



## The Community Partnership for the Prevention of Homelessness Reasonable Accommodation Frequently Asked Questions

This document contains many of the frequently asked questions received by The Community Partnership for the Prevention of Homelessness regarding reasonable accommodations. Providers are able to make a determination on a request received from a client at any time however, if your agency is unable to make a determination on the completion of a request, please forward your inquiry as soon as possible to The Community Partnership for the Prevention of Homelessness, Attn: ADA Coordinator 801 Pennsylvania Avenue, SE, Suite 360, Washington, DC 20003 or electronically to [CCoates@community-partnership.org](mailto:CCoates@community-partnership.org).

### Definition Questions

#### **What is a reasonable accommodation?**

*A reasonable accommodation is a change in rules, policies, practices, or services that give a person with a disability equal opportunity to benefit from a program's goods and services.*

#### **What is a religious accommodation/exemption?**

*A religious accommodation/exemption is a change in rules, policies, practices, or services that give a person the ability to practice his or her religion.*

#### **What is a structural alteration (reasonable modification)?**

*A structural alteration is a change made to a unit or common area to afford a person with a disability full use and enjoyment of the facility/premises. This is also called a reasonable modification.*

#### **What is a conditional approval?**

*A conditional approval is the temporary approval of a reasonable accommodation request that allows the client time to acquire sufficient supporting documentation of their request. Providers are able to make decision on the reasonable accommodation request if the proper documentation has been provided. Any request forwarded to TCP for approval with the exception of accommodations to relocate in a scattered site programming shall be conditionally approved until a decision is provided.*

#### **What is a service animal?**

*Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. In certain cases, a reasonable accommodation can be made for a person to have a miniature horse in the place of a dog.*

#### **What is an emotional support animal?**

*An emotional support animal is an animal (typically a dog or cat though this can include other species) that provides a therapeutic benefit to its owner through companionship. The animal provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments. The animal is not specifically trained to perform tasks for a person who suffers from emotional disabilities. Unlike a service animal, an emotional support animal is not granted access to places of public accommodation. Under the federal Fair Housing Act (FHA), an emotional support animal is viewed as a "reasonable accommodation" in a housing unit that has a "no pets" rule for its residents.*

#### **Are service animals and emotional support animals the same?**

*No. These are two different types of animals as it relates to assisting the client. The terms should NOT be used interchangeably.*

#### **Describe "do work or perform tasks".**

*The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of*

---

a seizure and then help the person remain safe during the seizure. This is not a comprehensive list but some examples of specific actions.

**Are emotional support animals considered service animals under the Americans with Disabilities Act (ADA)?**

No. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some State or local governments and establishments have laws that allow people to take emotional support animals into public places. You will need to check with the establishment regarding the regulations for the allowance of your emotional support animal.

**If the client reports that that their dog calms them when having an anxiety attack, does this qualify as a service animal?**

It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

**Training and Control of Service and Emotional Support Animals**

**Does the ADA require service animals to be professionally trained?**

No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

**Does the ADA require that service animals be certified as service animals?**

No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

**Describe “under the control of the owner/handler”.**

The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. He/She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from him/her. Or, a person who has PTSD that has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but must be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

**Can clients leave their service or emotional support animals unattended?**

No, the dog/animal must be under the owner/handler's control at all times.

**Does the animal need to be house broken or trained to relieve itself of waste in a particular area?**

Yes, the animal must be properly trained and house broken.

**Verification**

**What documentation is needed to get a reasonable accommodation?**

If a person needs a reasonable accommodation to help alleviate the symptoms of a disability, he or she must first make the reasonable accommodation request to the provider. HUD states the following in its FHEO Notice: "Housing providers may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an emotional support animal. A physician, psychiatrist, social worker, or other licensed mental or physical health professional can provide documentation that the accommodation is needed. If the client presents prescription that is required to be taken to treat the disability without a statement from a treating professional, this can be accepted as supporting documentation of the need to conditionally approve (or approve) a request (common examples of this can be found in the request for meal accommodations

---

in low barrier shelter).

### **What documentation is needed to get a religious accommodation?**

*In the event a client seeks religious exemption from a rule or seeks an accommodation, it is important to assume that the client is seeking this exemption in good faith unless there is an objective basis for questioning the sincerity of the request. For example, if it is known that the client only recently adopted the stated belief/practice and the client received and consumed a meal that contained an item that was restricted by the belief or practice, this may be an objective basis for requesting more information about the nature of the belief. It is not required for the client to obtain a statement from a spiritual advisor of the religion to “certify” the clients beliefs. Below is a short non-exhaustive list of items that are not considered religious and would not be accommodated through a religious exemption.*

- *Opposition to the rule or options provided*
- *Fear*
- *Belief that that the rule or option will do more harm than good*
- *Distrust in the program/staff*
- *Desire to live a healthy/pure/alternative lifestyle*

### **What documentation is needed to have an emotional support animal?**

*If a person needs an emotional support animal to help alleviate the symptoms of a disability, he or she must first make the reasonable accommodation request to the provider. HUD states the following in its FHEO Notice: "Housing providers may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an emotional support animal. A physician, psychiatrist, social worker, or other licensed mental or physical health professional can provide documentation that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.*

### **What does a shelter/housing provider or landlord consider when a request for a service animal is made?**

*There are only two questions that a provider should consider with a request for a service animal as a reasonable accommodation:*

- (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 making the request have a disability-related need for the service animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?*

*No other documentation is needed except for vaccination records as required by the State or Local government for service animals.*

