

## Model House Rules Regarding Assistance Animals in a "No Pet" Property

Notwithstanding the prohibition against pets and animals other than caged animals and fish, [PROPERTY] tenants/owners who are disabled' may be allowed to keep an assistance animal in their unit with written approval of [PROPERTY]. See Hawaii Administrative Rules (HAR) Rule § 12-46-306.

1. If the disability is not readily apparent, [PROPERTY] may request information that verifies that the person has a disability. •
2. If the disability-related need for an assistance animal is not readily apparent, [PROPERTY] may request verification that the assistance animal is needed to alleviate one or more symptoms of the person's disability.
3. [PROPERTY] may not request medical records or access to health care providers, and may not inquire as to the diagnosis, nature, or severity of the person's disability.
4. Verification may be provided by a letter or other communication from the person's treating health care professional, mental health professional, or social worker.
5. [PROPERTY] may not require that the tenant maintain liability insurance related to the animal, or submit to a second medical opinion regarding the tenant's disability. [PROPERTY] may impose reasonable restrictions or prohibitions on the person with a disability regarding excessive noise or other problems caused by the assistance animal, including but not limited to:
  - I. Observing applicable laws, including leash laws and pick-up laws;
  2. Assuming responsibility for damage caused by the assistance animal;
  3. Cleaning the animal's waste;
  4. Having the animal licensed with the county, if licensing is required by the county;
  5. Having the animal vaccinated with documentation of the vaccination;
  6. Having the animal under the control of the animal's owner or handler by use of harness, leash, tether, cage, carrier, or other physical control in common areas. If the nature of the person's disability makes physical control impracticable, or if physical control would interfere with the assistance that the animal provides, [PROPERTY] may require that the animal be otherwise under the control of the animal's owner or handler by voice control, signals, or other effective means;
7. Specific to tenants:
  - a. Cleaning the housing unit upon vacating, by fumigation, deodorizing, professional carpet cleaning, or other appropriate methods; or
  - b. Any other reasonable restriction that would leave the housing accommodation in the condition it was in prior to the occupancy of the tenant with a disability, except for reasonable wear and tear.

1 Hawaii Revised Statutes (HRS) Sec. 515-2 provides: Disability; means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use of or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others."

2 HAR § 12-46-302 provides: IU Assistance animal" means an animal that is needed to perform disability related work, services or tasks for the benefit of a person with a disability, or is needed to provide emotional support that alleviates one or more identified symptoms or effects of a person's disability.

Assistance animals may include, but are not limited to, service animals, therapy animals, comfort animals or emotional support animals. Assistance animals may have formal training or may be untrained, and may include species other than dogs."