submitted to the Section 504/ADA Coordinator (303-651-8581; TDD: 800-659-2656) by email (Lisa.Gallinar@longmontcolorado.gov), fax (303-682-2899) or mail to LHA, ATTN: Kathy Fedler, 350 Kimbark Street, Longmont, CO 80501. A written decision will be issued within ten (10) days of the hearing.

- 2) A resident may request a meeting to request reconsideration.





- 3) A resident may, at any time, exercise their right to file a fair housing complaint through the local HUD office. Individuals may contact the local HUD office at:

U.S. Department of Housing and Urban Development

1670 Broadway, 24th Floor, Denver, CO 80202

Telephone: 1-800-877-7353

Fax: 303-672-5026

TTY: 303-672-5248

Longmont Housing Authority does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities.

Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the 504/ADA coordinator. Please give us at least three to five day's advance notice so we can adequately meet your needs.

An internal grievance procedure is available to resolve complaints. Questions, concerns, or requests for additional information regarding 504/ADA should be forwarded to:

Longmont Housing Authority

Lisa Gallinar

Section 504 Coordinator

350 Kimbark Street, Longmont, CO 80501

Email: Lisa.Gallinar@longmontcolorado.gov

Phone: 303-651-8581

Fax: 303-682-2899

TTY: 800-659-2656

Upon request, this notice and other materials may be made available in alternative formats (for example, large print or audio tape) from the 504/ADA coordinator.

