

**EXHIBIT 1**

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

RIVERBROOK,

Plaintiff-Appellant,

v.

ABIMBOLA FABODE and all other occupants,

Defendants/Appellees.

Court of Appeals Case No. 349065  
Macomb Circuit No. 18-000274-AV  
42-2 District Case No. 18-1698-LT

\_\_\_\_\_  
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**BRIEF OF AMICI CURIAE PROPERTY MANAGEMENT ASSOCIATION OF  
MICHIGAN, WASHTENAW AREA APARTMENT ASSOCIATION, PROPERTY  
MANAGEMENT ASSOCIATION OF WEST MICHIGAN, DETROIT METROPOLITAN  
APARTMENT ASSOCIATION, AND THE PROPERTY ASSOCIATION OF  
MID-MICHIGAN**

\_\_\_\_\_  
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## **STATEMENT OF INTEREST OF AMICI CURIAE**

Amici Curiae are Michigan non-profit organizations founded to support the interest of apartment owners and managers throughout the state.

Amicus Property Management Association of Michigan (PMAM) represents more than 125,000 apartment units in Michigan through its affiliate chapters, Amicus Detroit Metropolitan Apartment Association (DMAA), Amicus Property Management Association of West Michigan (PMAWM), Amicus Property Management Association of Mid-Michigan (PMAMM), and Amicus Washtenaw Area Apartment Association (WAAA). The members of PMAM and its affiliates are predominantly multi-family housing communities and the owners and management companies which operate them. Amicus DMAA represents members throughout the Detroit Metropolitan area. Amicus PMAWM represents members throughout Western Michigan, including the cities of Grand Rapids, Kalamazoo, the western portion of the Northern Lower Peninsula, and the Upper Peninsula. Amicus PMAMM represents members in the central portion of Michigan, including those in the greater Lansing area and through the eastern portion of the Northern Lower Peninsula. Amicus WAAA represents members in Washtenaw County. PMAM and its amici affiliates are Michigan chapters of the National Apartment Association (NAA). The NAA represents more than 10 million apartment units throughout the United States and Canada.

Amici Curiae are concerned about the outcome of this case and how it will affect their members and those apartment owners and managers which are not members of their organization.

## I. INTRODUCTION AND SUMMARY OF THE ARGUMENT

Amici Curiae, the Property Management Association of Michigan (PMAM), the Washtenaw Area Apartment Association (WAAA), the Property Management Association of West Michigan (PMAWM), the Detroit Metropolitan Apartment Association (DMAA), and the Property Management Association of Mid-Michigan (PMAMM)<sup>1</sup>, seek a published decision from this Court to reverse the lower courts and to clearly state what Amici Curiae and its members are expected to do with what they believe are fraudulent emotional support animal (“ESA”) verification letters.

During the past few years, Amici Curiae's members, who are mostly landlords of residential rental housing, have been inundated with requests from tenants for ESA approvals. The overwhelming majority of these requests are presented by form letters, much like the “Venet Letter” at issue in this case. Amici Curiae believe these form letters are fraudulent.

Amici Curiae urge this Court to hold that formulaic letters, like the Venet Letter, which do not provide any actual evidence of an emotional disability or a treating relationship, are not valid to establish a tenant's need for an ESA. Further, Amici Curiae urge the Court to hold that a health-care provider who purports to prescribe the need for an ESA must have a verifiable and meaningful treating relationship with the person for whom the ESA is prescribed. Simply talking on the telephone to a total stranger for a

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<sup>1</sup> PMAM is a statewide apartment industry group with members throughout Michigan and which focus on issues important to the industry in Michigan. DMAA represents apartment communities, property management companies, and vendors to the apartment industry in the Detroit Metropolitan area. PMAWM, PMAMM, and WAAA represent the same classes of members as DMAA in West Michigan, Mid-Michigan, and Washtenaw County, respectively. The members of DMAA, PMAWM, PMAMM and WAAA are also concurrently members of PMAM and, in total, represent in excess of 125,000 apartment units in Michigan. All of the groups and their members are also members and affiliates of the National Apartment Association: [www.naahq.org](http://www.naahq.org)

few moments cannot be sufficient to validate an actual treating relationship or the existence of an emotional disability, yet that is the current situation facing Amici Curiae's members.

## **II. STATEMENT OF FACTS AND ARGUMENT**

Amici Curiae will not restate the facts as provided by Appellant in Appellant's Brief. Further, Amici Curiae rely upon the case law and other legal authority in Appellant's Brief. The purpose of this Brief is to address the issues Amici Curiae's members see on a daily basis so that the Court can understand the public policy implications and importance of this case.

For years, Amici Curiae's members have received numerous letters from Anne Venet and others which are clearly form letters. According to the various letterheads Ms. Venet uses, her "office" is in Clinton Township, located at 20836 Hall Road, Suite 226. (See Venet Letters, attached as Exhibit 1) However, she does not have an actual, physical office at this location as the address she claims to be her office location is actually the address of a UPS Store. (See UPS Store information, attached as Exhibit 2). "Suite 226" is a mail box.

Another purported social worker from whom Amici Curiae's members have received a number of similar form letters is Ebonie Walker. (See Walker Letters, attached as Exhibit 3) Ms. Walker's various letterheads show her physical location to be in Virginia.

Ms. Venet sent her letters across Michigan, even to landlords on the opposite side of the state from Clinton Township. Based upon her testimony in this case, there is no doubt that she does not personally interact with the tenants for whom she has written

her letters. The same is true for Ms. Walker. She sent her letters to landlords across Michigan and she is not even located in this state.

A review of the multiple Venet Letters, attached as Exhibit 1, especially in comparison to the “Venet Letter” in this case, demonstrate they are form letters with only names, dates, and animal names changed. Many of the letters are directed toward allowing animals in the cabins of aircraft. Many of the letters refer to the purported need for multiple ESAs. One of the letters even expressed the necessity for four ESAs. However, none of the letters explain why or how any of the ESAs are necessary to allow any of the tenants to live in an apartment. As federal case law requires, and as explained in Appellant’s Brief, *Hollis v. Chestnut Bend Homeowners Ass’n*, 760 F3d 531 (6th Cir., 2014), the necessity element requires the tenant to prove that “but for the requested accommodation or modification, he likely will be denied an equal opportunity to enjoy the housing of his choice.” *Hollis*, at 541. Some of the Venet Letters describe how the presence of animal(s) will “provide a calming effect” or “enhance the ability to live independently.” But they do not explain why the presence of an animal is actually necessary to allow a tenant to live in an apartment.

Of course, what will happen after this Court’s decision is that Ms. Venet and her colleagues will just change their form letters to state definitively that the ESA is “necessary.” That is why this whole process, as the trial judge noted, is “really bogus.” (Hearing Transcript, 10/23/18, p. 12) There is no dispute that Ms. Venet did not treat or even see Appellee’s occupant before issuing her letter to him. That is certainly the case in most, if not all, of the other Venet Letters attached.



One of the Venet Letters is dated February 2, 2018 and is directed to a patient named Ann Hyman, whose date of birth is purportedly July 16, 2017, making Ms. Hyman less than one year old as of the date of the letter. (See Hyman Letter, attached as Exhibit 4) Regardless of whether Ms. Venet made a typographical error when inputting the date of birth in her letter, the fact is that the letter to Ms. Hyman is a fraud.

Ann Hyman is the pseudonym of Karlene Lehman. Ms. Lehman is a board member of the PMAM, one of the Amici Curiae. Professionally, Ms. Lehman is vice president of Princeton Management, an apartment management company with residential rental properties in Michigan and in other states. (See Affidavit of Karlene Lehman, attached as Exhibit 5)

On February 2, 2018, Ms. Lehman conducted an experiment. She went online to the U.S. Support Animals website<sup>2</sup>, registered as “Ann Hyman,” stated on the website the reason she needed the ESA was “because my apartment community did not allow pets,” and paid her money for an ESA. Shortly thereafter, Ms. Venet called Ms. Lehman, just as Ms. Venet had called Appellee’s occupant in this case. During their six-minute conversation, Ms. Venet asked Ms. Lehman only one health related question: “Would keeping [your cat] in your apartment assist your anxiety and depression?” (Id.)

Ms. Lehman had neither stated on the website nor previously during the call with Ms. Venet that she was anxious or depressed, or that she suffered from any other condition. In response to Ms. Venet’s question, Ms. Lehman answered, “I would miss her; she’s been with me 19 years.” (Id.)

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<sup>2</sup> This is the same website to which Appellee’s occupant went.

Ms. Venet responded, “I will prescribe an ESA for you. Your letter will be emailed tomorrow. If your landlord requires additional information, it will be less expensive to text me directly instead of contacting U.S. Support Animals. I will complete whatever your landlord needs.” (Id.)

Ms. Venet’s letter to Ms. Lehman (a/k/a Ms. Hyman) expressed that Ms. Venet “evaluated” Ms. Hyman. (Hyman Letter) Ms. Venet affirmed that she is “familiar with the client’s history and limitations imposed by the client’s disability.” She stated that Ms. Hyman “has been diagnosed with a Differential Illness . . . which meets the definition of a disability.” Ms. Venet stated that the “emotional support animals will have a substantial impact in helping [Ms. Hyman] cope with symptoms of the disability.” (Id.)

Ms. Lehman does not know how her one cat somehow became described as multiple “animals” in the Hyman Letter. (Aff. of K. Lehman)

Obviously, the Hyman Letter is fraudulent. Ms. Venet never “evaluated” Ms. Hyman (or even Ms. Lehman, as Ms. Hyman does not exist). Ms. Venet is not authorized to diagnose a disability, as explained in Appellant’s Brief. Even if she were, Ms. Venet should have to explain how, after only a six-minute telephone call, during which her patient never mentioned a disability or even a symptom relating to a disability, she diagnosed Ms. Hyman with a disability so significant that Ms. Hyman could not live in an apartment without an ESA.

Ms. Lehman’s experience is not unique. Charity Henkleman, a past president of the board of the PMAWM, another one of the Amici Curiae, contacted U.S. Support Animals on November 18, 2019 to see whether it was difficult to get an ESA. Ms. Henkelman works for Koetje Communities, an apartment management company with its

properties located in West Michigan. Ms. Henkelman lives in Hudsonville, Michigan, which is in Ottawa County. (Affidavit of Charity Henkelman, attached as Exhibit 6)

Ms. Venet did not call Ms. Henkelman. Instead, Shurkela Mason, LPC, whose office purports to be in Flint, hundreds of miles from Ms. Henkelman's home, called Ms. Henkelman in response to her online request for an ESA. Ms. Mason spoke with Ms. Henkelman for one minute. Ms. Mason asked Ms. Henkelman, "If you would tell me a little bit about how your pet helps you with symptoms of depression, anxiety, or whatever you may suffer with." (Id.)

Ms. Henkelman answered, "I got a puppy because I like dogs and I'm trying to move into an apartment and they don't take puppies, so it's stressing me out if they don't take my animal." Ms. Mason replied, "Ok. I think that's about all I need. You should receive a letter in your email sometime today." (Id.)

Ms. Henkelman was surprised at the brevity of the call and asked, "That's all you need?" Ms. Mason answered, "That's all we needed." (Id.)

Even though Ms. Henkelman made it clear that the purpose of her ESA was to force a landlord to allow her impermissible puppy in her apartment, Ms. Mason sent two letters to Ms. Henkelman: One about housing and a second letter relating to airlines and aircraft. (See Mason Letters, attached as Exhibit 7) Ms. Henkelman did not ask for an accommodation for aircraft, but she received such a letter anyway.

After only a one-minute telephone call, Ms. Mason stated in the letter to be directed to a landlord that she has "diagnosed [Ms. Henkelman] with an emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Specifically, Acute Stress Disorder 308.3" Ms. Mason also claimed

she was familiar with Ms. Henkelman's "limitations caused by [her] diagnosed disability and the need to mitigate those limitations and associated symptoms." (Id.)

Ms. Henkelman has no idea where any of the statements in the Mason Letters originated, but they did not come from Ms. Henkelman. (Id.) Clearly, Ms. Mason took Ms. Henkelman's name and other information and plugged it into two pre-prepared form letters. There was no treating relationship, no diagnosis, no treating history, and no review of medical records. Nothing. But Ms. Mason presumably had no qualms about signing her letters for Ms. Henkelman.

The collection of letters authored by Ebonie Walker are similar. (See Walker Letters, Ex. 3) Unlike the letters by Ms. Venet, Ms. Walker's letters are much more concerned with the necessity element, although even they do not address it as specifically as the case law requires.

Each of Ms. Walker's letters includes a paragraph which states the following or language very similar to the following:

Ms. [REDACTED] dog, Gunnar, a 60 lb German Shephard Dog, currently provides emotional support by drastically reducing the effects of depression through emotional bonding which successfully ameliorates the effects of her disability, so that Ms. [REDACTED] can interact and communicate with others without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Ms. [REDACTED] could not live with, nor be accompanied by her dog, her ability to interact and communicate with others would be substantially limited.  
(Walker Letters)

Some of the Walker Letters use "anxiety" in place of "the effects of depression." Others purport to address sleeping issues, negative habits, motivation, and creating a sense of purpose. Otherwise, the letters are virtually identical.

Amici Curiae do not know which of the many internet ESA businesses employs Ms. Walker. If one were to Google “emotional support animals,” just the first page of results would take an interested tenant to, in addition to U.S. Support Animals (under [usserviceanimals.org](http://usserviceanimals.org)), The Official ESA Registration of America, TherapyPet, U.S. Dog Registry, National Service Animal Registry, ESA Registration of America, CertaPet, Waggy, Psychological Disability Service Center, ExpressPetCertify, and Emotional Pet Support. Each of these companies promises to provide a letter authored by a licensed health-care provider that its clients’ pets will be considered ESAs. Most promise to provide the letter the same day as they receive payment.

There is no doubt that an entire industry has been created to service the desires of tenants who want their pets to be considered ESAs rather than pets. Amici Curiae’s members believe the reasons people want their animals to be considered ESAs, like the tenant’s reason in this case, are either because the particular animal is not permitted on the property, the particular property does not permit any animals, the particular breed of animal is not permitted on the property, or, most commonly, because the tenant does not want to pay a pet security deposit or a pet fee for having the animal.

There is no other explanation why Ms. Walker, a social worker located in Virginia, is writing ESA letters for numerous Michigan residents other than she was directed by a web-based ESA provider to do so. Ms. Walker has presumably not personally treated any of the people for whom she has written letters. She does not likely have a history of treatment and cannot make a diagnosis. Like Ms. Venet, even if she could make a diagnosis, it is based upon no more than a single telephone call. The fact is she is contractually-obligated to provide a letter, whether she truly believes the tenant is

disabled or not. That is why Amici Curiae and its members believe these letters and these declarations relating to disabilities and the “need” for ESAs are fraudulent.

Ms. Venet, Ms. Walker, and Ms. Mason clearly did not care whether their purported patients were really disabled. They simply wanted to get paid and undoubtedly, they are paid for each letter they write, or more accurately, each letter in which they fill in the blanks.

Amici Curiae believe this fraud has gone on too long and has become widespread. Amici Curiae urge this Court to do something about it in its opinion in this case.

Somehow, the trial court and the circuit court held that Ms. Venet’s letter was dispositive even after she testified she had never even met the Appellee’s occupant prior to writing her letter. It is undisputed that Appellee’s occupant did not attempt to get a letter claiming the dog was an ESA until after Appellee’s occupant was caught with it, having never attempted to register it previously with Appellant<sup>3</sup>. This fraudulent behavior cannot be permitted to continue.

In order to have an ESA, tenants must establish they are emotionally-disabled. This is more than just being unhappy, depressed, or anxious. As Appellant explained in its Brief,

A disabled person “is one who has (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such an impairment, or (3) been regarded as having such an impairment.”  
Not all impairments are “disabilities” within the purview of the

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<sup>3</sup> If a tenant presented a letter from a health-care provider, with whom the tenant had an actual treating relationship, prescribing an ESA before the tenant actually possessed the animal, the landlord would likely consider that letter to be valid. The overwhelming majority of these situations, however, occurs when a tenant produces a letter after already owning the animal, as in this case. In fact, the websites listed above assume the tenant already owns the pet in question on their site. They encourage tenants to have their existing pets classified as ESAs, not for a prescription for a new animal to serve that purpose.

FHA. Instead, only those impairments that “substantially limit” an individual’s ability to perform a major life activity fall within the FHA. (Appellant’s Brief, p. 9, citing *Loren v. Sasser*, 309 F.3d 1296, 1302 (11th Cir. 2002)).

A letter written by a counselor for \$99 with whom the tenant has no provider-patient relationship, other than signing onto a website, cannot be sufficient to establish an actual disability. As this Brief demonstrates, there is significant evidence that health-care providers will sign their names to a letter claiming a disability, even one which they know is false, in order to get paid. Courts and litigants cannot be bound by these clearly-fraudulent letters.

### **III. CONCLUSION AND REQUEST FOR RELIEF**

Amici Curiae urge this Court to reverse the lower courts’ decisions in a published opinion. Both courts erred by relying upon Ms. Venet’s letter. Her clearly-unfounded opinion that Appellee’s occupant was disabled is unsustainable. Further, Ms. Venet failed to establish how having an animal, which Appellee repeatedly stated was not living with the occupant, would be necessary to allow Appellee and her occupant to live in Appellant’s community. By virtue of the fact that the Appellee and her occupant admitted they lived in the rented housing without the animal, clearly they did not need the animal to be able to live in the community.

