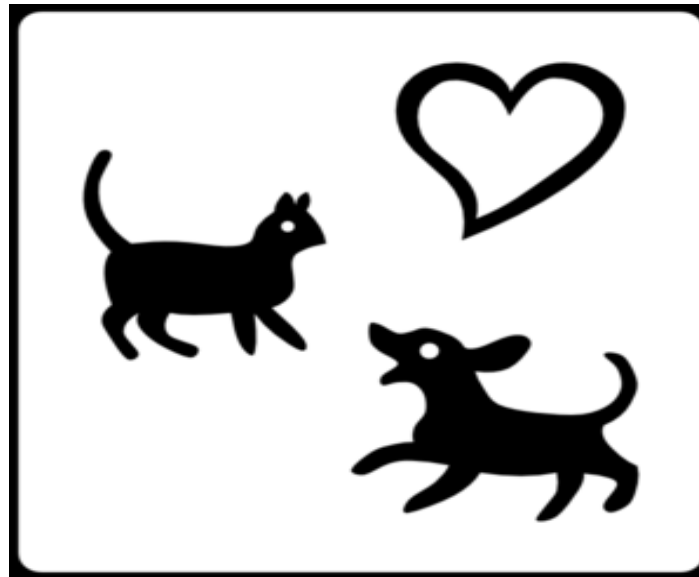


BayLegal Presentation: Companion Animals

June 15, 2011



Discussion Objectives

- Brief overview of recent fair housing case
- Contrasts and common issues with ADA
- Discuss advice for future cases

Importance of a companion animal

The Bond:

- *Real*
- *Powerful*
- *Beneficial*



Major issues in recent case

- Basis for breed restrictions
- Expert evaluations
- Opinions of lay witnesses
- Insurance policies

New DOJ-ADA Regulations

if an individual uses a breed of dog that is perceived to be aggressive because of breed reputation, stereotype, or the history or experience the observer may have with other dogs, but the dog is under the control of the individual with a disability and does not exhibit aggressive behavior, the title II entity cannot exclude the individual or the animal from a State or local government program, service, or facility. The animal can only be removed if it engages in the behaviors mentioned in § 35.136(b) (as revised in the final rule) or if the presence of the animal constitutes a fundamental alteration to the nature of the service, program, or activity of the title II entity.

Recommendations

Advice for breed restriction cases:

- consider certification as service animal
- canvas neighbors for their opinions
- provide assistance to pet owner

Wrap-up and Evaluation

- Questions?
- Evaluation of discussion today
- Thanks again for your vital support!

