



ADA & ESA Compliance Webinar

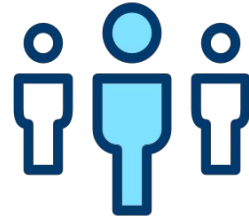
A webinar from TurboTenant

Key Takeaways

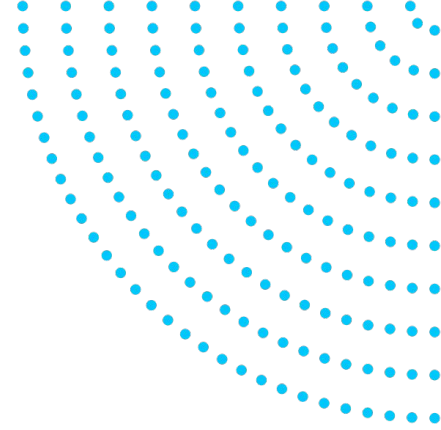
You'll learn:

- The difference between the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA)
- Determining “reasonableness” regarding modification requests
- How to validate emotional support animals (ESAs) and service animals



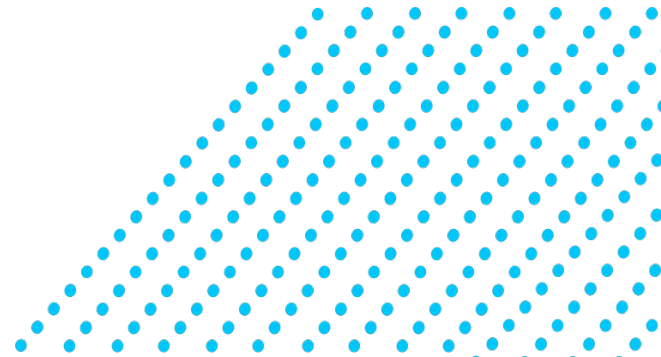


The ADA, FHA, and Landlords



A Brief History of the ADA

- Became civil rights law in 1990
- Prohibits discrimination against individuals with disabilities
- Purpose: to ensure people with disabilities have the same rights and opportunities as everyone else



Common Disabilities



Per Apartment Guide:

- Hearing and speech disabilities
- Diabetes
- Cancer
- Epilepsy
- Intellectual disabilities
- Partial or completely missing limbs
- Mobility impairments requiring the use of a wheelchair

Does the ADA Apply to Landlords?

In part, which causes confusion:

- Commercial property landlords must enable reasonable access for people with disabilities, per the ADA
 - But all landlords must allow service animals, which are protected by the ADA
- Residential landlords must follow the FHA
 - Emotional support animals fall under this category



What's the FHA?

- Federal law passed in 1968
- Prohibits discrimination in housing based on seven protected classes:
 - Race
 - Color
 - Religion
 - Sex (including gender identity and sexual orientation)
 - Disability
 - Familial status
 - National origin
- Some states have additional protected classes



Pro Tip: Knowing your local landlord-tenant laws is critical for running your rental property management business.

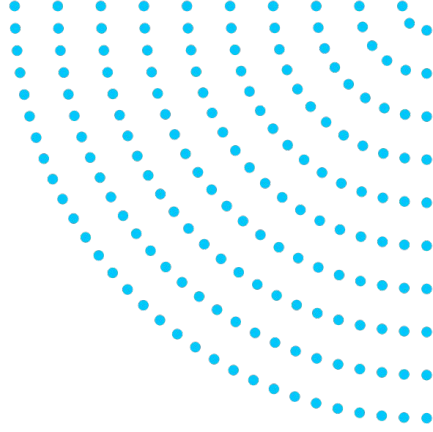
How are landlords most likely to interact with the FHA?

- Screening tenants
- Lease signing
- Rental modification + accommodation requests





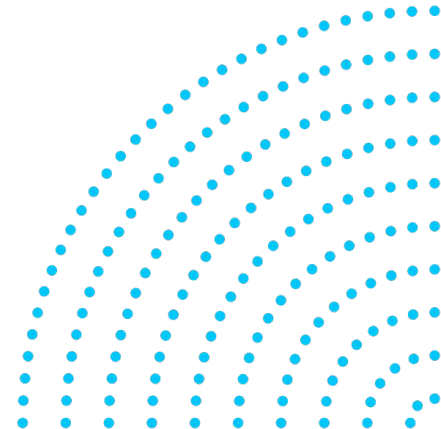
Accommodations vs. Modifications



Accommodations

Per [HUD](#):