More importantly, however, is that Amici Curiae urge this Court to hold that a form letter by itself is not enough to establish the validity of an ESA. Amici Curiae urge the Court to determine that in order for an ESA to be considered valid by a Court:

A) Only health-care providers with the medical authority to diagnose an emotional disability are authorized to write a letter to establish the existence of such a disability and the medical need for an ESA in order to reside in a rental premise;

B) Such letters must establish an actual history of treatment by that same provider, with dates and locations of treatment provided in the letter; and

C) Courts cannot accept these letters at face value and must, if the issue is raised, conduct an evidentiary hearing to establish the basis of the treating relationship, the existence of the emotional disability, the need for the ESA, and how that ESA would allow a tenant to live in a rented premise which the tenant could not otherwise do without the ESA.

If the tenant cannot establish the above-listed items, Michigan courts must deny that the animal is an ESA.

Respectfully submitted;

/s/ Ian M. Burnstein  
IAN M. BURNSTEIN (P49026)  
Attorney for Amici Curiae  
30665 Northwestern Hwy., Suite 100  
Farmington Hills, MI 48334

DATED: January 14, 2020



**EXHIBIT 1**

Anne Venet MA, LLPC  
Michigan License Number 6401008217

20836 Hall Road Suite 226  
Clinton Township MI 48038

Office (586) 371-9610  
annemvenet@gmail.com

December 12, 2019

Re: Nicholas [REDACTED]

To Whom It May Concern:

Nicholas [REDACTED] is under my care for a mental health condition. I am familiar with his history and with the functional limitations imposed by his emotional/mental health issue.

Mr. [REDACTED] meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Mr. [REDACTED] is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Mr. [REDACTED] emotional distress substantially limits one or more major life activities and is imposed by his emotional distress as defined by the DSM-5.

Due to this emotional disability, Mr. [REDACTED] has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance his ability to function independently, I am recommending an emotional support animal that will assist Mr. [REDACTED] in coping with his disability. The presence of this animal is necessary for Mr. [REDACTED] emotional health to mitigate the symptoms he is currently experiencing.

Cat	1 to 10 lbs.	Shorthair	Melanie
Cat	1 to 10 lbs.	Shorthair	

I am licensed by the State of Michigan to practice Mental Health Counseling. My active license number is 6401008217.

Sincerely,

Anne Venet MA LLPC

Anne Venet MA, LLPC  
Licensed by the State of Michigan  
Issue on 2/8/2002 -- License number 6401008217

B-1314 CH emailed our ESA form to Anne and also emailed Nicholas telling him to wait to get and cat until all paperwork is received. ID: 108060.

Anne Venet MA, LLPC  
Michigan License Number 6401008217

20836 Hall Road Suite 226  
Clinton Township MI 48038

Office (586) 371-9610  
annemvenet@gmail.com

July 7, 2019

Re: Paul [REDACTED]

To Whom It May Concern:

Paul [REDACTED] is under my care for a mental health condition. I am familiar with his history and with the functional limitations imposed by his emotional/mental health issue.

Mr. [REDACTED] meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Mr. [REDACTED] is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Mr. [REDACTED] emotional distress substantially limits one or more major life activities and is imposed by his emotional distress as defined by the DSM-5.

Due to this emotional disability, Mr. [REDACTED] has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance his ability to function independently, I am recommending an emotional support animal that will assist Mr. [REDACTED] in coping with his disability. The presence of this animal is necessary for Mr. [REDACTED] emotional health to mitigate the symptoms he is currently experiencing.

Dog	61 to 70 lbs.	Bully English Bulldog Mix	Kado
Dog	31 to 40 lbs.	Bully English Bulldog	Lila

I am licensed by the State of Michigan to practice Mental Health Counseling. My active license number is 6401008217.

Sincerely,

*Anne Venet MA LLPC*

Anne Venet MA, LLPC  
Licensed by the State of Michigan  
Issue on 2/8/2002 - License number 6401008217

ID: 90679



Anne Venet MA LLPC

586-371-9610  
annervenet@gmail.com  
20836 Hall Road #226 Clinton  
Township MI 48038

05/31/2019

Hannah [REDACTED]  
Grand Haven, MI 49417  
[REDACTED]

06/28/2000

Dear Hannah,

As per our discussion and review of your history, I have diagnosed you with a mental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Specifically, Adjustment Disorder 309.24 (F43.22).

I am also familiar with the limitations imposed by your diagnosed disability and the need to mitigate those limitations and associated symptoms. As such, during our most recent consultation and evaluation I approved a other (10 lb(s)) as an emotional support animal for you. In my professional opinion, it is necessary that this other live with you because its presence will mitigate the symptoms of your disability by allowing you to fully enjoy your home and the common areas associated with your home. Specifically, the presence of the other will provide a calming effect for you, thereby allowing you to focus on household activities; allow you to reduce your anxiety and relax in your home.

In order to comply with my prescribed treatment, you may need to take some steps that will allow you to live with your ESA, including presenting some documentation to your landlord. I have written this letter to comply with the Fair Housing Act, the Americans With Disabilities Act, and other laws providing people with disabilities an equal opportunity to use and enjoy a dwelling, so your landlord should not need you to disclose any additional information. Please understand that you may voluntarily disclose your personal medical/mental health information to whomever you choose; however, I advise you to be very judicious about the people to whom you may provide this letter and additional information.

I highly recommend that you take the steps necessary to establish your rights and continue to use an emotional support animal as we explore and address the root causes of your diagnosis. If you feel that your emotional support animal no longer provides the necessary benefits or your symptoms increase, please contact me so that we may determine if this is the best path for you.

If you do take the necessary steps to establish your rights but your landlord refuses to provide you with a reasonable accommodation, you have the right to make complaint with US Department of Housing and Urban Development (HUD) by filing a claim of discrimination through the HUD website - [www.hud.gov](http://www.hud.gov) - or calling the discrimination hotline at 1-800-667-9777. They will investigate the claim free of charge.

Please understand that you are responsible for your ESA's behavior and for any damage that it may cause- please make sure that it is well-behaved. In addition, please note that your diagnosis and treatment is ongoing and will need to be reassessed on a routine basis.

Sincerely,

Anne Venet MA LLPC

Anne Venet LLPC

MI LLPC (#6401008217) since 2/8/2002

RECEIVED by MSC 4/18/2022 9:49:12 AM



Anne Venet MA LLPC

586-371 9610  
annevenet@gmail.com  
20836 Hall Road #226 Clinton  
Township MI 48038

05/31/2019

Hannah [REDACTED]  
Grand Haven, MI 49417  
[REDACTED]

06/26/2000

Dear Hannah,

As per our discussion and review of your history, I have diagnosed you with a mental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Specifically, Adjustment Disorder 309.24 (F43.22).

I am also familiar with the limitations imposed by your diagnosed disability and the need to mitigate those limitations and associated symptoms. As such, during our most recent consultation and evaluation I approved a other (10 lb(s)) as an emotional support animal for you. In my professional opinion, it is necessary that this other live with you because its presence will mitigate the symptoms of your disability by allowing you to fully enjoy your home and the common areas associated with your home. Specifically, the presence of the other will provide a calming effect for you, thereby allowing you to focus on household activities; allow you to reduce your anxiety and relax in your home.

In order to comply with my prescribed treatment, you may need to take some steps that will allow you to live with your ESA, including presenting some documentation to your landlord. I have written this letter to comply with the Fair Housing Act, the Americans With Disabilities Act, and other laws providing people with disabilities an equal opportunity to use and enjoy a dwelling, so your landlord should not need you to disclose any additional information. Please understand that you may voluntarily disclose your personal medical/mental health information to whomever you choose; however, I advise you to be very judicious about the people to whom you may provide this letter and additional information.

I highly recommend that you take the steps necessary to establish your rights and continue to use an emotional support animal as we explore and address the root causes of your diagnosis. If you feel that your emotional support animal no longer provides the necessary benefits or your symptoms increase, please contact me so that we may determine if this is the best path for you.

If you do take the necessary steps to establish your rights but your landlord refuses to provide you with a reasonable accommodation, you have the right to make complaint with US Department of Housing and Urban Development (HUD) by filing a claim of discrimination through the HUD website - [www.hud.gov](http://www.hud.gov) - or calling the discrimination hotline at 1-800-667-9777. They will investigate the claim free of charge.

Please understand that you are responsible for your ESA's behavior and for any damage that it may cause- please make sure that it is well-behaved. In addition, please note that your diagnosis and treatment is ongoing and will need to be reassessed on a routine basis.

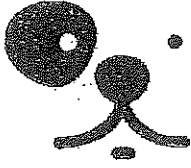
Sincerely,

Anne Venet MA LLPC

Anne Venet LLPC

MI LLPC (#6401008217) since 2/8/2002

RECEIVED by MSC 4/18/2022 9:49:12 AM



Anne Venet MA LLC  
Michigan License # 6401008217

Date: May 10, 2019

Re: Kali [REDACTED]

To Whom It May Concern;

Kali [REDACTED] DOB [REDACTED] has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability. Kali has been diagnosed with a Differential Illness under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans With Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504. In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing two Emotional Support Animals. The Emotional Support Animals will have a substantial impact in helping Kali cope with symptoms of the disability.

Reasonable accommodation should be given to Kali such that Kali should be allowed to live with the animals in a dwelling. Also, please allow Kali to be accompanied by the emotional support animal in This letter meets the requirements under the Fair Housing Act (The Fair Housing Act (Title VIII of the Civil Rights Act of 1968), Section 504 of the Rehabilitation Act of 1973 (Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990).

The client is aware that it is their sole responsibility to ensure that the animals behave appropriately and comply with any applicable laws.

→ Animal's Breed: Mixed Breed

Animal's Breed: Siberian Husky →

Animal's DOB: 07/08/2006

Animal's DOB: 11/22/2016

Sincerely,

*Anne Venet MA LLC*

Anne Venet MA LLC

TWO ESA

Requester's Address

[REDACTED]  
Kalamazoo 49006

RECEIVED by MSC 4/18/2022 9:49:12 AM

Anne Venet MA, LLPC  
20836 Hall Road #226  
Clinton Township MI 48038  
586-371-9610  
annemvenet@gmail.com

04/27/2019

To Whom It May Concern:

I have diagnosed Brianna (DOB: [REDACTED]) with an emotional disability recognized in Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Due to this diagnosis, I have prescribed an emotional support animal.\* The presence of this animal is necessary for the health of Brianna because its presence will mitigate the symptoms Brianna experiences as a result of the diagnosed disability.

Please allow Brianna to be accompanied by the emotional support animal in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382).

In addition, an appropriate, reasonable accommodation should be given to Brianna under the Fair Housing Act, the Rehabilitation Act, the Americans with Disabilities Act, or any other law providing people with disabilities an equal opportunity to use and enjoy a dwelling, including allowing to live with the emotional support animal.

Sincerely,

*Anne Venet MA LLPC*

Anne Venet MA, LLPC  
Michigan License # 6401008217 since 02/08/2002.

[REDACTED]  
Gibraltar, MI 48173

\* The patient is aware that it is the patient's sole responsibility to ensure that the animal(s) behaves appropriately and complies with any applicable law.

Anne Venet MA, LLPC  
20836 Hall Road #226  
Clinton Township MI 48038  
586-371-9610  
annemvenet@gmail.com

03/23/2019

To Whom It May Concern:

I have diagnosed Amber [REDACTED] (DOB: [REDACTED]) with an emotional disability recognized in Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Due to this diagnosis, I have prescribed emotional support animals.\* The presence of these animals is necessary for the health of Amber because their presence will mitigate the symptoms Amber experiences as a result of the diagnosed disability.

Please allow Amber to be accompanied by the emotional support animals in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382).

In addition, an appropriate, reasonable accommodation should be given to Amber under the Fair Housing Act, the Rehabilitation Act, the Americans with Disabilities Act, or any other law providing people with disabilities an equal opportunity to use and enjoy a dwelling, including allowing to live with the emotional support animals.

This letter applies to Amber's 4 support animals. Draco is a 75lb German Shepherd Dog (DOB 07/20/2018). Princes is a 15lb cat (DOB 08/15/2009), Lilo is an 18lb cat (DOB 10/01/2009) and Leonardo is a 10lb cat (DOB 11/06/2019).

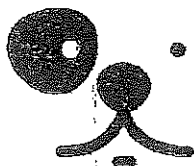
Sincerely,

Anne Venet MA, LLPC

Anne Venet MA, LLPC  
Michigan License # 6401008217 since 02/08/2002.

\* The patient is aware that it is the patient's sole responsibility to ensure that the animal(s) behaves appropriately and complies with any applicable law.





Anne Venet MA LLC  
Michigan License # 6401008217

Date: March 22, 2019

Re: Kristopher

To Whom It May Concern:

Kristopher . DOB [REDACTED] has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability. Kristopher has been diagnosed with a Differential Illness under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans With Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504. In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing an Emotional Support Animal. The Emotional Support Animal will have a substantial impact in helping Kristopher cope with symptoms of the disability.

Reasonable accommodation should be given to Kristopher such that Kristopher should be allowed to live with the animal in a dwelling. Also, please allow Kristopher to be accompanied by the emotional support animal in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382). This letter meets the requirements under the Fair Housing Act (The Fair Housing Act (Title VIII of the Civil Rights Act of 1968), Section 504 of the Rehabilitation Act of 1973 (Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990)).

The client is aware that it is their sole responsibility to ensure that the animal behaves appropriately and complies with any applicable laws.

Sincerely,

*Anne Venet MA LLC*

Anne Venet MA LLC

*Requesters Address*

[REDACTED]

*Woodhaven MI 48183*

Anne Venet MA, LLPC  
20836 Hall Road #226  
Clinton Township MI 48038  
586-371-9610  
annemvenet@gmail.com

03/14/2019

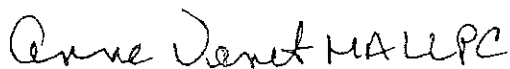
To Whom It May Concern:

I have diagnosed Henry [REDACTED] (DOB: [REDACTED]) with an emotional disability recognized in Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Due to this diagnosis, I have prescribed an emotional support animal.\* The presence of this animal is necessary for the health of Henry because its presence will mitigate the symptoms Henry experiences as a result of the diagnosed disability.

Please allow Henry to be accompanied by the emotional support animal in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382).

In addition, an appropriate, reasonable accommodation should be given to Henry under the Fair Housing Act, the Rehabilitation Act, the Americans with Disabilities Act, or any other law providing people with disabilities an equal opportunity to use and enjoy a dwelling, including allowing to live with the emotional support animal.

Sincerely,



Anne Venet MA, LLPC  
Michigan License # 6401008217 since 02/08/2002.

\* The patient is aware that it is the patient's sole responsibility to ensure that the animal(s) behaves appropriately and complies with any applicable law.



Anne Venet MA, LLC  
Michigan License Number 6401008217

20836 Hall Road Suite 226  
Clinton Township MI 48038

Office (586) 371-9610  
annemvenet@gmail.com

March 14, 2019

Re: Mackenzie [REDACTED]

To Whom It May Concern:

Mackenzie [REDACTED] is under my care for a mental health condition. I am familiar with her history and with the functional limitations imposed by her emotional/mental health issue.

Ms. [REDACTED] meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Ms. [REDACTED] is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Ms. [REDACTED] emotional distress substantially limits one or more major life activities and is imposed by her emotional distress as defined by the DSM-5.

Due to this emotional disability, Ms. [REDACTED] has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance her ability to function independently, I am recommending an emotional support animal that will assist Ms. [REDACTED] in coping with her disability. The presence of this animal is necessary for Ms. [REDACTED] emotional health to mitigate the symptoms she is currently experiencing.

Dog

Yellow Lab

Phoebe

I am licensed by the State of Michigan to practice Mental Health Counseling. My active license number is 6401008217.

Sincerely,

Anne Venet MA, LLC

Anne Venet MA, LLC  
Licensed by the State of Michigan  
Issue on 2/8/2002 - License number 6401008217

ESA Applicant  
Address

[REDACTED]

Okemos MI 48864

ID: 79186

Anne Venet MA, LLPC  
20836 Hall Road #226  
Clinton Township MI 48038  
586-371-9610  
annemvenet@gmail.com

01/24/2019

To Whom It May Concern:

I have diagnosed Charissa (DOB: [REDACTED]) with an emotional disability recognized in Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Due to this diagnosis, I have prescribed an emotional support animal. \* The presence of this animal is necessary for the health of Charissa because its presence will mitigate the symptoms Charissa experiences as a result of the diagnosed disability.

Please allow Charissa to be accompanied by the emotional support animal in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382).

In addition, an appropriate, reasonable accommodation should be given to Charissa under the Fair Housing Act, the Rehabilitation Act, the Americans with Disabilities Act, or any other law providing people with disabilities an equal opportunity to use and enjoy a dwelling, including allowing to live with the emotional support animal.

Sincerely,



Anne Venet MA, LLPC  
Michigan License # 6401008217 since 02/08/2002.

\* The patient is aware that it is the patient's sole responsibility to ensure that the animal(s) behaves appropriately and complies with any applicable law.

