



Know The Law On Service And Assistance Animals

If you're responsible for a condominium association, you may want to familiarize yourself with the laws surrounding service and assistance animals. Those with disabilities may be entitled to utilize these animals by law, but in your role as association manager, you also have a duty to ensure a safe and quiet environment for other residents.

Atlas Insurance recently hosted a panel of experts attended by condominium owners and managers to discuss issues surrounding service dogs and assistance animals. The panel was created to represent a variety of viewpoints and included Ken Nakasone, Attorney; Francine Wai, Executive Director of the Disability and Communication Access Board; Senator Richard Ruderman; and Loren Lasher, a volunteer with Hawaii Fi-Do.

The panel began by discussing the difference between "service animals" and "assistance animals." A service dog is defined in HRS section 347-2.5 as "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, intellectual or other mental disability." State and federal law (i.e., the Americans with Disabilities Act) allow for only dogs and miniature horses to be used as service animals.

When it comes to assistance animals, the Hawaii Civil Rights Commission provides a broader definition, simply

as "animals that work, assist, or perform tasks for the benefit of a person with a disability"—including the provision of emotional support. An assistance animal does not have to be a dog either—cats, birds, rabbits, and other "comfort animals" can also fall under this umbrella.

All requests for service and assistance animals must have credible verification from a treating healthcare professional, mental health professional, or social worker. The individual providing the certification must state that the claimant is disabled and that the prescribed animal provides help to the individual, which may include emotional support. To protect the individual's privacy, the provider is not required to identify the specific disability involved or the specific tasks the animal performs.

To maintain a positive living environment for all involved, the condominium association should have an enforceable set of house rules that help clarify behaviors that are not allowed, such as excessive barking or aggressive behavior. These rules should be enforced consistently to ensure that other residents are not burdened by unnecessary noise or disruption due to the service animal.

The panel presentation was followed by an engaging question and answer session in which participants had the opportunity to find out more information relevant to their particular situation. Attendees

received a copy of sample house rules and indemnity agreements to use as a basis for developing their own supplemental rules and regulations around this issue.

If your association needs any guidance with issues related to service or assistance animals, please contact Ryan Robertson, Atlas Business Development Manager. +



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Ryan Robertson has been working in the insurance industry for nearly two decades, including ownership of a successful multi-line insurance agency in Oregon. Robertson holds a Bachelor of Science degree in Business Administration and Human Resource Management with a minor in Communications from Southern Oregon University. He holds a Chartered Leadership Fellow designation through the American College of Financial Services, served as Board Trustee for the Asante Hospital Systems Foundation and past volunteer with Junior Achievement.