## **General Questions**

### **How do I request a reasonable accommodation, modification or religious accommodation?**

*A client can request a reasonable accommodation through any program staff within their program. This can include resident monitors, case managers or program managers. Requests can also be submitted through advocates, attorneys or representatives. If a client requests a reasonable accommodation, modification or religious accommodation, should be done in writing using the appropriate forms through the means outlined on the documents and described in training. All up to date forms can be found on the website of The Community Partnership for the Prevention of Homelessness at [Community-Partnership.org](http://Community-Partnership.org). Please note: all reasonable accommodation requests, even if they are approved at the provider level MUST be submitted to The Community Partnership for the Prevention of Homelessness through the electronic portal. The link for this can also be found at [Community-Partnership.org](http://Community-Partnership.org).*

### **What steps should I take if a client is seeking a different meal to accommodate dietary restriction for medical or religious purposes.**

- 1. Complete the reasonable accommodation form with the client in its entirety.*
- 2. Submit the form with any supporting documentation to The Community Partnership for the Prevention of Homelessness as outlined on the request form.*

- 
3. *If the client presents supporting documentation or evidence that the meal requested is required should this be for a reasonable accommodation (medical reasons only), immediately contact The Community Partnership for the Prevention of Homelessness' Chief of Operations to coordinate the meal request.*
    - a. *It is important to note, this should be done AS SOON AS IT IS KNOWN that a different meal is required for the client. It is understood that clients may come in at varying times although a check in time has been established but please work diligently to submit any meal requests that vary from the menu item noted for that day no later than 3:00 pm that day. Please note, this is the preferred time for request submission but as mentioned, DO NOT hold on to the request until the next day if the request is known after 3:00 PM, please immediately contact TCP's Chief of Operations immediately so that a meal can be coordinated.*
  4. *If the client does not present with supporting documentation for a reasonable accommodation (medical reasons only), please proceed with granting the accommodation while giving the client a time period to gather materials to support the request. This is a conditional approval.*
  5. *Clients seeking a religious accommodation MUST complete the Statement of Need section on the request form detailing their religion. A statement from a religious leader in support of the client's request would be beneficial but is not required for approval.*

*Providers are able to review and approve reasonable accommodations and religious accommodations without the review or approval from TCP however, if for any reason that there is uncertainty in proceeding with granting any accommodation request, proceed with a conditional approval of the request and immediately forward to TCP for review and approval.*

#### **How do I know if a client really practices the religion they are seeking the accommodation for?**

*In short, you must take their word for it. As defined by the law, the provider should ordinarily assume that the client's request for religious accommodation is based on a sincerely-held religious belief. If, however, a client requests religious accommodation, and the provider has an objective basis for questioning either the religious nature or the sincerity of a particular belief or practice, the provider would be justified in seeking additional supporting information. This means, you can only seek additional information from the client on their religious beliefs if there is reason to believe that the client is not being sincere and honest with the request.*

#### **Can a landlord or housing provider ban my emotional support animal based on breed?**

*The breed size, and weight limitations may not be applied to an emotional support animal. Instead, a housing provider may only determine if the specific emotional support animal in question poses a direct threat to the health and safety of others. This determination of a "direct threat" must be based on "individualized assessment that relies on objective evidence about the specific animal's actual conduct. It may not be based on fears about a certain type of animal or evidence from damage done by previous animals of the same type. For example, if a dog has been previously declared a dangerous dog, this may indicate that the dog poses a direct threat in an individualized assessment. However, breed alone will not result in this determination.*

*An issue sometimes arises where a housing provider/landlord's insurance company has restrictions on breeds of dogs in the insured's policy. The insurance company may label certain breeds of dogs as "dangerous" in the policy. Each reasonable accommodation determination must be made on a case-by-case basis. An accommodation is considered unreasonable if it imposes an undue financial and administrative burden on a housing provider's operations.*

#### **Can a person have more than one service or emotional support animal?**

*Yes, a person can have more than one service or emotional support animal. If a person were claiming the need for multiple emotional support animals, then he or she would need documentation supporting this need from his or her physician or medical professional. The practitioner would need to provide documentation that each support animal alleviated some symptom of the disability. If there is a case of a need for more than one service animal, each animal would need to be trained to perform a task to assist the handler.*

#### **Can animals besides cats and dogs act as emotional support animals?**

*Yes, an emotional support animal is not limited to a cat or dog. While dogs are the most common type of emotional support animal, other animals can also be emotional support animals. Again, the emotional support animal will undergo an individualized assessment to determine whether the emotional support animal in question poses a direct threat to the health and safety of others. A wild or exotic animal that poses a greater risk of attack or disease to other residents could be denied based on this individualized assessment.*

---

### Can a reasonable accommodation be rescinded/revoked?

*A reasonable accommodation can only be rescinded or revoked in the event that there is a material change in the circumstance in which it was warranted.*

### Reference

- Wisch, R. F. (2019). <https://www.animallaw.info/article/faqs-emotional-support-animals>. Animal Legal and Historical Center. Michigan State University.
- (2022). [https://www.ada.gov/regs2010/service\\_animal\\_qa.pdf](https://www.ada.gov/regs2010/service_animal_qa.pdf) Frequently Asked Questions About Service Animals and the ADA. U. S. Department of Justice.
- (2022). [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR\\_Enforcement\\_Guidance\\_COVID-19-and-ReligiousAccomodationRequest\\_Jan2022-v2.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR_Enforcement_Guidance_COVID-19-and-ReligiousAccomodationRequest_Jan2022-v2.pdf) COVID-19 and Religious Accommodation Requests. OHR No. 22-02