Anne Venet MA, LLPC  
Michigan License Number 6401008217

20836 Hall Road Suite 226  
Clinton Township MI 48038

Office (586) 371-9610  
annemvenet@gmail.com

December 29, 2018

Re: Hannah [REDACTED]

To Whom It May Concern:

Hannah [REDACTED] is under my care for a mental health condition. I am familiar with her history and with the functional limitations imposed by her emotional/mental health issue.

Ms. [REDACTED] meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Ms. [REDACTED] is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Ms. [REDACTED] emotional distress substantially limits one or more major life activities and is imposed by her emotional distress as defined by the DSM-5.

Due to this emotional disability, Ms. [REDACTED] has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance her ability to function independently, I am recommending an emotional support animal that will assist Ms. [REDACTED] in coping with her disability. The presence of this animal is necessary for Ms. Halcomb's emotional health to mitigate the symptoms she is currently experiencing.

Dog	61 to 70 lbs.	Lab mix	Atlas
Dog	31 to 40 lbs.	Unknown Mix	Artemis

I am licensed by the State of Michigan to practice Mental Health Counseling. My active license number is 6401008217.

Sincerely,

Anne Venet MA, LLPC

Anne Venet MA, LLPC  
Licensed by the State of Michigan  
Issue on 2/8/2002 — License number 6401008217

ID: 72688

Anne Venet MA, LLPC  
Michigan License Number 6401008217

20836 Hall Road Suite 226  
Clinton Township MI 48038

Office (586) 371-9610  
annemvenet@gmail.com

December 4, 2018

Re: Nicholas [REDACTED]

To Whom It May Concern:

Nicholas [REDACTED] is under my care for a mental health condition. I am familiar with his history and with the functional limitations imposed by his emotional/mental health issue.

Mr. [REDACTED] meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Mr. [REDACTED] is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Mr. [REDACTED] emotional distress substantially limits one or more major life activities and is imposed by his emotional distress as defined by the DSM-5.

Due to this emotional disability, Mr. [REDACTED] has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance his ability to function independently, I am recommending an emotional support animal that will assist Mr. [REDACTED] in coping with his disability. The presence of this animal is necessary for Mr. Thompson's emotional health to mitigate the symptoms he is currently experiencing.

Cat 1 to 10 lbs.

I am licensed by the State of Michigan to practice Mental Health Counseling. My active license number is 6401008217.

Sincerely,

Anne Venet MA LLPC

Anne Venet MA, LLPC  
Licensed by the State of Michigan  
Issue on 2/8/2002 - License number 6401008217

ID: 34522

RECEIVED by MSC 4/18/2022 9:49:12 AM

Anne Venet MA LLPC  
20836 Hall Road #226  
Clinton Township MI 48038  
Telephone 586-371-9610  
annemvenet@gmail.com



October 9, 2018

Ron is a patient who is currently under my care and has been under my care since 09/21/2018 for the treatment of a handicap as defined in 24 CFR 100.201 and 42 USC sec. 3602. Since this date I have treated Ron 3 times and have gained firsthand knowledge of Ron's handicap and the functional limitations caused by said handicap. I can affirmatively state that this handicap substantially limits one or more of Ron Pitts major life activities and specifically, allowing him to enjoy his dwelling as those that are not diagnosed with a disorder from the DSM-V

Due to Ron's handicap, I am prescribing an Emotional Support Animal to reside with him in his dwelling. This will serve to ameliorate the symptoms of his disorder. Accordingly, it is my opinion that there is a sufficient relationship between the allowing of The Emotional Support Animal and the amount of relief it will provide Ron. I anticipate the duration of this handicap to be a lifetime.

I further understand that I may be called to testify about this matter as a Witness and will answer any questions regarding my opinion that Ron has an Emotional Support Animal or my qualification to formulate such an opinion.

*Anne Venet MA LLPC*

Anne Venet MA LLPC  
Professional Counselor Educational Limited License  
6401008217  
Michigan

Anne Venet, MA LLPC  
20836 Hall Road #226  
Clinton Township, MI 48038  
Telephone: 586-371-9610  
anneinvenet@gmail.com

Michigan License #6401008217



04/30/2018

### To Whom It May Concern:

Isabella [REDACTED] DOB [REDACTED] has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability.

Isabella [REDACTED] has been diagnosed with a Differential Illness under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans With Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504. In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing emotional support animals. The emotional support animals will have a substantial impact in helping Isabella cope with symptoms of the disability.

Reasonable accommodation should be given to Isabella such that Isabella should be allowed to live with the animals in a dwelling. Also, please allow Isabella to be accompanied by the emotional support animals in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382). This letter meets the requirements under the Fair Housing Act (The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)), Section 504 of the Rehabilitation Act of 1973 (Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990)).

Sincerely,

Anne Venet, MA LLPC

Requester's Address  
[REDACTED]  
LANSING 48933

I am licensed by the State of Michigan as a Limited License Professional Counselor since 2001. My license number is 6401008217.

The client is aware that it is their sole responsibility to ensure that the animals behave appropriately and comply with any applicable laws.

RECEIVED by MSC 4/18/2022 9:49:12 AM



Anne Venet, MA LLPC  
208336 Hall Road #226  
Clinton Township, MI 48038  
Telephone: 586-371-9610  
annevenet@gmail.com

Michigan License #6401008217



08/31/2017

## To Whom It May Concern:

Randi (DOB: [REDACTED]) has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability.

Randi has been diagnosed with a Differential Illness under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans With Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504. In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing emotional support animals. The emotional support animals will have a substantial impact in helping Randi cope with symptoms of the disability.

Reasonable accommodation should be given to Randi such that Randi should be allowed to live with the animals in a dwelling. Also, please allow Randi to be accompanied by the emotional support animals in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382). This letter meets the requirements under the Fair Housing Act (The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)), Section 504 of the Rehabilitation Act of 1973 (Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990)).

Sincerely,

Anne Venet, MA LLPC

I am licensed by the State of Michigan as a Limited License Professional Counselor since 2001. My license number is 6401008217.

The client is aware that it is their sole responsibility to ensure that the animals behave appropriately and comply with any applicable laws.

RECEIVED by MSC 4/18/2022 9:49:12 AM

Anne Venet, MA LLPC  
20830 Bell Road #226  
Clinton Township, MI 48038  
Telephone: 586-581-9440  
annevenet@gmail.com

Michigan License #6401008217



02/02/2018

## To Whom It May Concern:

Ann Hyman (DOB: 07/16/2017); has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability.

Ann Hyman has been diagnosed with a Differential Illness under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans With Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504. In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing emotional support animals. The emotional support animals will have a substantial impact in helping Ann cope with symptoms of the disability.

Reasonable accommodation should be given to Ann such that Ann should be allowed to live with the animals in a dwelling. Also, please allow Ann to be accompanied by the emotional support animals in the cabin of the aircraft in accordance with the Air Carrier Access Act (49 U.S.C. 41705 and 14 C.F.R. 382). This letter meets the requirements under the Fair Housing Act (The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)), Section 504 of the Rehabilitation Act of 1973 (Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.), and the Americans with Disabilities Act (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990)).

Sincerely,

Anne Venet, MA LLPC

I am licensed by the State of Michigan as a Limited License Professional Counselor since 2001. My license number is 6401008217.

The client is aware that it is their sole responsibility to ensure that the animals behave appropriately and comply with any applicable laws.

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**EXHIBIT 2**



## Clinton Township

OPEN TODAY UNTIL 7:00 PM

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Directions

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*Your resource for mailbox, shipping, and printing services in Clinton Township, MI.*

20836 Hall Rd  
Clinton Township, MI 48038

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(586) 783-2200

**Fax:**

(586) 783-4451

**Email:**

store4957@theupsstore.com

### Hours

#### Store Hours

Open Today Until 7:00 PM

#### UPS Air Pickup Times

Last Pickup Today at 6:15 PM

#### UPS Ground Pickup Times

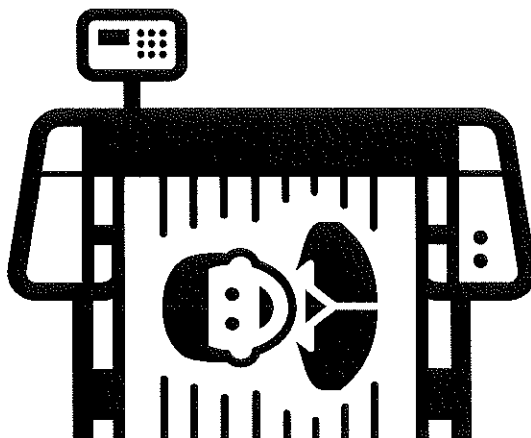
Last Pickup Today at 6:15 PM

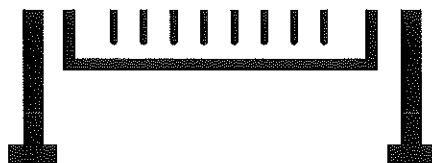
Start Print Order

Schedule Appointment



## Products and Services





## Printing

You can count on the printing professionals at The UPS Store Clinton Township to help you make a lasting impression. We offer a wide range of printing and copying services to help you promote your small business or prepare for your personal event or presentation. Place your order online or stop by our store to get started.

**Start Online Print Order**

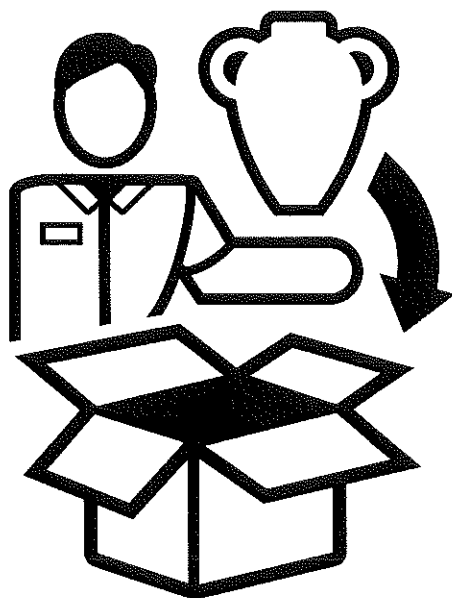
**Copies & Documents**

**Marketing Materials**

**Stationery & Cards**

**Banners, Posters & Signs**

**All Printing Services**



## Shipping & Packing

---

The UPS Store is your professional packing and shipping resource in Clinton Township. We offer a range of domestic, international and freight shipping services as well as custom shipping boxes, moving boxes and packing supplies. The UPS Store Certified Packing Experts at 20836 Hall Rd are here to help you ship with confidence.

**UPS Shipping**

**Packing & Shipping Boxes**

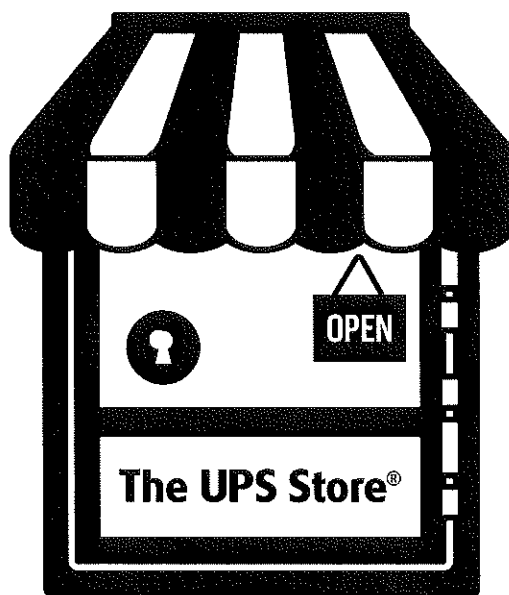
**International Shipping**

**Freight Shipping**

**Moving Boxes & Supplies**

**Estimate Shipping Cost**

**All Shipping & Packing Services**

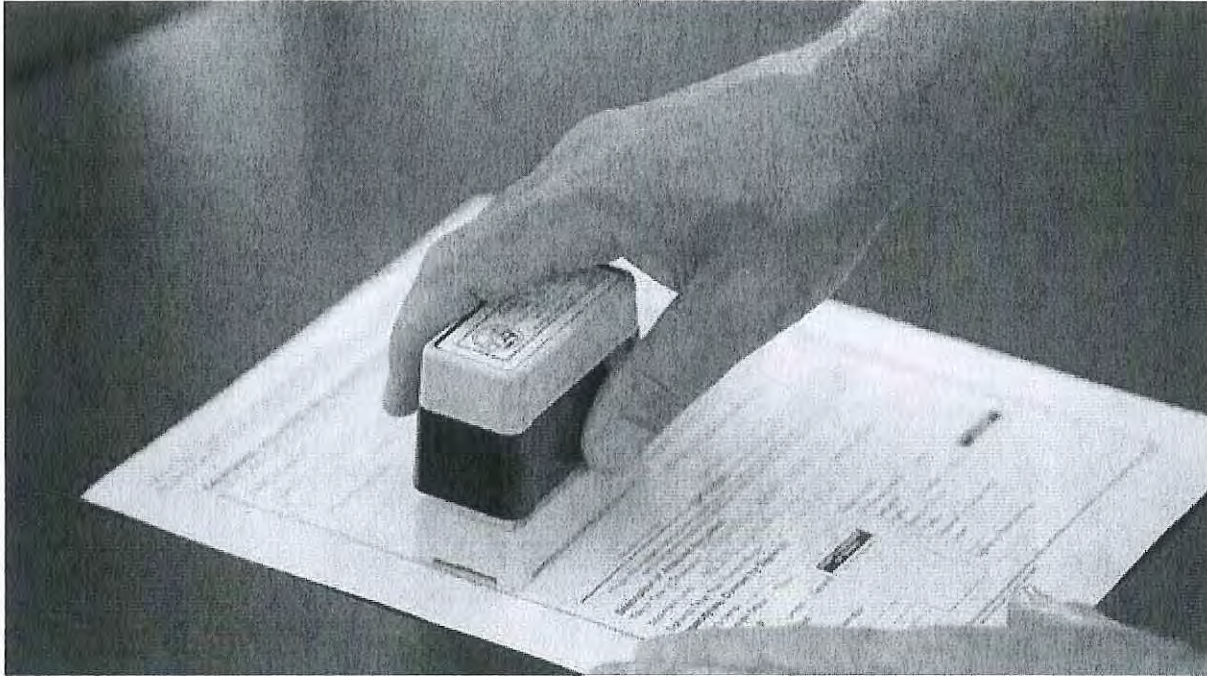


Mailboxes



When you open a mailbox at The UPS Store, you get a lot more than just a box with a key. You'll get package acceptance from all shipping carriers, mail receipt notifications, and a real street address in 48038, not just a PO Box #. Apply today.

## Mailbox Services



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## Notary Services





## Shredding Services

The UPS Store offers convenient and affordable document shredding services in Clinton Township, MI, provided by Iron Mountain®. Shred your items to help protect yourself and your business from identity theft.


## Shredding Services

 brunette woman's passport photos taken at the ups store

## Passport Photos

Traveling abroad? Need to renew your passport? Stop by today to get your passport photo taken at The UPS Store location on 20836 Hall Rd.


## Passport Photos

 franchisee standing outside greeting a small business owner

## House Accounts

Get easier checkout and flexible billing for your small business. Learn about opening a house account at The UPS Store on 20836 Hall Rd.

## House Accounts

 store associate sending a fax

## Additional Services

The UPS Store is here to help you get stuff done. Learn more about all of our products and store services including mailing and office supplies, faxing, scanning, and more.

## Additional Services

[About](#)[Store Services](#)

Locally Owned & Operated in Clinton Township

## Contact Us

## The UPS Store Clinton Township

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While we're your local packing and shipping experts, we do much more. The UPS Store is your local print shop in 48038, providing professional printing services to market your small business or to help you complete your personal project or presentation. We offer secure mailbox and package acceptance services, document shredding, office and mailing supplies, faxing, scanning and more. Everything for your small business, even shipping.

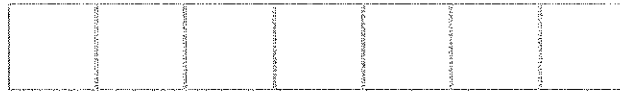
### Areas Served

Clinton Township, MI

### Languages Spoken

English

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[All Locations](#) > [MI](#) > [Clinton Township](#) > 20836 Hall Rd

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**EXHIBIT 3**



Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 285-4413

Fax: 619-243-1455

CS@rileycounselingandconsulting.com

https://rileycounselingandconsulting.com

3419 Virginia Beach Blvd, Suite 366, VA Beach, VA 23452

Jun 4, 2019

Dear Landlord:

Based upon my professional assessment, Ms. Riley [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to interact and communicate with others, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Ms. [REDACTED] dog, Gunner, a 60 lb German Shepherd Dog, currently provides emotional support by drastically reducing the effects of depression through emotional bonding which successfully ameliorates the effects of her disability, so that Ms. [REDACTED] can interact and communicate with others without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Ms. [REDACTED] could not live with, nor be accompanied by her dog, her ability to interact and communicate with others would be substantially limited.

