

New Law Provides Guidance for Landlords on Tenants with Assistance and Service Animals

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The Assistance and Service Animal Integrity Act, Act 118 of 2018, (the “Act”), in effect as of December 23, 2018, seeks to clarify many of the murky areas associated with tenants requesting a landlord’s accommodation for an assistance or service animal. The Act adopts the definition of a “service animal” found in the Americans with Disabilities Act of 1990 (“dogs that are individually trained to do work or perform tasks for people with disabilities”).

An “assistance animal” under the Act can be any animal, not just a dog, other than a service animal, that works, provides assistance, or lends emotional support to alleviate one or more of an individual’s identified symptoms or effects of a person’s disability. Landlords must remember that neither service nor assistance animals are pets.

The Act allows a landlord to request written, reliable documentation that describes the tenant’s disability, as well as the tenant’s disability-related need that requires the service or assistance animal. Additionally, the landlord cannot be held liable for any injuries that the service or assistance animal may cause to persons or property if the landlord allows the animal on the property as a reasonable accommodation.

Lastly, and most importantly, the Act makes it a summary criminal offense, punishable by a fine not to exceed \$1,000, if a tenant

- a) drafts his or her own documentation that misrepresents the animal as a service or assistance animal,
- b) offers a document misrepresenting an animal is an assistance or service animal, or
- c) attempts to put a collar or harness on an animal to misrepresent that animal as a service or assistance animal.

Likewise, it is a third degree misdemeanor for an individual to

- a) misrepresent the need for, or
- b) make a materially false statement for the purposes of obtaining documentation for use of, an assistance or service animal.

Although the Act provides some additional means of verifying what can often be a difficult question of assessing an individuals’ disability, and adds repercussions for tenants trying to abuse the situation, landlords must still walk a fine line in evaluating any reasonable accommodation requests from tenants involving a service or assistance animal.