

Michelson Found Animals

Saving Pets, Enriching Lives.



Abby Volin
Founder and
President of Opening Doors

The Curious Case of Service and Assistance Animal Fraud



| How on earth is this a service animal? (image from [Dogtime](#))

Requesting a Reasonable **ACCOMMODATION**



Property managers must make **reasonable accommodations** to their policies when necessary to afford a person with a disability the equal opportunity to use and enjoy a place of public accommodation or a dwelling.

2004 Joint Statement of HUD and DOJ: Reasonable Accommodations Under the FHA
Available at: <https://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

SERVICE ANIMAL FRAUD IS AN INCREASINGLY COMMON CRIME IN CALIFORNIA

Tightening leash on service animal fraud in the Coachella Valley

California may crack down on fake service dogs

California may crack down on people who are fraudulently passing off their pets as service dogs.

Bruce Maiman: Frustrations of service dog fraud



By Bruce Maiman - Special to The Bee

Meet Jim

and Sadie.



dis·a·bil·i·ty
/disə'bilədē/
noun

A physical or mental impairment that substantially limits one or more major life activities or the operation of a major bodily function.

42 U.S. Code § 12102

Meet Tanya and Paris



Meet Richard and Hugo



Meet Ben and Charlie



Meet Lori and Prince Charming



Assistance Animals

Under the FHA, an assistance animal is defined as 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.*

*Different definition and standards apply for ESA access on aircrafts

US Department of Housing and Urban Development. FHEO Notice: FHEO-2013-01
Available at: https://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf

Is this fraud?

Dear [LANDLORD]:

[NAME OF TENANT] is my patient, and has been under my care since [DATE]. I am intimately familiar with his/her history and with the functional limitations imposed by his/her disability. He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to mental illness, [FIRST NAME] has certain limitations regarding [SOCIAL INTERACTION/COPING WITH STRESS/ANXIETY, ETC]. In order to help alleviate these difficulties, and to enhance his/her ability to live independently and to fully use and enjoy the dwelling unit you own and/or administer, I am prescribing an emotional support animal that will assist [FIRST NAME] in coping with his/her disability.

I am familiar with the voluminous professional literature concerning the therapeutic benefits of assistance animals for people with disabilities such as that experienced by [FIRST NAME]. Upon request, I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that [FULL NAME OF TENANT] have an emotional support animal. Should you have additional question, please do not hesitate to contact me.

Sincerely,
Signature

Is this fraud?

EMOTIONAL SUPPORT DOG STARTER KIT

EACH STARTER
KIT INCLUDES:

- 1 EMOTIONAL
SUPPORT DOG
BANDANA
- 2 EMOTIONAL
SUPPORT
I.D. CARD
- 3 OFFICIAL EMOTIONAL
SUPPORT I.D. DOG TAG



Is this fraud?

Emotional Support Animal Doctors

and Mental Health Professionals

1-855-429-2555

Are you struggling to find a place to live due to no pet policies?

Do you feel that having a pet in your residence will help alleviate your chronic stress, anxiety, and/ or depression?

Qualifying Conditions

- ✓ Stress
 - ✓ Depression
 - ✓ Anxiety
 - ✓ Insomnia
- And More...



According to the Fair Housing Amendment Act, landlords/property managers are required to allow emotional support animals in housing even if they normally do not allow pets, provided that a health care professional states in a letter that the tenant needs an emotional support animal as part of his or her treatment.

Takeaway #1:

When an individual presents questionable documentation, it does not mean that the request is fraudulent.

It means the documentation is unreliable.

The FHA provides remedies for this.

Service Animals

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.

US Department of Justice. ADA Requirements for Service Animals, Updated 2011

Available at: https://www.ada.gov/service_animals_2010.htm

Is this fraud?



Is this fraud?



Is this fraud?