As a mental health professional, I therefore prescribe that Ms. [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Ms. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 06/04/2019 – 06/04/2020, at which time Ms. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444

1320-7

Spoke to Ebonie 6/11/2019  
she did not want to give dates  
of service. Told her on form  
requires. Also asked if she knew  
Riley had her undos - what ->

Doc ID: a56676c77af48c1cfd5e003cc0efc35375396742c

RECEIVED by MSC 4/18/2022 9:49:12 AM



Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 285-4413

Fax: 819-243-1455

CS@rileycounselingandconsulting.com

<https://rileycounselingandconsulting.com>

3419 Virginia Beach Blvd, Suite 366, VA Beach, VA 23452

May 24, 2019

Dear Landlord:

Based upon my professional assessment, Mr. [REDACTED] is a person who suffers from a psychological impairment which substantially limits his ability to care for himself, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

[REDACTED] dog, Amara, a 50 lb Siberian Husky, currently provides emotional support by creating a sense of purpose and daily responsibility which successfully ameliorates the effects of his disability, so that [REDACTED] can care for himself without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If [REDACTED] could not live with, nor be accompanied by his dog, his ability to care for himself would be substantially limited.

As a mental health professional, I therefore prescribe that [REDACTED] be permitted to live with an Emotional Support Animal in his dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 05/24/2019 - 05/24/2020, at which time [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444

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Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 285-4413  
Fax: 619-243-1455  
CS@rileycounselingandconsulting.com  
<https://rileycounselingandconsulting.com>  
3419 Virginia Beach Blvd, Suite 366, VA Beach, VA 23452

May 24, 2019

Dear Landlord:

Based upon my professional assessment, Mrs. Dove . is a person who suffers from a psychological impairment which substantially limits her ability to learn, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Mrs. cat, Koi, a 12 lb Siamese, currently provides emotional support by drastically reducing anxiety through emotional bonding which successfully ameliorates the effects of her disability, so that Mrs. [REDACTED] can learn without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Mrs. [REDACTED] could not live with, nor be accompanied by her cat, her ability to learn would be substantially limited.

As a mental health professional, I therefore prescribe that Mrs. d be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Mrs. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 05/24/2019 - 05/24/2020, at which time Mrs. . will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444



Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 265-4413  
Fax: 619-213-1155  
CS@rileyccounselingandconsulting.com  
<https://rileyccounselingandconsulting.com>  
3419 Virginia Beach Blvd, Suite 355, VA Beach, VA 23452

Mar 21, 2019

Dear Landlord:

Based upon my professional assessment, [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to interact and communicate with others, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

[REDACTED] dog, Teddy, a 24 lb Poodle (Miniature), currently provides emotional support by drastically reducing the effects of depression through emotional bonding which successfully ameliorates the effects of her disability, so that [REDACTED] can interact and communicate with others without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If [REDACTED] could not live with, nor be accompanied by her dog, her ability to interact and communicate with others would be substantially limited.

As a mental health professional, I therefore prescribe that [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 03/21/2019 - 03/21/2020, at which time [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,



Ebonie L. Walker, LMSW | Michigan License # 6801100441

[REDACTED]

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4210-07



Ebonie Walker, LCSW  
Mental Health Services

Phone: (767) 285-4413  
Fax: 619-243-1455  
CS@rileycounselingandconsulting.com  
<https://rileycounselingandconsulting.com>  
3419 Virginia Beach Blvd, Suite 366, VA Beach, VA 23452

Mar 12, 2019

Dear Landlord:

Based upon my professional assessment, [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to sleep, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

[REDACTED]'s dog, Gus, a 65 lb Lab/Germ Shep/Husky, currently provides emotional support by offering a healthy distraction from severe depression which successfully ameliorates the effects of her disability, so that [REDACTED] can sleep without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If [REDACTED] could not live with, nor be accompanied by her dog, her ability to sleep would be substantially limited.

As a mental health professional, I therefore prescribe that [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 03/12/2019 - 03/12/2020, at which time [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444



Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 285-4413  
Fax: 619-243-1455  
CS@rileycounselingandconsulting.com  
https://rileycounselingandconsulting.com  
3419 Virginia Beach Blvd, Suite 366, VA Beach, VA 23452

Jan 29, 2019

Dear Landlord:

Based upon my professional assessment, Ms. Renee [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to care for herself, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Ms. [REDACTED] dog, Achilles, a 55 lb German Shepherd Mix, currently provides emotional support by creating a sense of purpose and daily responsibility which successfully ameliorates the effects of her disability, so that Ms. [REDACTED] can care for herself without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Ms. [REDACTED] could not live with, nor be accompanied by her dog, her ability to care for herself would be substantially limited.

As a mental health professional, I therefore prescribe that Ms. [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Ms. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 01/29/2019 – 01/29/2020, at which time Ms. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444



Ebonie Walker, LCSW  
Mental Health Services

Phone: (757) 285-4413

Fax: 619-243-1455

CS@rileycounselingandconsulting.com

<https://rileycounselingandconsulting.com>

Oct 30, 2018

Dear Landlord:

Based upon my professional assessment, Mr. Jonathan [REDACTED] is a person who suffers from a psychological impairment which substantially limits his ability to sleep, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Mr. [REDACTED] dog, Khloee Blanco, a 40 lb American Pit Bull Terrier, currently provides emotional support by drastically reducing anxiety through emotional bonding which successfully ameliorates the effects of his disability, so that Mr. [REDACTED] can sleep without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Mr. [REDACTED] could not live with, nor be accompanied by his dog, his ability to sleep would be substantially limited.

As a mental health professional, I therefore prescribe that Mr. [REDACTED] be permitted to live with an Emotional Support Animal in his dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Mr. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 10/30/2018 - 10/30/2019, at which time Mr. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW | Michigan License # 6801100444

11/12 LB - left message for Ebonie Walker  
11/12 LB - Ebonie called back and confirmed letter in voicemail message  
11/13 LB - faxed certification forms

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Ebonie L. Walker, LMSW

Michigan License # 6801100444  
5900 E Virginia Beach Blvd Ste 201 Norfolk, VA 23502  
CS@rileycounselingandconsulting.com  
(757) 285-4413  
rileycounselingandconsulting.com

Jun 26, 2018

Dear Landlord:

Based upon my professional assessment, Ms. Jessica [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to concentrate, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Ms. [REDACTED] cat, Pierre, a 10 lb American Shorthair, currently provides emotional support by improving motivation through emotional bonding which successfully ameliorates the effects of her disability, so that Ms. [REDACTED] can concentrate without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Ms. [REDACTED] could not live with, nor be accompanied by her cat, her ability to concentrate would be substantially limited.

As a mental health professional, I therefore prescribe that Ms. [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Ms. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 06/26/2018 - 06/26/2019, at which time Ms. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,



Ebonie L. Walker, LMSW

RECEIVED by MSC 4/18/2022 9:49:12 AM

Ebonie L. Walker, LMSW

18825 202  
586-275-9091  
Michigan License # 6801100444  
5900 E Virginia Beach Blvd Ste 201 Norfolk, VA 23502  
CS@rileycounselingandconsulting.com  
(757) 285-4413  
rileycounselingandconsulting.com

Mar 30, 2018

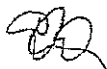
Dear Landlord:

Based upon my professional assessment, Miss Megan [REDACTED] is a person who suffers from a psychological impairment which substantially limits her ability to concentrate, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Miss [REDACTED] dog, Sparky, a 7 lb Australian Shepherd, currently provides emotional support by drastically reducing anxiety through emotional bonding which successfully ameliorates the effects of her disability, so that Miss [REDACTED] can concentrate without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Miss [REDACTED] could not live with, nor be accompanied by her dog, her ability to concentrate would be substantially limited.

As a mental health professional, I therefore prescribe that Miss [REDACTED] be permitted to live with an Emotional Support Animal in her dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Miss [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 03/30/2018 - 03/30/2019, at which time Miss [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,



Ebonie L. Walker, LMSW

VIRGINIA letter  
TO:

Megan [REDACTED]

Clinton Township, MI 48038





Ebonie L. Walker, LMSW

Michigan License # 6801100444  
5900 E Virginia Beach Blvd Ste 201 Norfolk, VA 23502  
CS@rileycounselingandconsulting.com  
(757) 285-4413  
rileycounselingandconsulting.com

Feb 28, 2018

Dear Landlord:

Based upon my professional assessment, Mr. Timothy [REDACTED] is a person who suffers from a psychological impairment which substantially limits his ability to care for himself, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Mr. [REDACTED] dog, Gambit, a 5 lb Australian Shepherd, currently provides emotional support by providing a healthy distraction from negative habits which successfully ameliorates the effects of his disability, so that Mr. [REDACTED] can care for himself without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Mr. [REDACTED] could not live with, nor be accompanied by his dog, his ability to care for himself would be substantially limited.

As a mental health professional, I therefore prescribe that Mr. [REDACTED] be permitted to live with an Emotional Support Animal in his dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Mr. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 02/28/2018 - 02/28/2019, at which time Mr. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,

Ebonie L. Walker, LMSW

Tim [REDACTED]  
Warren, 48093

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Received Time Mar. 6. 2018 2:45PM No. 3825

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**EXHIBIT 4**



Ebonie L. Walker, LCSW

Nov 18, 2017

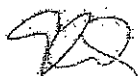
Dear Landlord:

Based upon my professional assessment, Mr. Gannon [REDACTED] is a person who suffers from a psychological impairment which substantially limits his ability to concentrate, a major life activity, and therefore meets the definition of disabled under the Fair Housing Act [42 U.S.C. 3602 (h)], the Americans with Disabilities Act, and as defined in the Diagnostic Statistical Manual Fifth Edition [DSM-5].

Mr. [REDACTED] dog, Quincy, a 60 lb Terrier/Lab Mix, currently provides emotional support by drastically reducing anxiety through emotional bonding which successfully ameliorates the effects of his disability, so that Mr. [REDACTED] can concentrate without substantial limitation, and is therefore considered an Emotional Support Animal under the Fair Housing Act. If Mr. [REDACTED] could not live with, nor be accompanied by his dog, his ability to concentrate would be substantially limited.

As a mental health professional, I therefore prescribe that Mr. [REDACTED] be permitted to live with an Emotional Support Animal in his dwelling, despite any rules, policies, procedures or regulations restricting or limiting animals, and be provided any other reasonable accommodations in housing, so Mr. [REDACTED] can enjoy the benefits of fair housing per the Fair Housing Act as amended in 1988. This letter will cover the patient between the periods of 11/18/2017 - 11/18/2018, at which time Mr. [REDACTED] will be assessed for continued need of an emotional support animal.

Sincerely,



Ebonie L. Walker, LCSW

**EXHIBIT 5**

**AFFIDAVIT OF KARLENE LEHMAN**

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

**KARLENE LEHMAN**, being first duly sworn, deposes and states as follows:

1. I am the vice president for Princeton Management, an apartment management community which owns and manages apartment communities in Michigan and in other states.
2. I also serve as a board member for the Property Management Association of Michigan.
3. I have received dozens of emotional support animal requests in my position for Princeton Management so I decided to see how easy it was to get an emotional support animal for myself.
4. On February 2, 2018, I went online to [www.usserviceanimals.org](http://www.usserviceanimals.org) and filled out a request for an emotional support animal from the company, which called itself U.S. Support Animals.
5. Because I deal with emotional support animal letters and their authors in my professional capacity, I decided to use a false name, Ann Hyman, rather than my own.
6. I filled out the on-line questionnaire, using my cat, Bijou, as the purported emotional support animal, and my own birthdate, and wrote that the reason I needed an emotional support animal was "because my apartment community did not allow pets."
7. I did not write in the questionnaire that I suffered from any disability, emotional or otherwise, including but not limited to anxiety or depression.
8. I paid the fee requested by the website.
9. Later that day, I received a telephone call from Anne Venet.

10. We spoke for six minutes. During that telephone call, she asked me one health-related question: "Would keeping Bijou in your apartment assist your anxiety and depression?"

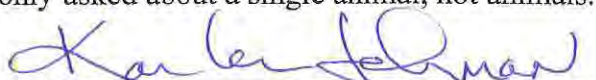
11. I answered, "I would miss her; she's been with me 19 years."

12. I did not say anything about being anxious, depressed, or having suffered from any other condition, either in the telephone call with Ms. Venet or on the website.

13. Ms. Venet responded, "I will prescribe an ESA for you. Your letter will be emailed tomorrow. If your landlord requires additional information, it will be less expensive to text me directly instead of contacting U.S. Support Animals. I will complete whatever your landlord needs."

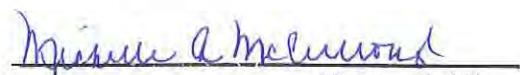
14. The next day, I received an email from US Service Animals on which Ms. Venet was copied containing a letter directed to Ann Hyman, date of birth July 16, 2017, which is attached to this amicus brief.

15. The facts in the letter Ms. Venet wrote are false, especially based upon the information I provided to her and to U.S. Support Animals. I have not been diagnosed with a differential illness, my major life activities are not limited, I am not disabled, and I do not need an emotional support animal. Further, I only asked about a single animal, not animals.

  
**KARLENE LEHMAN**

On the 7<sup>th</sup> day of January, 2020, before me, a Notary Public in and for said County and State, personally appeared KARLENE LEHMAN, known to me to be the person whose name is subscribed above and who, being first duly sworn, states that she knows the content thereof and that the same are true of her own knowledge, except as to those matters stated upon information and belief, and as to them, she believes them to be true.

**MICHELLE A. MCCULLOUGH**  
 Notary Public, State of Michigan  
 County of Oakland  
 My Commission Expires 02-05-2020  
 Acting in the County of Oakland

  
 , Notary Public  
Oakland County, Michigan  
 My Commission Expires 2/5/2020

**EXHIBIT 6**

**AFFIDAVIT OF CHARITY HENKELMAN**

STATE OF MICHIGAN     )  
                                       ) SS  
 COUNTY OF KENT         )

**CHARITY HENKELMAN**, being first duly sworn, deposes and states as follows:

1. I work for Koetje Communities, an apartment management community which owns and manages apartment communities in west Michigan. I live in Hudsonville.
2. I have previously served as president for the Property Management Association of West Michigan and also served as secretary for the Property Management Association of Michigan, both of which are amici curiae in this case.
3. I have received a number of emotional support animal requests in my professional position so I decided to see how easy it was to get an emotional support animal for myself.
4. On November 18, 2019, I went online to [www.usserviceanimals.org](http://www.usserviceanimals.org) and filled out a request for an emotional support animal from the company, which called itself U.S. Support Animals.
5. Online I was asked my name, my age, the state in which I lived, the name of my dog, the breed of my dog, and the dog's date of birth. There were no questions about whether or not I had a disability or why I sought an ESA. I was asked, however, if I wanted to purchase additional products such as ID badges, vests, collars etc. I was then instructed to put in my credit card information for payment.
6. Within fifteen minutes I received a call from "Shanda," who identified herself as working at U.S. Service Animals. Shanda did not present herself as any type of health care provider. Shanda immediately started talking about how U.S. Service Animals would stand behind me, that their legal department would back me with my landlord, that the landlord could

not charge me fees or deposits, and that she had the right package for me that would tell my landlord to back off of my dog and me.

7. Finally, Shanda said, “So most of the time when people call for this type of thing they have depression, stress or anxiety. Do you have any of those?” I said “I guess I could.” She said great. She then told me I would receive a call from “Shurkela” to further go over my needs.

8. Later that day, I received a telephone call from Shurkela Mason.

9. We spoke for one minute. During that telephone call, she asked me one question: “If you would tell me a little bit about how your pet helps you with symptoms of depression, anxiety, or whatever you may suffer with.”

10. I answered, “I got a puppy because I like dogs and I’m trying to move into an apartment and they don’t take puppies, so it’s stressing me out if they don’t take my animal.”

11. Ms. Mason replied, “Ok. I think that’s about all I need. You should receive a letter in your email sometime today.”

12. I did not say anything about being anxious, depressed, or having suffered from any other condition, either in the telephone call with Ms. Mason, in the call with “Shanda,” or on the website.

13. I could not believe the call was so quick and easy, so I asked, “That’s all you need?” Ms. Mason answered, “That’s all we needed.”

14. Later that day, I received an email from U.S. Service Animals from Ms. Mason with a letter from Flint attached for my housing needs and also a letter about bringing an animal on a plane that I did not even request or mention in any of my calls. A copy of both of the letters are attached to this amicus brief.

15. The facts in the letter Ms. Mason wrote about me are false. Based upon the information I provided to her and to the U.S. Support Animals website, I have no idea how she arrived at her facts. I have not been diagnosed with an emotional disability, I do not have any limitations or symptoms, and I do not need an emotional support animal.

  
 CHARITY HENKELMAN

On the 13<sup>th</sup> day of January, 2020, before me, a Notary Public in and for said County and State, personally appeared CHARITY HENKELMAN, known to me to be the person whose name is subscribed above and who, being first duly sworn, states that she knows the content thereof and that the same are true of her own knowledge, except as to those matters stated upon information and belief, and as to them, she believes them to be true.



ALEXANDRIA MERZ  
 Notary Public, State of Michigan  
 County of Kent  
 My Commission Expires April 14, 2023  
 Acting in the County of Kent

Kent, Notary Public  
 County, Michigan  
 My Commission Expires



**EXHIBIT 7**

11/18/2019

Charity Henkelman

Hudsonville, MI 49426

Dear Charity,

As per our discussion and review of your history, I have diagnosed you with an emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5). Specifically, Acute Stress Disorder 308.3 (F43.0).

