

October 9, 2018

Anna Maria Farias
Assistant Secretary for Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410
Evonne.G.Heredia@hud.gov

Re: Assistance Animal Guidance Meeting on October 1, 2018

Dear Assistant Secretary Farias,

The Seeing Eye would like to thank you, Tim Petty, Lynn Grosso, and Ashley Ludlow for the opportunity to participate in the meeting of disability stakeholders and HUD on October 1, 2018. During that meeting, the group shared several concerns regarding HUD's upcoming assistance animal guidance and raised some issues that are very important to the disability community as well as our individual organizations.

The Seeing Eye, Inc. is the oldest guide dog school in the United States. We have been training guide dogs and their handlers since 1929. The mission of The Seeing Eye is to enhance the independence, dignity, and self-confidence of blind people through the use of Seeing Eye dogs. In furtherance of that mission, I would like to take this opportunity to confirm The Seeing Eye's position on some very specific issues discussed at the meeting.

The Seeing Eye believes that it is extremely important for HUD to increase its efforts to educate housing providers about assistance animals. We recognize that HUD issued robust assistance animal guidance in 2013 that addresses many issues in a very straightforward manner, but confusion still persists. Housing providers continue to insist on documentation of a disability and the need for an animal as a reasonable accommodation when they are not permitted to do so. For example, the guidance states, in no uncertain terms, that housing providers are not permitted to ask for documentation to verify a disability and the need for the assistance animal when the disability and the need for the animal are readily apparent, e.g. a blind person observed working with a guide dog. Although guide dogs are the most widely recognized assistance animals in the world, The Seeing Eye continues to receive calls from graduates who are told by housing providers that they cannot live on the property with their Seeing Eye dog until they provide documentation that they have a disability and need their dog. This sometimes happens even after the housing provider observes the dog guiding the blind person. Housing providers arguably should be using the guidance and their common sense to avoid making mistakes like this, but unfortunately the straightforward points in the guidance are getting lost due to the confusion surrounding assistance animals in general. The only way for HUD to diminish this confusion is to implement a far-reaching education campaign targeted at housing providers of all types.

One of the problems contributing to the confusion about when housing providers can ask for documentation is the cottage industry of fraudulent websites that “certify” assistance animals. This industry hurts housing providers and people with disabilities alike because it is causing both groups to mistakenly believe animals have to be registered or that the animal owner must present a certificate/license. As The Seeing Eye and disability stakeholders articulated at the meeting, this is another area where increased education is needed.

Although HUD is very clear about many issues in the guidance, The Seeing Eye strongly believes that additional clarification is needed on one topic in particular that is unique to people with assistance animals. As I stated during the meeting, people working with assistance dogs need a safe and appropriate area to relieve their dogs as part of the reasonable accommodation. This may seem obvious, but it is not addressed anywhere in the current guidance and has left people with disabilities and housing providers without direction about how to resolve disputes that arise about relieving areas. People with disabilities are responsible for following applicable laws concerning animal waste removal, but housing providers must understand that people with assistance dogs need a relief area that is reasonably close to where they live and safe for the person and the dog. Housing providers should engage in an interactive process with people with assistance dogs to identify and designate relieving areas on the property that meet these criteria whenever possible. Clarification on this point is needed and The Seeing Eye urges HUD to incorporate it into any new assistance animal guidance it issues.

The Seeing Eye very much appreciates the opportunity to meet with and be heard by HUD regarding the proposed guidance. However, The Seeing Eye shares the group’s disappointment that HUD rejected the group’s request to review the new guidance before it is issued and declined to assemble a task force of disability and housing stakeholders to discuss the issues pertaining to assistance animals. The Seeing Eye maintains that input from stakeholders would result in a better end-product that is more widely endorsed by disability and housing groups. Accordingly, The Seeing Eye urges you to reconsider your decision not to involve disability stakeholders further in this process.

Again, thank you for your time and the opportunity to comment. The Seeing Eye appreciates your attention to this extremely important issue for people with disabilities.

Sincerely,

Melissa R. Allman

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