- Change, exception, or adjustment to a rule, policy, practice, or service
- Necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling
 - Includes public and common use spaces
- Landlords **can't ask people with disabilities to:**
 - Pay extra fees or deposits
 - Fulfill special conditions or requirements
- Usually paid for by the landlord



Accommodation Examples



- Providing earlier notice for inspections or repairs to ensure an ASL interpreter can be present
- Adjusting guest policies to enable at-home care
- Procuring leasing documents written in braille
- Changing the due date for rent after receipt of a social security disability check



**How many times have tenants
requested accommodations for
your rental?**



Modifications

Per [HUD](#):

- Structural change made to existing premises that will enable a tenant with disabilities full enjoyment of the premises
- Can include updates to the interior/exterior of the unit + common/public use areas
- Landlords **can't**:
 - Refuse to allow reasonable accommodations
- Modifications **can't** cause undue burden or fundamental alteration of the rental
- Usually paid for by the tenant*
- Landlords can require interior modifications to be removed/the rental be returned to its original condition upon move out



Modification Examples

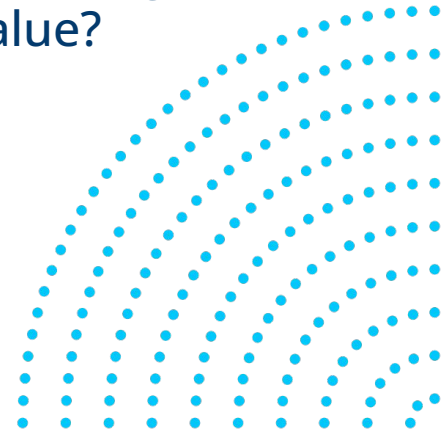
- Installing a ramp
- Adding grab bars in the bathroom
- Implementing visual CO2 and smoke detectors
- Updating the flooring to be more crutch-friendly (e.g., linoleum to carpeting)



What is “reasonable”?

Depends on several factors:

- **The effectiveness of the accommodation:**
Does it achieve the desired goal of equal access and enjoyment?
- **The financial resources of the landlord:**
Can you afford the accommodation without undue hardship?
- **The impact on the property:**
Does the modification cause major structural damage, change the property’s function, or significantly decrease the its value?
- **The tenant’s circumstances:**
Does the tenant’s request align with their needs?
- **The follow up:**
If the original request can’t be met, did you explore additional options?



Game Time – Round 1

Situation:

- Your parking policy is first come, first served.
- Tina the tenant has a mobility impairment.

Request:

- Tina requests an assigned accessible parking space close to the entrance of her unit.

IS THIS REASONABLE?



Game Time - Round 2

Situation:

- You require all tenants to pay rent online through TurboTenant.
- Talia the tenant has a mental disability that makes her afraid of using the internet.

Request:

- Talia requests that she be allowed to pay rent in cash in person, despite the risks of accepting cash payments.



IS THIS REASONABLE?

Game Time – Round 3

Situation:

- Tim the tenant is physically unable to open the dumpster in the parking lot by his unit due to his disability.
- You have one maintenance worker who comes by once a week.

Request:

- Tim asks that the maintenance worker come to his unit four times per week to remove trash.

IS THIS REASONABLE?

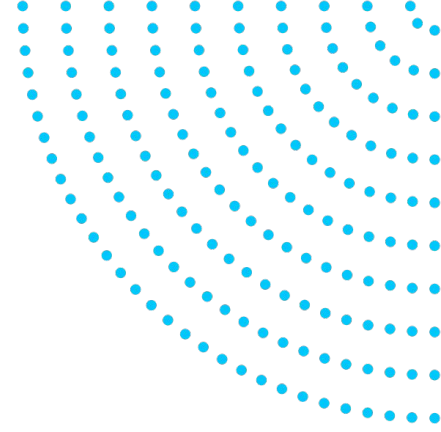


Denying a Modification

- Do your due diligence
 - Show concerted efforts were made to research + enable the modification
- Document, document, document
 - Gather quotes (as applicable) for fulfilling the request if it would be an undue burden
 - Write out how the modification would fundamentally change your business as applicable
 - Communicate this information to your tenant
- Propose a different solution
 - Like in Tim's trash situation - what can be done to help your tenant with disabilities fully enjoy their living space and common areas as any other tenant would?
- Consistency is *crucial*
 - Create a process to investigate + document modification requests and stick to it!



ESAs vs. Service Animals: A Crash Course





How many times have tenants requested ESAs in your rentals?