I am also familiar with the limitations imposed by your diagnosed disability and the need to mitigate those limitations and associated symptoms. As such, during our most recent consultation and evaluation I approved a dog ( (Labrador Retriever)/20 lb(s)) as an emotional support animal for you. In my professional opinion, it is necessary that this dog live with you because its presence will mitigate the symptoms of your disability by allowing you to fully enjoy your home and the common areas associated with your home. Specifically, the presence of the dog will allow you to reduce your anxiety and relax in your home; allow you to be more social and connect with others in your housing community; allow you to perform life activities within your housing unit and/or community with consistency; allow you to increase your self-esteem and care for yourself; allow you to reduce your anxiety, grief, and isolation; improve your willingness to be involved in a therapeutic program or group activity; increase your ability to develop trust, empathy, and teamwork; increase your ability to self-regulate.

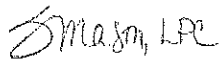
In order to comply with my prescribed treatment, you may need to take some steps that will allow you to live with your ESA, including presenting some documentation to your landlord. I have written this letter to comply with the Fair Housing Act, the Americans With Disabilities Act, and other laws providing people with disabilities an equal opportunity to use and enjoy a dwelling, so your landlord should not need you to disclose any additional information. Please understand that you may voluntarily disclose your personal medical/mental health information to whomever you choose; however, I advise you to be very judicious about the people to whom you may provide this letter and additional information.

I highly recommend that you take the steps necessary to establish your rights and continue to use an emotional support animal as we explore and address the root causes of your diagnosis. If you feel that your emotional support animal no longer provides the necessary benefits or your symptoms increase, please contact me so that we may determine if this is the best path for you.

If you do take the necessary steps to establish your rights but your landlord refuses to provide you with a reasonable accommodation, you have the right to make complaint with US Department of Housing and Urban Development (HUD) by filing a claim of discrimination through the HUD website - [www.hud.gov](http://www.hud.gov) - or calling the discrimination hotline at 1-800-669-9777. They will investigate the claim free of charge.

Please understand that you are responsible for your ESA's behavior and for any damage that it may cause- please make sure that it is well-behaved. In addition, please note that your diagnosis and treatment is ongoing and will need to be reassessed on a routine basis.

Sincerely,



Shurkela Mason, LPC

MI LPC (6401012073) since 06/04/2014

**Kela Mason, LPC**  
Clinical Therapist



2483 S. Linden Rd. • Suite 150  
Flint, MI 48532  
(810) 853-9795  
kela.masonconsulting@yahoo.com

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11/18/2019

Charity Henkelman  
[REDACTED]  
Hudsonville, MI 49426  
[REDACTED]

To Whom it May Concern:

I am familiar with the history of and have diagnosed Charity Henkelman with an emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5).

I am also familiar with the limitations imposed by Charity's diagnosed disability and the need to mitigate those limitations and associated symptoms. As such, during our most recent consultation and based upon my evaluation, I approved a dog (Labrador Retriever)/20 lb(s)) as an emotional support animal for Charity as part of my recommended treatment plan. In my professional opinion, this dog should be allowed to accompany Charity in the cabin of the aircraft, as it is necessary to mitigate symptoms resulting from the diagnosed disability that may manifest or be exacerbated by flying.

To my client: I have written this letter to comply with the Air Carrier Access Act (ACAA) to use while flying. Some airlines will require additional information. Please understand that you may voluntarily disclose your personal medical/mental health information to whomever you choose; however, I advise you to be very judicious about the people to whom you may provide this letter and additional information. In general, I highly recommend that you take the steps necessary to establish your rights and continue to use an emotional support animal as we explore and address the root causes of your diagnosis. If you feel that your emotional support animal no longer provides the necessary benefits or your symptoms increase, please contact me so that we may determine if this is the best path for you. If you do take the necessary steps to establish your rights but the airline refuses to provide you with a reasonable accommodation, you have the right to make a complaint with the Department of Transportation (DOT). The DOT operates a toll-free hotline to assist air travelers with disabilities: Air travelers who experience disability-related air travel service problems may call the hotline at 1-800-778-4838 (voice) or 1-800-455-9880 (TTY) to obtain assistance. To fill out an online complaint, visit <https://airconsumer.dot.gov/escomplaint/ConsumerForm.cfm> They will investigate the claim free of charge.

Please understand that Charity Henkelman is responsible for the ESA's behavior and for any damage that it may cause and must make sure that it is well-behaved.

Sincerely,

A handwritten signature in cursive script that reads "Shurkela Mason, LPC".

Shurkela Mason, LPC

MI LPC(6401012073) since 06/04/2014

**EXHIBIT 2**

*If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.*

---

STATE OF MICHIGAN  
COURT OF APPEALS

---

RIVERBROOK,

Plaintiff-Appellant,

v

ABIMBOLA FABODE and All Other Occupants,

Defendants-Appellees.

---

FOR PUBLICATION

September 17, 2020

9:10 a.m.

No. 349065

Macomb Circuit Court

LC No. 2018-000274-AV

Before: LETICA, P.J., and FORT HOOD and GLEICHER, JJ.

PER CURIAM.

Humans have long enjoyed the companionship of domesticated animals. In recent years, governments have allowed citizens with certain psychological disabilities to register "Emotional Support Animals" (ESAs) to help them navigate the world. This designation is more fluid than that of a service dog used to assist the blind, or others with obvious needs. And the fuzzy edges of these laws have spawned abuse. We have all heard the tales: a woman claiming a disability who tried to bring an emotional support peacock in the main cabin on a flight, or the United States Department of Transportation requiring airlines to permit emotional support mini horses on passenger airliners.<sup>1</sup> Landlords have also felt the fallout from "emotional support animal" abuses, with tenants purchasing ESA certification online to dodge pet prohibitions in their leases.

In this case, the district and circuit courts abandoned their roles as the gatekeepers of evidence under MRE 702 and rejected the landlord's attempt to challenge the validity of the documents presented by the tenant to support his need for an ESA. This was error. We vacate the

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<sup>1</sup> See *Emotional Support Peacock Denied Flight by United Airlines*, January 30, 2018, available at <<https://www.nbcnews.com/storyline/airplane-mode/emotional-support-peacock-denied-flight-united-airlines-n842971>> (accessed September 3, 2020); Chermocha, *US Dept. of Transportation Rules Airlines Must Allow Miniature Horses to Fly as Service Animals*, August 19, 2019, available at <<https://www.thedrive.com/news/29332/us-dept-of-transportation-rules-airlines-must-allow-miniature-horses-as-service-animals>> (accessed September 9, 2020).

circuit court order affirming the district court's eviction decision and remand for further proceedings consistent with this opinion.

## I. BACKGROUND

Antony Fabode lives in a mobile home on property leased to his sister, Abimbola Fabode, by Riverbrook. In the spring of 2018, Antony obtained a puppy, King, which he claims is a Labrador Retriever mix. Riverbrook suspected that King was actually a Pitbull mix, which is apparently a forbidden breed in the mobile home community. On May 18, 2018, Riverbrook notified Abimbola of the violation and ordered her to remove King from the premises. Antony responded with veterinary records describing King's breed and a May 2, 2018 "USAR" certificate declaring King an "emotional support dog," complete with a registration number. Unsatisfied with this documentation, Riverbrook issued a demand for possession and termination of tenancy, instructing the Fabodes to vacate the residence by June 22.

Antony thereafter secured a letter from Anne Venet, a limited license professional counselor, on letterhead bearing a canine bust. The letter declared Antony's need for an ESA:

Antony Fabode (DOB: 09/26/1986); has been evaluated by me. I am familiar with the client's history and limitations imposed by the client's disability.

Antony Fabode has been diagnosed with a Differential Illness<sup>[2]</sup> under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The Differential Illness meets the definition of a disability under the Americans with Disability Act, The Fair Housing Act, and the Rehabilitation Act of 1973, § 504.<sup>[3]</sup> In order to reduce the impairment associated with the disability and enhance the ability to live independently and fully use and enjoy a dwelling, or reduce impairment associated with this diagnosed disability and flying, I am endorsing [ESAs]. The [ESAs] will have a substantial impact in helping Antony cope with symptoms of the disability.

Reasonable accommodation should be given to Antony such that Antony should be allowed to live with the animals in a dwelling . . . . This letter meets the requirements under the Fair Housing Act . . . , Section 504 of the Rehabilitation Act . . . , and the Americans with Disabilities Act . . . .

<sup>2</sup> According to Merriam Webster, in the medical field, a "differential diagnosis" is "the distinguishing of a disease or condition from others presenting similar symptoms." See Merriam-Webster Online Dictionary, available at <<https://www.merriam-webster.com/dictionary/differential%20diagnosis#medicalDictionary>> (accessed September 1, 2020). A differential diagnosis is made to narrow down the field of possible conditions from which a patient may suffer. "Differential illness" appears to be a misnomer.

<sup>3</sup> What is apparently still routinely referred to as § 504 of the Rehabilitation Act is now 29 USC 794(a).

Riverbrook filed a complaint for eviction in the district court and the Fabodes signed a consent judgment providing that their residency could continue only if “all unauthorized animals” were “permanently removed from the premises.” But the Fabodes persevered by attempting to establish that Antony was entitled to retain possession of King as an ESA.

“Skeptical” of Venet’s letter, Riverbrook sent her a “resident disability certification form” to complete. Venet gave general answers when asked how the ESA could assist Antony: “The ESA will lessen the symptoms of [Antony’s] diagnosed disability according to DSM-V”; and “The ESA is necessary for Antony to enjoy his dwelling as others in the community. There are no other options including medication.”

Riverbrook replied, “These registration certificates and/or ID cards are not credible proof of any disability or any disability related need for an assistance animal.” Riverbrook implied that Antony purchased the opinion that he required an ESA. The website utilized by Antony stated, “A doctor in our network may be able to prescribe an [ESA] with only one phone call” and that the customer could receive his or her “Doctor Letter for Airline Travel and Housing immediately via email for print and use.” The letter produced by Venet was “clearly a form letter” that was not “credible proof” of Antony’s disability or need for an ESA, Riverbrook asserted. Rather,

Ms. Venet’s response established that she had no contact with [Antony] prior to May 31, 2018, same date she printed out the form letter declaring him to be disabled due to a “Differential Illness.” A person with a disabling mental or emotional condition will have a history of treatment that predates the request for an [ESA]. [Antony’s] accommodation request is clearly his attempt to circumvent the community’s requirement that the dog be permanently removed.

Riverbrook denied Antony’s accommodation request.

Riverbrook applied to the district court to enforce the consent judgment with an order of eviction. The district court granted the motion and ordered Antony’s removal by September 28, 2018. The Fabodes sought a stay of eviction, asserting that they were legally authorized to possess King as an ESA and that Riverbrook wrongfully evicted them. The Fabodes continued to rely on Venet’s letter and the ESA certification. And Riverbrook continued to question the validity of Venet’s assessment that Antony suffered a condition requiring an ESA when she had only briefly spoken to Antony on the phone.

Venet testified at a district court hearing. She asserted that Antony was referred to her through United Support Animals, and that she determined his need for an ESA after a single brief phone call. She denied that a clinician needs to meet with a patient in person to make a diagnosis. Venet reviewed no prior medical records, conducted no diagnostic testing, and provided no counseling to Antony. In fact, Venet explained that diagnostic testing and referring clients for additional counseling was “[b]eyond [her] scope of practice.”

The district court limited Riverbrook’s questioning of Venet. The court directed that it would not permit questions “into medical decisions” because, the court ruled, “the statute is pretty clear counselor [sic] writes a letter, makes a determination.” Riverbrook urged the district court

to consider the evidence presented by the Fabodes more deeply, but the court demurred because it opined that the only thing required is that a "licensed counselor . . . makes a determination."

*The Court.* I don't - - I didn't say I like it, okay. I don't say I agree with this and I think the statute is horribly written and I don't think there's any standards given to it. And if it's this easy to get, it's incredible to me. But it's kind of like the same way the statute is written for medical marijuana, okay, you need a physician-client relationship. Five minutes is a physician-client relationship. Someone walks into an attorney's office and says I got a question, you know, whether you get money or not, it could be possibly a relationship. All right, so whether all this other stuff whether she did or dug into is irrelevant the way the statute's written.

*[Riverbrook's Counsel].* It is not irrelevant when you consider that it has to be credible evidence of a disabling medical condition. We have no credible evidence. If I can get social security disability based on a telephone conversation, no one in the world would work.

*The Court.* This is not social security, this is different. This is the - - this is the - - this is the way Congress wrote this act. And - -

*[Riverbrook's Counsel].* Your Honor?

\* \* \*

*[Riverbrook's Counsel].* Your Honor, there is case law that would say that the information supplied to the landlord has to be credible and I don't believe her - - her testimony, her letter is credible evidence of a disabling mental condition and that's what is required by the statute, not simply a letter from any old person.

*The Court.* Well, I disagree at this point . . . .

At this point, and like I said, I'm not happy with the way this is done and these certificates I think are really bogus considering there is no real registration out there because all you really need is the letter from the counselor.

*[Riverbrook's Counsel].* A credible letter from the counselor.

*The Court.* Well, I don't - - I found nothing unbelievable about her, especially, given her background, information as provided, and what the statute limits us to. Okay, you're - - I don't disagree with you, I'm just stuck with the law.

*[Riverbrook's Counsel].* But you're allowed to look into the facts of the situation. He didn't have any treatment, he has never had treatment.

*Defendant.* That's not true.



*The Court.* No, no, no, no. And I think that's beyond the scope of this hearing, okay. The hearing, my purpose for this hearing is more of this is not whether this was issued correctly or incorrectly, that's not my call. My call is to make sure that the counselor done it, met the requirements of. Now, if you want to challenge licensing issues, you want to challenge his state, I guess that's for somewhere else. But here, it's just a simple, did it meet the requirements of the statute- -

*[Riverbrook's Counsel].* So - -

*The Court.* - - I think it did. All right, I didn't - - I didn't say I'm happy with my decision, okay, because this opens it up for all kinds of stuff and it opens up for this whole internet thing they've got going which, you know, but- -

*[Riverbrook's Counsel].* But - -

*The Court.* - - they allow it.

*[Riverbrook's Counsel].* Well, you allow it, not all courts allow it.

*The Court.* No, no. I allow it because everybody else allows it.

*[Riverbrook's Counsel].* I don't think so.

\* \* \*

There - - I mean there's case law and that the info - - information has to be credible. I don't think that based on a phone call from some unknown person, she can say oh, yes, his condition is disabling and he needs a dog.

*The Court.* They don't require - - the statute doesn't require meeting. The statute doesn't require treatment. The statute doesn't require treatment. The statute doesn't require an ongoing relationship.

*[Riverbrook's Counsel].* How can she - -

*The Court.* The statute doesn't require any of that, okay. And you're asking me to say, Congress, you need - - you really mean to say this, okay. I don't think it does. And the reason I do that is because the way they wrote the - - some of these other - - they didn't think this through, all right, but I'm stuck with what I got.

The district court then denied the writ of eviction.

Riverbrook appealed to the circuit court. Riverbrook had investigated "USAR" and discovered that the acronym referred to "U.S. Support Animals," whose website "promise[d] a doctor's letter to support an applicant's request for an ESA for \$179.99." Based on this discovery, Riverbrook continued to argue that Antony purchased his diagnosis of a condition requiring an ESA only after Riverbrook notified him that he had violated the pet policy. Riverbrook contended

that Venet's letter, based solely on information obtained from Antony and no documented history of treatment, failed to support that Antony had an impairment that substantially limited a major life activity, or a disability-related need for an ESA. Thus, Antony's dog was an unauthorized pet whose presence violated the consent judgment.

Ultimately, the circuit court affirmed the district court's ruling based on the FHA. The circuit court cited caselaw allegedly holding that the "inquiry need not be highly intrusive" and that "medical records or detailed information about the nature of a person's disability is not necessary." Absent a legal requirement for "more stringent proof of a handicap or the necessity of an accommodation," the circuit court agreed that Venet's opinion regarding Antony's need for the ESA was sufficient evidence. The circuit court explained:

The evidence demonstrates that before and during the proceedings, the parties were in communication regarding whether the occupant's dog was actually an ESA. Based on the evidence presented by Riverbrook, Riverbrook received the information it requested from Venet after it determined that her initial letter was unsatisfactory. Venet completed the Resident Disability Certification Form provided by Riverbrook, but rather than requesting additional information, Riverbrook denied Fabode's request to register the dog based on the date that Venet evaluated the occupant and required the dog to be permanently removed from the home and the community. Riverbrook then filed an application and order of eviction on the basis that it had seen the dog in the community. Fabode filed a motion to stay the writ, alleging that the parties entered into the consent judgment with the understanding that they could keep the ESA on the premises until Riverbrook reviewed all paperwork and it decided whether to accept or deny the animal, and they removed the ESA upon receiving Riverbrook's denial letter on August 17, 2018.

Based on the totality of the largely undisputed evidence presented, the district court determined that Riverbrook's sole basis for denying Fabode's request for a reasonable accommodation in the form of an ESA was its finding that Venet's assessment was not credible. After taking Venet's testimony, the district court disagreed, expressly finding Venet and her assessment to be credible, and denied the eviction on this basis. This Court finds no clear error in the district court's determination that an ESA on the premises is not a basis for eviction under the terms of the consent judgment, as an ESA is not an "unauthorized animal."

