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Abuses Prejudice Cases Against Disabled Who Want Accommodation Pets

It is fair to point out that there have been abuses by those requesting accommodation animals and that such abuses have entered the “realm of contemporary literature, humor and satire.”

By **Darryl M. Vernon** | November 08, 2018

In the co-op and condominium column entitled “[Setting Standards and Requirements For Therapy Dogs, Emotional Support Animals](#)



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(<https://www.law.com/newyorklawjournal/2018/11/06/setting-standards-and-training-requirements-for-therapy-dogs-and-emotional-support-animals/>)” (Nov. 7), Eva Talel rightly points out that there can be abuses of the laws that protect the disabled from

unlawful discrimination. While it is true that there are no clear standards for what Ms. Talel refers to as certificates for accommodation animals, it is also true that a certificate for an emotional support animal is simply not required.

However, in order for a disabled person to prevail under the federal, state and New York City laws, all of which prohibit discrimination against the disabled, a showing must be made both that the person is disabled, as well as that the accommodation animal is medically helpful. Co-ops and condominiums are not left without protection inasmuch as they have a right to request documentation supporting these claims.

It is fair to point out that there have been abuses and that such abuses have entered the “realm of contemporary literature, humor and satire.” But it must also be said that these abuses have unfairly been used to prejudice the rights of people who are disabled and indeed in need of an accommodation animal. It cannot be refuted that the medical literature strongly supports the benefits of accommodation animals. It also cannot be disputed that an accommodation animal has to be a reasonable accommodation so that it cannot be an animal that will be a nuisance to other co-op or condo unit owners.

We represent many people requesting accommodation animals. It is all too often that there are misunderstandings between boards and unit owners and these misunderstandings interfere with recognizing the rights of the disabled. It is understandable that a board might be wary of a disabled person’s rights given the abuses discussed by Ms. Talel, as well as the fact that very often unit owners are not aware of their rights and therefore do not assert them until a board questions their right to have their accommodation animal. On the other hand, boards very often do not understand the laws that protect the disabled and simply think that any of the building’s prohibitions of the right to have animals just override a person’s right to be protected from discrimination. Boards must understand that they cannot simply reject a request for an accommodation by saying that they just don’t allow accommodation animals regardless of someone’s disability and need.

In sum, abuses on both sides of these matters should be curbed for the benefit of all.

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