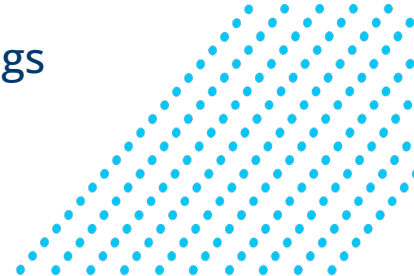
What's the difference between ESAs and service animals?

ESAs

- Provide therapeutic companionship
- Protected by the FHA
- Do **not** require training
- Can be almost any kind of common household animal

Service animals

- Perform a necessary service
- Protected by the FHA and the ADA
- Require training
- Are most often dogs



Vetting Service Animals

- You're allowed to request documentation that supports their need for their service animal
 - Typically, people with service animals must secure a recommendation from a medical provider before obtaining the animal
 - A letter from their doctor should suffice
- Two questions you can ask:
 - Is your service animal needed due to disability?
 - What task is it trained to perform?
- Questions you **CANNOT** ask:
 - What's your disability?
 - Does your dog actually help you, or are you faking?

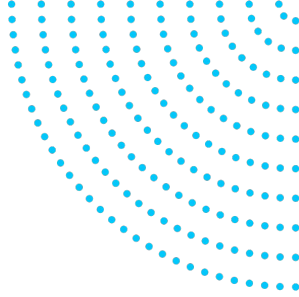
Beware of service animal certificates, like those issued by the National Service Animal Registry. There is no national registry of service animals!

Vetting Emotional Support Animals



- Similarly, you can require documentation in the form of an ESA Housing Letter
 - Should be from the tenant's mental health professional, doctor, PA, social worker, etc. and include:
 - How long the tenant has been a patient
 - Why the emotional support animal is necessary
 - A signature from the professional along with their contact information + licensing information

Verifying Service Animal + ESA Documentation

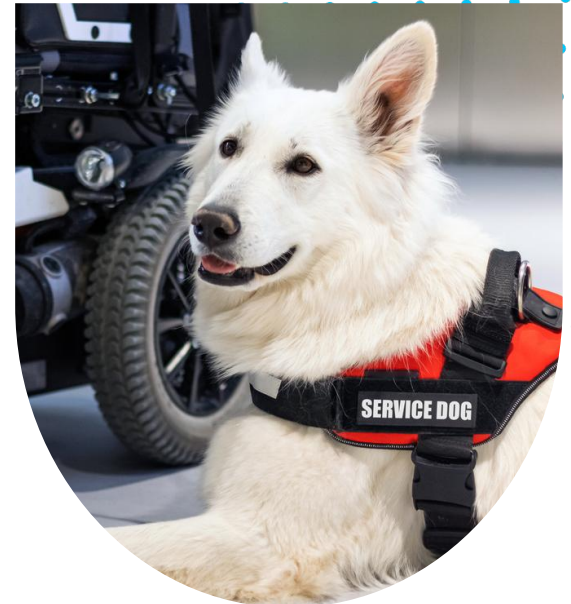


- You're allowed to ask for the nexus between the tenant and their provider if it's unclear:
 - E.g., if the tenant has always lived in Colorado but their provider operates out of California, you can follow up with a question about how they connected
- Look up the provider listed on the request letter
 - Verify their license number on the relevant state website for licensed professionals
- Remember, you can't ask the tenant for personal details re: their disability

Typically, you must respond to service animal + ESA requests within a set time frame (generally 10 days, but check your local laws).

What if you suspect ESA/service animal fraud?

- Proceed with caution - stay calm and collected
- Lean on the questions you can ask
 - Most fraudsters bristle when asked for supporting documentation and may abandon their pursuits accordingly
 - Legitimate ESA and service animal holders have their answers ready to go because they know the law
- Before approaching your tenant with any accusations, contact your attorney



Proactive Strategies to Consider

- Maintain top-tier documentation through TurboTenant's platform
- Understand your local laws along with the FHA and ADA
- Stay consistent with your approach to validating:
 - Accommodations + modifications
 - Service animals
 - ESAs
- If you think someone needs an ESA but doesn't have the paperwork, tell them how to get the proper documentation
 - Maintain your requirements, but point your tenant in the right direction to fulfill them

Landlord from everywhere
life takes you with
[TurboTenant's mobile app](#)



- Track expenses on the go
- Receive instant notifications for rent payments

Streamline every part of
rental property management
by going **Premium**



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