We granted Riverbrook's application for leave to appeal "limited to the issues raised in the application and the supporting brief." *Riverbrook v Fabode*, unpublished order of the Court of Appeals, entered September 11, 2019 (Docket No. 349065).

## II. ANALYSIS

We review de novo a circuit court's affirmance of a district court order. *Noll v Ritzer*, 317 Mich App 506, 510; 895 NW2d 192 (2016). We also review de novo the lower courts' interpretation of the relevant statute—the federal Fair Housing Act (FHA). See *Dextrom v Wexford Co*, 287 Mich App 406, 416; 789 NW2d 211 (2010). We review for an abuse of discretion the lower courts'

decision to admit evidence based on the relevant statute. *Elher v Misra*, 499 Mich 11, 21; 878 NW2d 790 (2016).

The Fabodes raised the FHA in defense of the eviction action. The FHA provides that a landlord may not discriminate “because of a handicap,” in part, by “refus[ing] to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” 42 USC 3604(f)(3)(B).

To prove that a housing provider failed to reasonably accommodate a disability, a plaintiff must prove that: (1) she suffers from a disability within the meaning of FHA; (2) the defendant knew or reasonably should have known of the disability; (3) the requested accommodation may be necessary to afford an equal opportunity to use and enjoy the dwelling; (4) the accommodation is reasonable; and (5) the defendant refused to make the accommodation. [*Overlook Mut Homes v Spencer*, 415 Fed Appx 617, 621 (CA 6, 2011) (quotation marks and citation omitted).]

A “handicap” or “disability” for purposes of the FHA is defined as “(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such impairment, or (3) being regarded as having such an impairment.” 42 USC 3602(h); 24 CFR 100.201. “Major life activities,” in turn, is defined as “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” 24 CFR 100.201(b).

The Fabodes, as the proponents of the FHA defense to the eviction action, bore the burden of proving that Antony had a “handicap” and required accommodation “to use and enjoy his dwelling” because of that handicap. The only evidence presented by the Fabodes was the letter authored by Venet. Venet took the stand but provided no new evidence in the courtroom. Contrary to the district court’s conclusion, the court was required to consider the validity of the opinion presented in the letter and determine if the letter actually supported the Fabodes’ claim.

MRE 702 governs the admissibility of expert testimony and opinions, such as that of Anne Venet. Pursuant to MRE 702:

If the court determines that scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise if (1) the testimony is based on sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

MRE 702

requires the circuit court to ensure that each aspect of an expert witness’s testimony, including the underlying data and methodology, is reliable. MRE 702 incorporates the standards of reliability that the United States Supreme Court articulated in *Daubert v Merrell Dow Pharm, Inc*, [509 US 579; 113 S Ct 2786; 125 L Ed 2d 469

(1993)], in order to interpret the equivalent federal rule of evidence. Under *Daubert*, the trial judge must ensure that any and all scientific testimony or evidence admitted is not only relevant, but reliable. . . . Under MRE 702, it is generally not sufficient to simply point to an expert's experience and background to argue that the expert's opinion is reliable and, therefore, admissible. [*Elher*, 499 Mich at 22-23 (quotation marks and citations omitted).]

Both the district and circuit courts avoided their gatekeeper role under MRE 702 despite Riverbrook's repeated objections to the reliability and admissibility of the Fabodes' evidence. The circuit court relied on *Overlook Mut Homes*, 415 Fed Appx 617, to avoid its duty of overseeing the validity and reliability of the evidence presented. However, *Overlook* does not support the proposition asserted. Rather, the United States Court of Appeals for the Sixth Circuit held in *Overlook Mut Homes*, 415 Fed Appx at 621-622:

A housing provider . . . is entitled to seek information from an allegedly disabled person in order to establish the existence of the disability and the necessity of the accommodation. According to the [Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Accommodations Under the Fair Housing Act* (May 14, 2004), available at <<https://www.hud.gov/sites/documents/huddojstatement.pdf>> (accessed September 11, 2020)],

[I]n response to a request for a reasonable accommodation, a housing provider may request *reliable* disability-related information that (1) is necessary to verify that the person meets the [FHA's] definition of disability . . . , (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.

*Id.* at 13. This inquiry need not be highly intrusive. "In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary . . . ." *Id.* at 13-14. [Emphasis added.]

Consistent with this guidance, Riverbrook asked the Fabodes for reliable information from which it could determine whether Antony truly suffered from a handicap and required an ESA to allow him to use and enjoy his dwelling. The Fabodes responded with the letter from Venet stating that Antony suffered from "differential illness." It appears that this was not actually a diagnosis, but a statement that a diagnosis had yet to be reached. The letter did not identify any of the symptoms of Antony's "differential illness." The record is devoid of any information describing Antony's purported handicap or disability. Did he suffer from anxiety or depression? Was he prone to psychotic episodes? The letter offers no explanation of how King could assist Antony. Does King calm Antony? Does King sense when Antony might experience an episode of his condition? As the district court did not allow the record to be developed, neither the district nor circuit court nor this Court can assess whether Antony has a handicap and requires a reasonable accommodation by Riverbrook of its pet policy to allow King to live in the home and assist his owner.

Further proceedings must be had below before this matter can be resolved. On remand, the district and circuit courts should take careful note of the statutory language. The statute does not provide that a tenant may automatically establish a handicap and a need for an ESA with a simple letter or that the court may not delve into the accuracy or legitimacy of the diagnosing party's opinion. Under MRE 702, the court *must* carefully consider the reliability of the methods employed by Venet, as well as her final opinion. Only then can the district and circuit courts determine if Riverbrook refused to make a reasonable accommodation for a tenant with a disability or handicap.

We vacate the circuit court order affirming the district court judgment and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Anica Letica

/s/ Karen M. Fort Hood

/s/ Elizabeth L. Gleicher

**EXHIBIT 3**

STATE OF MICHIGAN

IN THE 42-2 DISTRICT COURT FOR THE COUNTY OF MACOMB

RIVERBROOK,  
c/o Swistak & Levine, PC,

Plaintiff,

V

Case Number 18-1698 LT

ABIMBOLA FABODE  
and all other occupants,

Defendants.

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MOTION TO STAY WRIT

BEFORE THE HONORABLE WILLIAM H. HACKEL III, DISTRICT JUDGE

New Baltimore, Michigan - Tuesday, October 23, 2018

APPEARANCES:

For the Plaintiff:

MS. JANET E. SWISTAK P24831  
Swistak & Levine PC  
30833 Northwestern Highway  
Suite 120  
Farmington Hills, Michigan 48334  
(248) 851-8000

Appearing in Pro Per:

MS. ABIMBOLA FABODE

RECORDED BY:  
TRANSCRIBED BY:

Lisa A. Carroll, CER 3359  
Certified Electronic Recorder  
(586) 493-0661

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ANNE VENET

Examination by the Court

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Cross-Examination by Ms. Swistak

7

## EXHIBITS:

OFFERED

ADMITTED

None



1 New Baltimore, Michigan

2 Tuesday, October 23, 2018 - at 1:30 p.m.

3 THE COURT: Let's call up, let's see, Riverbrook  
4 versus Abimbola Fabode, that's 18-1698 LT. All right, who  
5 do I have here?

6 MS. SWISTAK: Janet Swistak appearing on behalf  
7 of Riverbrook.

8 THE DEFENDANT: Abimbola Fabode and Anthony  
9 Fabode.

10 THE BAILIFF: Be seated, sit here.

11 THE COURT: All right and my understanding is  
12 the reason we want to--the reason Riverbrook is requesting  
13 this individual be removed is because of a pet?

14 MS. SWISTAK: Well we say it's a pet he says  
15 it's an emotional support animal.

16 THE COURT: All right, but that's the only  
17 reason?

18 MS. SWISTAK: Pardon?

19 THE COURT: That's the only reason?

20 MS. SWISTAK: Well, there are other reasons but  
21 what prompted the writ was violation of a consent  
22 judgment.

23 THE COURT: And I had--I just wanted to make  
24 sure. And I subpoenaed Anne, is it Venet?

25 MS. VENET: Venet.

1 THE COURT: Venet, I apologize. Come on up.  
2 You're not going to be here that long.

3 MS. VENET: That's okay, I apologize.

4 THE COURT: I can tell you that.

5 Raise you right hand. Do you solemnly swear to  
6 tell the truth, the whole truth, and nothing but the  
7 truth?

8 MS. VENET: I do.

9 ANNE VENET

10 (At 1:31 p.m., sworn as a witness, testified as  
11 follows)

12 EXAMINATION

13 BY THE COURT:

14 Q What is your name?

15 A Anne Venet.

16 Q Could you spell that for us, please?

17 A A-N-N-E. Venet, V like Victor, E-N-E-T.

18 Q All right, Miss. Venet, do you have a profession?

19 A Yes.

20 Q What is that?

21 A I have several, which were--where would you like me to  
22 start?

23 Q Well, we're here for a particular interest involving an  
24 animal, so, are you a counselor or a psychiatrist or  
25 psychologist?

1 A I am a counselor licensed by the State of Michigan since  
2 February of 2002.

3 Q And just, all right, any particular specialty in  
4 counseling or--

5 A Mental health.

6 Q Okay. And you're here because you--we got something,  
7 looks like a letter, I got a to whom it may concern  
8 letter.

9 A I need my glasses.

10 Q That's okay. I got MA LLPC on Hall Road.

11 A Yes.

12 Q Is that your letter?

13 A Yes.

14 Q Did you write that letter?

15 A Yes.

16 Q And did you make the opinion that's in that letter?

17 A Yes.

18 Q And your opinion is, I guess, the emotional support animal  
19 would help this individual?

20 A Yes.

21 Q Did you ever meet Mr. Fabode?

22 A I met him over the phone.

23 Q How did you--were you able to identify him?

24 A He called United Support Animals and they gave me his  
25 phone number and his name and I called him back.

1 Q Oh, you called him?

2 A Yes.

3 Q And--

4 A Do you want me to step back or no?

5 Q That's fine, you're fine you're near a mic here. And  
6 did--were you provided information other than him talking  
7 to you?

8 A No.

9 Q So, just based on what he told you you made this  
10 determination?

11 A Yes.

12 Q Okay.

13 THE COURT: Any limited questions to this young  
14 lady?

15 MS. SWISTAK: Yes.

16 THE COURT: Well, I mean, you're not going to--  
17 I'm not going to allow you to get into medical decisions.

18 MS. SWISTAK: Oh, I'm--no.

19 THE COURT: I mean it's just the statute is  
20 pretty clear counselor writes the letter, makes a  
21 determination. So, if you--

22 MS. SWISTAK: Well, it's not--it's not as clear  
23 as that and I do have some questions for her.

24 THE COURT: Well, we'll see what they are, go  
25 ahead.

1 MS. SWISTAK: Would you like to take the stand?

2 THE COURT: No, she can stand right here.

3 MS. SWISTAK: Okay.

4 CROSS-EXAMINATION

5 BY MS. SWISTAK:

6 Q What is your educational background?

7 A I have a master of arts in counseling.

8 Q What is your previous employment? You said you got your  
9 limited license in '92, is that your full time job?

10 A In 2002. No, I'm a retired police officer from Macomb  
11 County Sheriff. I spent 25 years there. I went to grad  
12 school while I was a police officer, earned my master's  
13 degree not thinking--or not wanting to be a police officer  
14 for 25 years. After that I did forensic interviewing on  
15 more than 600 children that were abused and neglected  
16 sexually. I was the mental health director at the Macomb  
17 County Jail. I was a crisis screening therapist at the  
18 guidance center where I did evaluations on 3 year olds up  
19 to 17 year old for inpatient psychiatric treatment. I  
20 have a private practice on my own. I work now for the  
21 Salvation Army as a case manager for victims of human  
22 trafficking.

23 Q Okay.

24 A And a couple of other things in between if you would to  
25 know those.

- 1 Q You have a limited license as a professional counselor?
- 2 A Yes.
- 3 Q Why is it still limited after 16 years? Didn't you have
- 4 to do 3000 hours of supervised--
- 5 A No. I don't--I didn't take those--the test.
- 6 Q Okay, so you never took the test?
- 7 A No.
- 8 Q Who's your supervisor because you're not allowed under a
- 9 limited license to treat people without supervision?
- 10 A I know that. I have a supervisor.
- 11 Q Did your supervisor talk to Mr. Fabode?
- 12 A No.
- 13 Q So, you get referrals from the--the US Animal Service Dog
- 14 Registry?
- 15 A No.
- 16 Q How did you get his number?
- 17 A US Support Animals.
- 18 Q Oh, okay. But still they refer you people so you can have
- 19 a telephone conversation and write the letter?
- 20 A Not necessarily. I could do teletherapy, I could do in
- 21 person, I can do telephone, it's whatever I choose to do.
- 22 Q Okay, but in this case you just talked to him on the
- 23 phone?
- 24 A Yes, I did.
- 25 Q Did you review any of his prior medical records?

- 1 A No, I did not.
- 2 Q Did you do any physical exams? You're not a doctor.
- 3 A Beyond my scope of practice.
- 4 Q Did you refer him for a physical exam?
- 5 A That's beyond my scope of practice.
- 6 Q You saw him for the first time when?
- 7 A In court today, if that's him.
- 8 Q Oh, you don't even know if it's him?
- 9 A No, I don't.
- 10 Q Wouldn't you say that making a diagnosis as far as
- 11 somebody who has a disabling mental condition that maybe
- 12 it would be helpful to look at them, see what their
- 13 effect is, see if they're able to look you in the eyes,
- 14 see how they talk, how articulate they are, how energetic
- 15 or plathered their effect is?
- 16 A No.
- 17 Q You don't think that's important?
- 18 A No.
- 19 Q You think that somebody telling you something over the
- 20 phone you can render a diagnosis?
- 21 A Yes.
- 22 Q Did you refer him for additional counseling?
- 23 A That's beyond my scope of practice.
- 24 Q Is he getting additional counseling?
- 25 A I do not know that.

1 Q If he is so disabled by his emotional condition, do you  
2 think he should be receiving additional treatment?

3 A Beyond my scope of practice.

4 Q Did you administer the PHQ-9 Test?

5 A It's beyond my scope of practice.

6 Q Did you administer the BDI, Beck Depression Inventory  
7 Test?

8 A Beyond my scope of practice.

9 Q Did you administer any tests that would give you objective  
10 evidence of his--

11 A Beyond my scope of practice.

12 THE COURT: And I don't know if any of those  
13 tests are required under the Rehab Act.

14 THE WITNESS: They're not. They're not.

15 THE COURT: I mean under this statute. The  
16 statute says licensed counselor sees, makes a  
17 determination.

18 MS. SWISTAK: Based on a phone call that she's  
19 referred to from an internet certificate preparer.

20 THE COURT: I don't--I didn't say I like it,  
21 okay. I don't say I agree with this and I think the  
22 statute is horribly written and I don't think there's any  
23 standards given to it. And if it's this easy to get, it's  
24 incredible to me. But it's kind of like the same way the  
25 statute is written for medical marijuana, okay, you need a



1 physician-client relationship. Five minutes is a  
2 physician-client relationship. Someone walks into an  
3 attorney's office and says I got a question, you know,  
4 whether you get money or not, it could be possibly a  
5 relationship. All right, so whether all this other stuff  
6 whether she did or dug into is irrelevant the way the  
7 statute's written.

8 MS. SWISTAK: It is not irrelevant when you  
9 consider that it has to be credible evidence of a  
10 disabling medical condition. We have no credible  
11 evidence. If I can get social security disability based  
12 on a telephone conversation, no one in the world would  
13 work.

14 THE COURT: This is not social security, this is  
15 different. This is the--this is the--this is the way  
16 Congress wrote this act. And--

17 MS. SWISTAK: Your Honor?

18 THE COURT: Maybe they gave in to a political  
19 group to get some points for it to get campaign funding  
20 and run on it and I allowed it, okay, but that's Congress'  
21 call not mine.

22 MS. SWISTAK: Your Honor, there is case law that  
23 would say that the information supplied to the landlord  
24 has to be credible and I don't believe her--her testimony,  
25 her letter is credible evidence of a disabling mental

1 condition and that's what is required by the statute, not  
2 simply a letter from any old person.

3 THE COURT: Well, I disagree at this point. So,  
4 thank you. You're free to leave.

5 (At 1:40 p.m., witness excused)

6 At this point, and like I said, I'm not happy  
7 with the way this is done and these certificates I think  
8 are really bogus considering there is no real registration  
9 out there because all you really need is the letter from  
10 the counselor.

11 MS. SWISTAK: A credible letter from the  
12 counselor.

13 THE COURT: Well, I don't--I found nothing  
14 uncredible about her, especially, given her background,  
15 information as provided, and what the statute limits us  
16 to. Okay, you're--I don't disagree with you, I'm just  
17 stuck with the law.

18 MS. SWISTAK: But you're allowed to look into  
19 the facts of the situation. He didn't have any treatment,  
20 he has never had treatment.