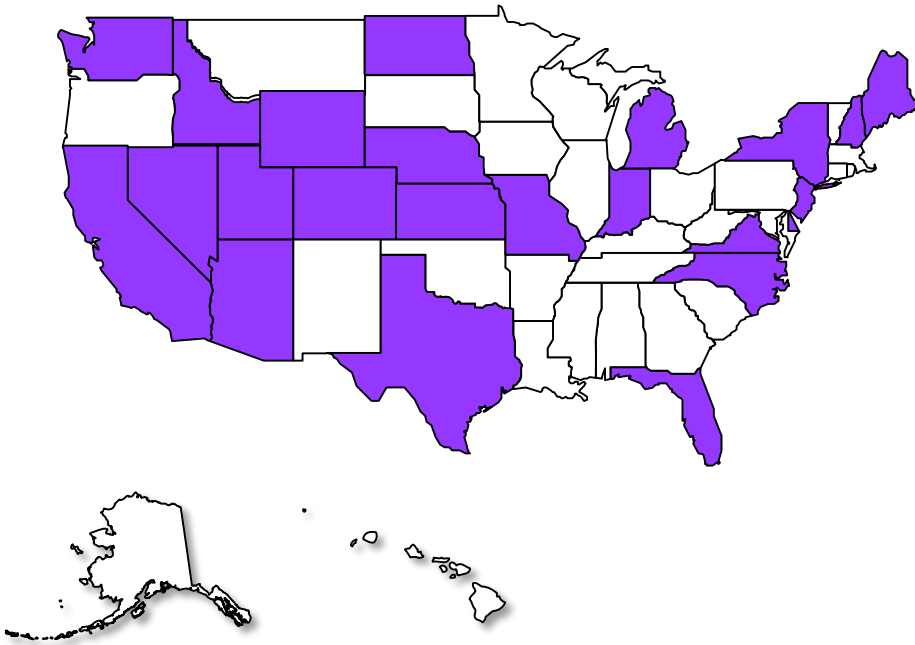
Takeaway #2:

When an individual uses a service dog that is out of control, misbehaves, or is not housebroken, it does not indicate fraud.

It means that the service animal is acting inappropriately.

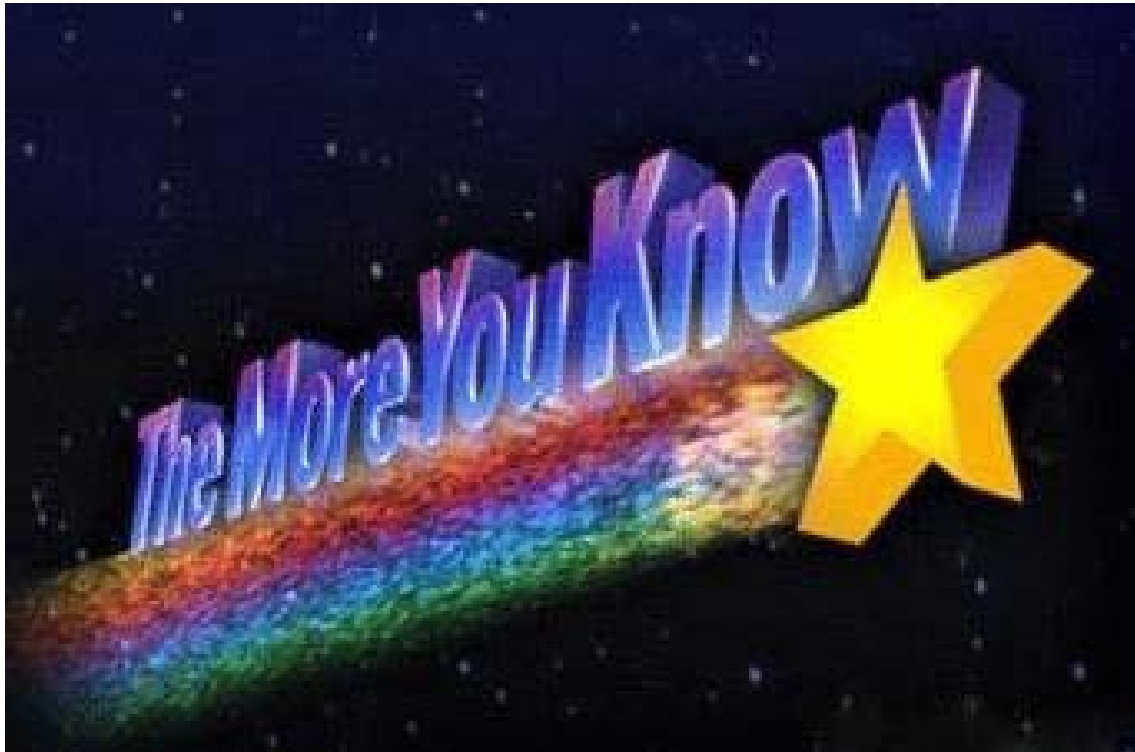
The ADA provides remedies for this.

Current Efforts to Curtail Fraud



- Pre-emption
- Vague and difficult to enforce
- CA
 - AB 2760
 - DFEH

Use the Tools Already Available



Municipal Policies

- Codify an interactive process
- Clarify verification requirements
- Expand species
- Trainings and Signage

Private Sector



Takeaway #3:

We need to reframe the way we approach this issue.

What's the deeper problem we need to address?

Questions?



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