21 THE DEFENDANT: That's not true.

22 THE COURT: No, no, no, no. And I think that's  
23 beyond the scope of this hearing, okay. The hearing, my  
24 purpose for this hearing is more of this is not whether  
25 this was issued correctly or incorrectly, that's not my

1 call. My call is to make sure that the counselor done it,  
2 met the requirements of. Now, if you want to challenge  
3 licensing issues, you want to challenge his state, I guess  
4 that's for somewhere else. But here, it's just a simple,  
5 did it meet the requirements of the statute--

6 MS. SWISTAK: So--

7 THE COURT: --I think it did. All right, I  
8 didn't--I didn't say I'm happy with my decision, okay,  
9 because this opens it up for all kinds of stuff and it  
10 opens up for this whole internet thing they've got going  
11 which, you know, but--

12 MS. SWISTAK: But--

13 THE COURT: --they allow it.

14 MS. SWISTAK: Well, you allow it, not all courts  
15 allow it.

16 THE COURT: No, no. I allow it because  
17 everybody else allows it.

18 MS. SWISTAK: I don't think so.

19 THE COURT: Well, then--

20 MS. SWISTAK: There--I mean there's case law and  
21 that the info--the information has to be credible. I  
22 don't think that based on a phone call from some unknown  
23 person, she can say oh, yes, his condition is disabling  
24 and he needs a dog.

25 THE COURT: They don't require--the statute

1 doesn't require meeting. The statute doesn't require  
2 treatment. The statute doesn't require an ongoing  
3 relationship.

4 MS. SWISTAK: How can she--

5 THE COURT: The statute doesn't require any of  
6 that, okay. And you're asking me to say, Congress, you  
7 need--you really meant to say this, okay. I don't think  
8 it does. And the reason I do that is because the way they  
9 wrote the--some of these other--they didn't think this  
10 through, all right, but I'm stuck with what I got. Now,  
11 so I'm going to deny the writ. You certainly, everybody  
12 has a right to appeal and go from there. Good luck.

13 (At 1:42 p.m., proceedings concluded)  
14  
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1  
2 STATE OF MICHIGAN )  
3 )  
4 COUNTY OF MACOMB )  
5  
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7  
8  
9

10 I certify that this transcript, consisting of 15 pages, is  
11 a complete, true, and correct record of the proceedings and  
12 testimony taken in this case on Tuesday, October 23, 2018.  
13  
14  
15  
16

17  
18 11-7-18

Lisa A Carroll

19 Lisa A. Carroll, CER 3359  
20 Certified Electronic Recorder  
21 35071 23 Mile Road  
22 New Baltimore, Michigan 48047  
23 586-493-0661

**EXHIBIT 4**



OFFICE OF FAIR HOUSING  
AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-2000

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**SPECIAL ATTENTION OF:**

HUD Regional and Field Office Directors of  
Public and Indian Housing (PIH); Housing;  
Community Planning and Development  
(CPD); Fair Housing and Equal Opportunity;  
and Regional Counsel; CPD, PIH, and  
Housing Program Providers

FHEO Notice: **FHEO-2020-01**

Issued: January 28, 2020

Expires: Effective until Amended,  
Superseded, or Rescinded.

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Subject: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act

- 1. Purpose:** This notice explains certain obligations of housing providers under the Fair Housing Act (FHA) with respect to animals that individuals with disabilities may request as reasonable accommodations. There are two types of assistance animals: (1) service animals, and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a "support animal"). Persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals, under the FHA. This guidance provides housing providers with a set of best practices for complying with the FHA when assessing requests for reasonable accommodations to keep animals in housing, including the information that a housing provider may need to know from a health care professional about an individual's need for an assistance animal in housing. This guidance replaces HUD's prior guidance, FHEO-2013-01, on housing providers' obligations regarding service animals and assistance animals. In particular, this guidance provides a set of best practices regarding the type and amount of documentation a housing provider may ask an individual with a disability to provide in support of an accommodation request for a support animal, including documentation of a disability (that is, physical or mental impairments that substantially limit at least one major life activity) or a disability-related need for a support animal when the disability or disability-related need for the animal is non-obvious and not known to the housing provider. By providing greater clarity through this guidance, HUD seeks to provide housing providers with a tool they may use to reduce burdens that they may face when they are uncertain about the type and amount of documentation they may need and may be permitted to request when an individual seeks to keep a support animal in housing. Housing providers may be subject to the requirements of several civil rights laws, including but not limited to the FHA, Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA). This guidance does not address how HUD will process complaints against housing providers under Section 504 or the ADA.

2. **Applicability:** This notice applies to all housing providers covered by the FHA.<sup>1</sup>
3. **Organization:** There are two sections to this notice. The first, “Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act,” recommends a set of best practices for complying with the FHA when assessing accommodation requests involving animals to assist housing providers and help them avoid violations of the FHA. The second section to this notice, “Guidance on Documenting an Individual’s Need for Assistance Animals in Housing,” provides guidance on information that an individual seeking a reasonable accommodation for an assistance animal may need to provide to a housing provider about his or her disability-related need for the requested accommodation, including supporting information from a health care professional.

Questions regarding this notice may be directed to the HUD Office of Fair Housing and Equal Opportunity, Office of the Deputy Assistant Secretary for Enforcement and Programs, or your local HUD Office of Fair Housing and Equal Opportunity.

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Anna María Farías, Assistant Secretary for  
Fair Housing and Equal Opportunity

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<sup>1</sup> The Fair Housing Act covers virtually all types of housing, including privately owned housing and federally assisted housing, with a few limited exceptions.



## **Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act<sup>2</sup>**

The Fair Housing Act (FHA) makes it unlawful for a housing provider<sup>3</sup> to refuse to make a reasonable accommodation that a person with a disability may need in order to have equal opportunity to enjoy and use a dwelling.<sup>4</sup> One common request housing providers receive is for a reasonable accommodation to providers' pet or no animal policies so that individuals with disabilities are permitted to use assistance animals in housing,<sup>5</sup> including public and common use areas.

Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities.<sup>6</sup> There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a "support animal").<sup>7</sup> An animal that does not qualify as a service animal or other type of assistance animal is a pet for purposes of the FHA and may be treated as a pet for purposes of the lease and the housing provider's rules and policies. A housing provider may exclude or charge a fee or deposit for pets in its discretion and subject to local law but not for service animals or other assistance animals.<sup>8</sup>

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<sup>2</sup> This document is an integral part of U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity Notice FHEO-2020-01, dated January 28, 2020 (sometimes referred to as the "Assistance Animal Notice").

<sup>3</sup> The term "housing provider" refers to any person or entity engaging in conduct covered by the FHA. Courts have applied the FHA to individuals, corporations, partnerships, associations, property owners, housing managers, homeowners and condominium associations, cooperatives, lenders, insurers, real estate agents, brokerage services, state and local governments, colleges and universities, as well as others involved in the provision of housing, residential lending, and other real estate-related services.

<sup>4</sup> 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204. Unless otherwise specified, all citations refer to those authorities effective as of the date of the publication of this guidance.

<sup>5</sup> For purposes of this guidance, the term "housing" refers to all housing covered by the Fair Housing Act, including apartments, condominiums, cooperatives, single family homes, nursing homes, assisted living facilities, group homes, domestic violence shelters, emergency shelters, homeless shelters, dormitories, and other types of housing covered by the FHA.

<sup>6</sup> See 24 C.F.R. § 5.303(a).

<sup>7</sup> Under the FHA, a disability is a physical or mental impairment that substantially limits one or more major life activities. See 24 C.F.R. § 100.201.

<sup>8</sup> See Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act ("Joint Statement"), Q and A 11 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>; *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011). HUD views the Joint Statement as well-reasoned guidance on some of the topics addressed in this guidance. The Joint Statement, available to the public since 2004, has been cited from time to time by courts. See, e.g., *Bhogaita v. Altamonte Heights Condo. Ass'n*, 765 F.3d 1277, 1286 (11th Cir. 2014); *Sinisgallo*

As of the date of the issuance of this guidance, FHA complaints concerning denial of reasonable accommodations and disability access comprise almost 60% of all FHA complaints and those involving requests for reasonable accommodations for assistance animals are significantly increasing. In fact, such complaints are one of the most common types of fair housing complaints that HUD receives. In addition, most HUD charges of discrimination against a housing provider following a full investigation involve the denial of a reasonable accommodation to a person who has a physical or mental disability that the housing provider cannot readily observe.<sup>9</sup>

HUD is providing this guidance to help housing providers distinguish between a person with a non-obvious disability who has a legitimate need for an assistance animal and a person without a disability who simply wants to have a pet or avoid the costs and limitations imposed by housing providers' pet policies, such as pet fees or deposits. The guidance may also help persons with a disability who request a reasonable accommodation to use an assistance animal in housing.

While most requests for reasonable accommodations involve one animal, requests sometimes involve more than one animal (for example, a person has a disability-related need for both animals, or two people living together each have a disability-related need for a separate assistance animal). The decision-making process in this guidance can be used for all requests for exceptions or modifications to housing providers' rules, policies, practices, and/or procedures so persons with disabilities can have assistance animals in the housing where they reside.

This guidance is provided as a tool for housing providers and persons with a disability to use at their discretion and provides a set of best practices for addressing requests for reasonable accommodations to keep animals in housing where individuals with disabilities reside or seek to reside. It should be read together with HUD's regulations prohibiting discrimination under the FHA<sup>10</sup> —with which housing providers must comply— and the HUD/Department of Justice (DOJ) Joint Statement on Reasonable Accommodation under the Fair Housing Act, available at <https://www.hud.gov/sites/documents/huddojstatement.pdf>. A housing provider may also be subject to the Americans with Disabilities Act (ADA) and therefore should also refer to DOJ's regulations implementing Title II and Title III of the ADA at 28 C.F.R. parts 35 and 36, and DOJ's guidance on service animals, *Frequently Asked Questions about Service Animals and the ADA* at [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html) and *ADA Requirements: Service Animals* at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm). This guidance replaces HUD's prior guidance on housing providers' obligations regarding service animals and assistance animals.<sup>11</sup> Housing

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*v. Town of Islip Hous. Auth.*, 865 F. Supp. 2d 307, 336-42 (E.D.N.Y. 2012). However, HUD does not intend to imply that the Joint Statement is independently binding statutory or regulatory authority. HUD understands it to be subject to applicable limitations on the use of guidance. See "Treatment as a Guidance Document" on p.5 for a citation of authorities on permissible use of guidance.

<sup>9</sup> See, e.g., *HUD v. Castillo Condominium Ass'n*, No. 12-M-034-FH-9, 2014 HUD ALJ LEXIS 2 (HUD Sec'y, October 02, 2014) aff'd, 821 F.3d 92 (1st Cir. 2016); *HUD v. Riverbay*, No. 11-F-052-FH-18, 2012 HUD ALJ LEXIS 15 (HUD ALJ, May 07, 2012), aff'd, 2012 ALJ LEXIS 19 (HUD Sec'y June 06, 2012).

<sup>10</sup> 24 C.F.R. Part 100.

<sup>11</sup> FHEO-2013-01.

providers should not reassess requests for reasonable accommodations that were granted prior to the issuance of this guidance in compliance with the FHA.

### **Treatment as a Guidance Document**

As a guidance document, this document does not expand or alter housing providers' obligations under the Fair Housing Act or HUD's implementing regulations. It should be construed consistently with Executive Order 13891 of October 9, 2019 entitled "Promoting the Rule of Law Through Improved Agency Guidance Documents," Executive Order 13892 of October 9, 2019 entitled "Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," the Office of Management and Budget Memorandum M-20-02 entitled "Guidance Implementing Executive Order 13891, Titled 'Promoting the Rule of Law Through Improved Agency Guidance Documents,'" the Department of Justice Memorandum of January 25, 2018 entitled "Limiting Use of Agency Guidance Documents in Affirmative Civil Enforcement Cases," and the Department of Justice Memorandum of November 16, 2017 entitled "Prohibition on Improper Guidance Documents."

### **Part I: Service Animals**

The FHA requires housing providers to modify or make exceptions to policies governing animals when it may be necessary to permit persons with disabilities to utilize animals.<sup>12</sup> Because HUD interprets the FHA to require access for individuals who use service animals, housing providers should initially follow the analysis that DOJ has determined is used for assessing whether an animal is a service animal under the ADA.<sup>13</sup> The Department of Justice's ADA regulations generally require state and local governments and public accommodations to permit the use of service animals by an individual with a disability.<sup>14</sup> For support animals and other assistance animals that may be necessary in housing, although the ADA does not provide for access, housing providers must comply with the FHA, which does provide for access.<sup>15</sup>

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<sup>12</sup> 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204. See also Pet Ownership for the Elderly and Persons with Disabilities – Final Rule, 73 Fed. Reg. 63833 (Oct. 27, 2008).

<sup>13</sup> 24 C.F.R. § 100.204(b).

<sup>14</sup> 28 C.F.R. §§ 35.136(g); 36.302(c)(7).

<sup>15</sup> Specifically, under the Fair Housing Act, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with disabilities, or provide emotional support to alleviate a symptom or effect of a disability. Separate regulations govern airlines and other common carriers, which are outside the scope of this guidance.

### What is a service animal?

Under the ADA, “*service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.”<sup>16</sup>

As a best practice, housing providers may use the following questions to help them determine if an animal is a service animal under the ADA:<sup>17</sup>

1. Is the animal a dog?
  - If “yes,” proceed to the next question.
  - If “no,” the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed.<sup>18</sup> Proceed to Part II below.
2. Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?
  - If “yes,” further inquiries are unnecessary and inappropriate because the animal is a service animal.<sup>19</sup>
  - If “no,” proceed to the next question.

It is *readily apparent* when the dog is observed:

- guiding an individual who is blind or has low vision
- pulling a wheelchair
- providing assistance with stability or balance to an individual with an observable mobility disability<sup>20</sup>

3. It is advisable for the housing provider to limit its inquiries to the following two questions:
  - The housing provider may ask in substance: (1) “Is the animal required because of a

<sup>16</sup> 28 C.F.R. §§ 35.104; 36.104 (emphasis added).

<sup>17</sup> 28 C.F.R. §§ 35.136; 36.302(c).

<sup>18</sup> Although a miniature horse is not a service animal, DOJ has determined that the same type of analysis is applied to determine whether a miniature horse should be provided access, although additional considerations, beyond the scope of this guidance, apply. See 28 C.F.R. §§ 35.136(i); 36.302(c)(9).

<sup>19</sup> 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

<sup>20</sup> 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

disability?” and (2) “What work or task has the animal been trained to perform?”<sup>21</sup> Do not ask about the nature or extent of the person’s disability, and do not ask for documentation. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.

- If the answer to question (1) is “yes” and work or a task is identified in response to question (2), grant the requested accommodation, if otherwise reasonable, because the animal qualifies as a service animal.
- If the answer to either question is “no” or “none,” the animal does not qualify as a service animal under federal law but may be a support animal or other type of assistance animal that needs to be accommodated. HUD offers guidance to housing providers on this in Part II.

Performing “work or tasks” means that the dog is trained to take a specific action when needed to assist the person with a disability.

- If the individual identifies at least one action the dog is trained to take which is helpful to the disability other than emotional support, the dog should be considered a service animal and permitted in housing, including public and common use areas. Housing providers should not make further inquiries.
- If no specific work or task is identified, the dog should not be considered a service animal but may be another type of animal for which a reasonable accommodation may be required. Emotional support, comfort, well-being, and companionship are not a specific work or task for purposes of analysis under the ADA.

For more information, refer to the ADA rules and service animal guidance on DOJ’s ADA Home Page at [www.ada.gov](http://www.ada.gov)<sup>22</sup> or call the ADA Information Line at 1-800-514-0301.

## **Part II: Analysis of reasonable accommodation requests under the Fair Housing Act for assistance animals other than service animals**

**A reasonable accommodation** is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces.

Remember: While it is not necessary to submit a written request or to use the words “reasonable accommodation,” “assistance animal,” or any other special words to request a reasonable accommodation under the FHA, persons making a request are encouraged to do so in order to avoid

<sup>21</sup> 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

<sup>22</sup> See *Frequently Asked Questions About Service Animals and the ADA* at [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html); *ADA Requirements: Service Animals* at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm).



miscommunication.<sup>23</sup> Persons with disabilities may also want to keep a copy of their reasonable accommodation requests and supporting documentation in case there is a later dispute about when or whether a reasonable accommodation request was made. Likewise, housing providers may find it helpful to have a consistently maintained list of reasonable accommodation requests.<sup>24</sup>

A resident may request a reasonable accommodation either before or after acquiring the assistance animal.<sup>25</sup> An accommodation also may be requested after a housing provider seeks to terminate the resident's lease or tenancy because of the animal's presence, although such timing may create an inference against good faith on the part of the person seeking a reasonable accommodation. However, under the FHA, a person with a disability may make a reasonable accommodation request at any time, and the housing provider must consider the reasonable accommodation request even if the resident made the request after bringing the animal into the housing.<sup>26</sup>

As a best practice, housing providers may use the following questions to help them make a decision when the animal does not meet the definition of service animal.<sup>27</sup>

4. Has the individual requested a reasonable accommodation — that is, asked to get or keep an animal in connection with a physical or mental impairment or disability?

Note: The request for a reasonable accommodation with respect to an assistance animal may be oral or written. It may be made by others on behalf of the individual, including a person legally residing in the unit with the requesting individual or a legal guardian or authorized representative.<sup>28</sup>

- If “yes,” proceed to Part III.
- If “no,” the housing provider is not required to grant a reasonable accommodation that has not been requested.

### **Part III: Criteria for assessing whether to grant the requested accommodation**

As a best practice, housing providers may use the following questions to help them assess whether

<sup>23</sup> See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>24</sup> See Joint Statement, Q and A 13 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>25</sup> See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>26</sup> See 24 C.F.R. § 100.204(a).

<sup>27</sup> See *Janush v. Charities Hous. Dev. Corp.*, 169 F.Supp.2d 1133, 1136-37 (N.D. Cal., 2000) (rejecting an argument that a definition of “service dog” should be read into the Fair Housing Act to create a rule that accommodation of animals other than service dogs is per se unreasonable, instead finding that “the law imposes on defendants the obligation to consider each request individually and to grant requests that are reasonable.”).

<sup>28</sup> See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

to grant the requested accommodation.

5. Does the person have an observable disability or does the housing provider (or agent making the determination for the housing provider) already have information giving them reason to believe that the person has a disability?
  - If “yes,” skip to question #7 to determine if there is a connection between the person’s disability and the animal.
  - If “no,” continue to the next question.

#### **Observable and Non-Observable Disabilities**

Under the FHA, a disability is a physical or mental impairment that substantially limits one or more major life activities. While some impairments may seem invisible, others can be readily observed. Observable impairments include blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson’s disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.<sup>29</sup> Observable impairments generally tend to be obvious and would not be reasonably attributable to non-medical causes by a lay person.

Certain impairments, however, especially including impairments that may form the basis for a request for an emotional support animal, may not be observable. In those instances, a housing provider may request information regarding both the disability and the disability-related need for the animal. Housing providers are not entitled to know an individual’s diagnosis.

6. Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?<sup>30</sup>
  - If “yes,” proceed to question #7. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.
  - If “no,” the housing provider is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so.<sup>31</sup> To assist the person requesting the

<sup>29</sup> See 24 C.F.R. § 100.201.

<sup>30</sup> See Joint Statement, Q and A 17 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>31</sup> This would not permit the housing provider to require any independent evaluation or diagnosis specifically obtained for the housing provider or for the housing provider to engage in its own direct

accommodation to understand what information the housing provider is seeking, the housing provider is encouraged to direct the requester to the Guidance on Documenting an Individual's Need for Assistance Animals in Housing. Referring the requester to that Guidance will also help ensure that the housing provider receives the disability-related information that is actually needed to make a reasonable accommodation decision.

#### **Information About Disability May Include . . .**

- A determination of disability from a federal, state, or local government agency.
- Receipt of disability benefits or services (Social Security Disability Income (SSDI)), Medicare or Supplemental Security Income (SSI) for a person under age 65, veterans' disability benefits, services from a vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency.
- Eligibility for housing assistance or a housing voucher received because of disability.
- Information confirming disability from a health care professional – *e.g.*, physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse.

Note that a determination that an individual does not qualify as having a disability for purposes of a benefit or other program does not necessarily mean the individual does not have a disability for purposes of the FHA, Section 504, or the ADA.<sup>32</sup>

#### **Disability Determination**

Note that under DOJ's regulations implementing the ADA Amendments Act of 2008, which HUD considers instructive when determining whether a person has a disability under the FHA, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability.<sup>33</sup> Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia.<sup>34</sup> This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities. While housing providers will be unable to observe or identify some of these impairments, individuals with disabilities sometimes voluntarily provide more details about their disability than the housing provider actually needs to make decisions on accommodation requests. When this information is provided, housing providers should consider it.

evaluation. *See* Joint Statement, Q and A 17-18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>32</sup> *See* Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>33</sup> *See* 28 C.F.R. §§ 35.108(d)(2); 36.105(d)(2).

<sup>34</sup> *See* 28 C.F.R. §§ 35.108(d)(2)(iii); 36.105(d)(2)(iii).



### Documentation from the Internet

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known.<sup>35</sup> In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

7. Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability?<sup>36</sup>
  - If "yes," proceed to Part IV. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.
  - If "no," the housing provider is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so. To assist the person requesting the accommodation to understand what information the housing provider is seeking, the housing provider is encouraged to direct the requester to the Guidance on Documenting an Individual's Need for Assistance Animals in Housing. Referring the requester to that Guidance will also help ensure that the housing provider receives the disability-related information that is actually needed to make a reasonable accommodation decision.

<sup>35</sup> See Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>36</sup> See *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011) (determining that, in housing, a broader variety of assistance animals may be necessary as a reasonable accommodation, regardless of specific training).

**Information Confirming Disability-Related Need  
for an Assistance Animal. . .**

- Reasonably supporting information often consists of information from a licensed health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, or nurse – general to the condition but specific as to the individual with a disability and the assistance or therapeutic emotional support provided by the animal.
- A relationship or connection between the disability and the need for the assistance animal must be provided. This is particularly the case where the disability is non-observable, and/or the animal provides therapeutic emotional support.
- For non-observable disabilities and animals that provide therapeutic emotional support, a housing provider may ask for information that is consistent with that identified in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing (\*see Questions 6 and 7) in order to conduct an individualized assessment of whether it must provide the accommodation under the Fair Housing Act. The lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation.

**Part IV: Type of Animal**

8. Is the animal commonly kept in households?

- If “yes,” the reasonable accommodation should be provided under the FHA unless the general exceptions described below exist.<sup>37</sup>
- If “no,” a reasonable accommodation need not be provided, but note the very rare circumstances described below.

**Animals commonly kept in households.** If the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal.<sup>38</sup> For purposes of this assessment, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

**Unique animals.** If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal, which includes information of the type set out in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing. While this guidance

<sup>37</sup> See, e.g., *Majors v. Hous. Auth. of the Cnty. of DeKalb Georgia*, 652 F.2d 454, 457 (5th Cir. 1981) (enforcing a “no pets” rule against an individual with a disability who needs an animal as a reasonable accommodation effectively deprives the individual of the benefits of the housing).

<sup>38</sup> See 24 C.F.R. § 100.204(a).

does not establish any type of new documentary threshold, the lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation. If the housing provider enforces a “no pets” policy or a policy prohibiting the type of animal the individual seeks to have, the housing provider may take reasonable steps to enforce the policy if the requester obtains the animal before submitting reliable documentation from a health care provider that reasonably supports the requestor’s disability-related need for the animal. As a best practice, the housing provider should make a determination promptly, generally within 10 days of receiving documentation.<sup>39</sup>

**Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances ...**

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
  - Allergies prevent the person from using a dog; or
  - Without the animal, the symptoms or effects of the person’s disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

**Example: A Unique Type of Support Animal**

An individually trained capuchin monkey performs tasks for a person with paralysis caused by a spinal cord injury. The monkey has been trained to retrieve a bottle of water from the refrigerator, unscrew the cap, insert a straw, and place the bottle in a holder so the individual can get a drink of water. The monkey is also trained to switch lights on and off and retrieve requested items from inside cabinets. The individual has a disability-related need for this specific type of animal because the monkey can use its hands to perform manual tasks that a service dog cannot perform.

**Part V: General Considerations**

- The FHA does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.<sup>40</sup> A housing provider may, therefore, refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the

<sup>39</sup> See Joint Statement, Q and A 15 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>40</sup> See 24 C.F.R. § 100.202(d).

- animal in a secure enclosure).<sup>41</sup>
- A reasonable accommodation may include a reasonable accommodation to a land use and zoning law, Homeowners Association (HOA) rule, or co-op rule.<sup>42</sup>
  - A housing provider may not charge a fee for processing a reasonable accommodation request.<sup>43</sup>
  - Pet rules do not apply to service animals and support animals. Thus, housing providers may not limit the breed or size of a dog used as a service animal or support animal just because of the size or breed<sup>44</sup> but can, as noted, limit based on specific issues with the animal's conduct because it poses a direct threat or a fundamental alteration.<sup>45</sup>
  - A housing provider may not charge a deposit, fee, or surcharge for an assistance animal. A housing provider, however, may charge a tenant for damage an assistance animal causes if it is the provider's usual practice to charge for damage caused by tenants (or deduct it from the standard security deposits imposed on all tenants).
  - A person with a disability is responsible for feeding, maintaining, providing veterinary care, and controlling his or her assistance animal. The individual may do this on his or her own or with the assistance of family, friends, volunteers, or service providers.
  - Individuals with disabilities and housing providers may reference the best practices provided in this guidance in making and responding to reasonable accommodation requests within the scope of this guidance for as long as it remains in effect. HUD strongly encourages individuals with disabilities and housing providers to give careful attention to this guidance when making reasonable accommodation requests and decisions relating to animals.
  - Failure to adhere to this guidance does not necessarily constitute a violation by housing providers of the FHA or regulations promulgated thereunder.<sup>46</sup>
  - Before denying a reasonable accommodation request due to lack of information confirming an individual's disability or disability-related need for an animal, the housing provider is encouraged to engage in a good-faith dialogue with the requestor called the "interactive process."<sup>47</sup> The housing provider may not insist on specific types of evidence if the information which is provided or actually known to the housing provider meets the requirements of this guidance (except as provided above). Disclosure of details about the diagnosis or severity of a disability or medical records or a medical examination cannot be required.

<sup>41</sup> See Joint Statement Q and A 4 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>42</sup> See *Warren v. Delvista Towers Condo. Ass'n*, 49 F. Supp. 3d 1082 (S.D. Fla. 2014).

<sup>43</sup> See Joint Statement, Q and A 11 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>; *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011).

<sup>44</sup> See, e.g., *Bhogaita v. Altamonte Heights Condo. Ass'n*, 765 F.3d 1277 (11th Cir. 2014) (reasonable accommodation to a housing provider's rule that all dogs must be under 25 pounds).

<sup>45</sup> See 24 C.F.R. § 100.202(d); Joint Statement, Q and A's 5 & 7 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>46</sup> See "Treatment as a Guidance Document" on p.5 for a citation of authorities on permissible use of guidance.

<sup>47</sup> See Joint Statement, Q and A 7 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

If a reasonable accommodation request, provided under the framework of this guidance, is denied because it would impose a fundamental alteration to the nature of the provider's operations or impose an undue financial and administrative burden, the housing provider should engage in the interactive process to discuss whether an alternative accommodation may be effective in meeting the individual's disability-related needs.<sup>48</sup>

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<sup>48</sup> For guidance on what constitutes a fundamental alteration or an undue financial and administrative burden, refer to the HUD/DOJ Joint Statement on Reasonable Accommodation under the Fair Housing Act, available at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

## Guidance on Documenting an Individual's Need for Assistance Animals in Housing

This section provides best practices for documenting an individual's need for assistance animals in housing. It offers a summary of information that a housing provider may need to know from a health care professional about an individual's need for an assistance animal in housing. It is intended to help individuals with disabilities explain to their health care professionals the type of information that housing providers may need to help them make sometimes difficult legal decisions under fair housing laws. It also will help an individual with a disability and their health care provider understand what information may be needed to support an accommodation request when the disability or disability-related need for an accommodation is not readily observable or known by the housing provider. Housing providers may not require a health care professional to use a specific form (including this document), to provide notarized statements, to make statements under penalty of perjury, or to provide an individual's diagnosis or other detailed information about a person's physical or mental impairments.<sup>49</sup> Housing providers and the U.S. Department of Housing and Urban Development rely on professionals to provide accurate information to the best of their personal knowledge, consistent with their professional obligations. This document only provides assistance on the type of information that may be needed under the Fair Housing Act (FHA). The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Further, this document does not create any obligation to provide health-care information and does not authorize or solicit the collection of any information not otherwise permitted by the FHA.<sup>50</sup>

The Appendix to this Guide answers some commonly asked questions about terms and issues below. An understanding of the terms and issues is helpful to providing this information.

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When providing this information, health care professionals should use personal knowledge of their patient/client – *i.e.*, the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient/client. **Information relating to an individual's disability and health conditions must be kept confidential and cannot be shared with other**

<sup>49</sup> See Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act ("Joint Statement"), Q and A's 13, 16-18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>50</sup> This guidance does not expand on the obligations under the FHA or HUD's regulations and should be construed consistently with Executive Order 13891 of October 9, 2019 entitled "Promoting the Rule of Law Through Improved Agency Guidance Documents," Executive Order 13892 of October 9, 2019 entitled "Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," the Department of Justice Memorandum of January 25, 2018 entitled "Limiting Use of Agency Guidance Documents in Affirmative Civil Enforcement Cases," and the Department of Justice Memorandum of November 16, 2017 entitled "Prohibition on Improper Guidance Documents."



persons unless the information is needed for evaluating whether to grant or deny a reasonable accommodation request or unless disclosure is required by law.<sup>51</sup>

As a best practice, documentation contemplated in certain circumstances by the Assistance Animals Guidance is recommended to include the following general information:

- The patient's name,
- Whether the health care professional has a professional relationship with that patient/client involving the provision of health care or disability-related services, and
- The type of animal(s) for which the reasonable accommodation is sought (i.e., dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal, or other specified unique animal).<sup>52</sup>

**Disability-related information.** A disability for purposes of fair housing laws exists when a person has a physical or mental impairment that substantially limits one or more major life activities.<sup>53</sup> Addiction caused by current, illegal use of a controlled substance does not qualify as a disability.<sup>54</sup> As a best practice, it is recommended that individuals seeking reasonable accommodations for support animals ask health care professionals to provide information related to the following:

- Whether the patient has a physical or mental impairment,
- Whether the patient's impairment(s) substantially limit at least one major life activity or major bodily function, and
- Whether the patient needs the animal(s) (because it does work, provides assistance, or performs at least one task that benefits the patient because of his or her disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability of the patient/client, and not merely as a pet).

Additionally, if the animal is not a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, it may be helpful for patients to ask health care professionals to provide the following additional information:

- The date of the last consultation with the patient,
- Any unique circumstances justifying the patient's need for the particular animal (if already owned or identified by the individual) or particular type of animal(s), and
- Whether the health care professional has reliable information about this specific animal or

<sup>51</sup> See Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>52</sup> See, e.g., *Janush v. Charities Housing Development Corporation*, 169 F.Supp.2d 1133, 1136-37 (N.D. Cal. 2000) (rejecting an argument that a definition of "service dog" should be read into the Fair Housing Act to create a rule that accommodation of animals other than service dogs is per se unreasonable, finding that "the law imposes on defendants the obligation to consider each request individually and to grant requests that are reasonable.").

<sup>53</sup> 24 C.F.R. § 100.201.

<sup>54</sup> 24 C.F.R. § 100.201.

whether they specifically recommended this type of animal.

It is also recommended that the health care professional sign and date any documentation provided and provide contact information and any professional licensing information.

## **Appendix**

### **What are assistance animals?**

Assistance animals do work, perform tasks, provide assistance, or provide emotional support for a person with a physical or mental impairment that substantially limits at least one major life activity or bodily function.<sup>55</sup>

### **What are physical or mental impairments?**

Physical or mental impairments include: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or

Diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.<sup>56</sup>

### **What are major life activities or major bodily functions?**

They are: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, and working.<sup>57</sup>

Other impairments – based on specific facts in individual cases -- may also substantially limit at least one major life activity or bodily function.<sup>58</sup>

### **What are Some Examples of Work, Tasks, Assistance, and Emotional Support?**

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<sup>55</sup> See 24 C.F.R. §§ 5.303; 960.705.

<sup>56</sup> See 24 C.F.R. § 100.201.

<sup>57</sup> See 24 C.F.R. § 100.201(b).

<sup>58</sup> See 24 C.F.R. § 100.201.



Some examples of work and tasks that are commonly performed by service dogs include<sup>59</sup>:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Providing non-violent protection or rescue work,
- Pulling a wheelchair,
- Alerting a person with epilepsy to an upcoming seizure and assisting the individual during the seizure,
- Alerting individuals to the presence of allergens,
- Retrieving the telephone or summoning emergency assistance, or
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

Some other examples of work, tasks or other types of assistance provided by animals include:<sup>60</sup>

- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors,
- Reminding a person with mental illness to take prescribed medication,
- Alerting a person with diabetes when blood sugar is high or low,
- Taking an action to calm a person with post-traumatic stress disorder (PTSD) during an anxiety attack,
- Assisting the person in dealing with disability-related stress or pain,
- Assisting a person with mental illness to leave the isolation of home or to interact with others,
- Enabling a person to deal with the symptoms or effects of major depression by providing a reason to live, or
- Providing emotional support that alleviates at least one identified symptom or effect of a physical or mental impairment.

**What are examples of a patient's need for a unique animal or unique circumstances?<sup>61</sup>**

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
  - Allergies prevent the person from using a dog, or
  - Without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks a reasonable accommodation to a land use and zoning law, Homeowners Association (HOA) rule, or condominium or co-op rule.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

<sup>59</sup> See 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

<sup>60</sup> See, e.g., *Majors v. Housing Authority of the County of DeKalb Georgia*, 652 F.2d 454, 457 (5th Cir. 1981); *Janush*, 169 F.Supp.2d at 1136-37.

<sup>61</sup> See, e.g., *Anderson v. City of Blue Ash*, 798 F.3d 338, 360-63 (6th Cir. 2015) (seeking a reasonable accommodation to keep a miniature horse as an assistance animal).